

LAW NO. 22 OF 27 JANUARY 2006



REPUBBLICA DI SAN MARINO

FRAMEWORK LAW ON TOURISM OF THE REPUBLIC OF SAN MARINO

**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 27 January 2006.

TITLE I SUBJECT, PURPOSE, INSTITUTIONS

Art. 1 *(Subject and Purpose)*

1. This Law shall regulate the exercise of administrative functions in the field of tourism and accommodation activities, leaving the regulation of administrative procedures to the implementing Regulations.
2. The Republic of San Marino shall ensure the development of tourism as a fundamental resource of the community, by promoting, in particular, the enhancement of tourist resources and the qualification of operators, services and facilities, and by complying with the principles and recommendations of the World Code of Ethics for Tourism, approved by the Assembly of the World Tourism Organisation and by the United Nations on 30 October 1999.

Art. 2 *(Implementing Regulations)*

1. The implementing Regulations shall contain the rules governing the operational functioning of this Law by virtue of the referrals contained therein, including through the adjustments required by the need to maintain a constant relationship between legislative provisions and economic and social aspects.
2. The implementing Regulations shall be adopted by the Congress of State by decree having the force of law, on the proposal of the Minister of Tourism, within twelve months from the date of entry into force of this Law.

Art. 3
(Ministry of Tourism)

1. The Ministry of Tourism shall be responsible for implementing tourism policies, by exercising functions of planning, guidance, control, supervision and promotion of tourism.
2. The Ministry of Tourism shall examine the technical and financial report referred to in Article 10, letter g) and shall take decisions accordingly.

Art. 4
(Council for Tourism)

1. The Council for Tourism shall be established to provide advice and proposals on the tourism sector and on activities closely related to it.
2. The Council for Tourism shall be composed of the Minister of Tourism, who shall preside over it, the Minister of Trade, the Minister of Finance and Budget, the Minister of Territory, the Director of the State Office for Tourism, a representative from each professional association operating in the tourism and trade sector and the Director-General of the Convention & Visitors Bureau. The Council shall be appointed by the Great and General Council and shall remain in office until the end of the legislature.
3. External consultants and experts, as well as the Ministers, in relation to matters within their competence, may be invited to attend the meetings of the Council for Tourism upon proposal by its President.
4. The Council for Tourism, on its President's proposal, shall appoint the Vice-President, choosing him from among those who carry out professional activities in the field of tourism, and the secretary taking the minutes, who may also be chosen from among persons not belonging to the Council for Tourism.
5. The Council for Tourism shall be convened by the President and/or when at least five of its members request it.
6. The notice of the meeting shall indicate the day, time and place of the meeting and the list of matters and/or files to be examined.
7. The Council for Tourism shall be validly constituted when an absolute majority of its members is present.
8. At its first establishment meeting, the Council for Tourism shall adopt internal rules governing its operations.

Art. 5
(Tasks and functions of the Council for Tourism)

1. With regard to matters and functions relating to tourism and activities that are closely connected to it, the Council for Tourism shall be assigned the following tasks:
 - a) Collaborating in the definition of the three-year Plan referred to in the second paragraph of Article 6;
 - b) Submitting proposals and suggestions to the Minister of Tourism regarding the planning, promotion, construction and modernisation of hotel, sports, service and leisure infrastructures and facilities, with a view to improving the offer and capacity of the tourist and trade sector;
 - c) Submitting proposals to the Ministry of Tourism regarding the implementation of town planning interventions aimed at promoting, encouraging and upgrading the tourism sector, streamlining the road network, spaces and areas to be used for parking, the development of a systematic plan for displaying advertisements, including proposals to amend the relevant town planning and legislative instruments;

- d) Identifying proposals for particularly attractive commercial offers in the tourism sector, also related to individual initiatives, in order to improve the offer and capacity of the tourist and trade sector;
 - e) Submitting proposals and suggestions to identify incentives, including financial and tax incentives, to improve the offer and capacity of the tourist and trade sector;
 - f) Submitting proposals for laws or amendments to existing legislation and identifying any other initiative to promote and improve the capacity and attractiveness of the Republic's tourist and trade sector;
2. The proposals referred to in the preceding paragraph shall be accompanied by an explanatory report.
 3. The proposals referred to in the first paragraph shall be submitted by the Ministry of Tourism to the Congress of State for anything falling within its competence.
 4. When the Congress of State accepts the proposals of the Council, it shall inform, through the Minister of Tourism, the members of the Council and shall delegate their implementation to the Ministries and the competent offices, in compliance with the rules established by the laws of the Republic.

Art. 6
(Promotional policy)

1. The Congress of State shall identify the general guidelines of the promotional policy for tourism, within the framework of the general economic planning, and shall establish the relevant budget funding. Moreover, it shall promote the development of San Marino's tourism sector also through the enhancement of the Republic's image and through a modern and effective communication campaign and the promotion of the tourist offer, both in Italy and in other countries.
2. The Ministry of Tourism, in accordance with the general planning guidelines, shall adopt the three-year Plan for tourism promotion. The Plan shall identify the objectives and instruments of government action with specific regard to the following aspects:
 - a) Target tourist markets;
 - b) Interventions to be carried out;
 - c) Technical and professional tools and resources to be used;
 - d) Identification of implementing bodies;
 - e) Priority ranking;
 - f) Identification of implementation schedule.
3. In the light of the above-stated objectives, the Ministry of Tourism shall develop the three-year Plan into annual plans, which shall be implemented on the basis of its allocated budget.
4. To perform the tasks assigned to it, the Ministry of Tourism shall avail itself of the State Office for Tourism and the Convention & Visitors Bureau referred to in Articles 9 and 10 below, by providing the operational directives and managing the instruments and resources to implement them.

Art. 7
(Three-year Plan for tourism promotion)

1. Guidance and planning tasks shall be set out in the three-year Plan for tourism promotion, in which the following is defined:
 - a) Strategic guidelines for tourism promotion and territorial tourism marketing, after consulting public bodies and representatives of the tourism sector. Consultation shall be coordinated by the Minister of Tourism;
 - b) Actions to achieve the objectives;
 - c) Criteria for the possible granting of contributions and incentives to private entities and individuals for development projects and initiatives for the promotion of tourism and hospitality in San Marino;

- d) Guidelines for the development of demand and the quality of offer, by defining the objectives and criteria for promotion;
 - e) Monitoring of the implementation of planning;
 - f) Identification of the budget to be allocated for the implementation of the Plans for annual promotion.
2. By 30 June of the year preceding the three-year period in question, the Ministry of Tourism, having heard the opinion of the Council for Tourism, shall approve the three-year Plan, after verifying its compatibility with the guidelines and general planning of the Republic.

Art. 8

(Plan for annual promotion)

1. In implementing the three-year Plan, the Ministry of Tourism shall approve, by 30 October each year, after consultation with the organisations of tourist operators, the annual Plan of activities and objectives to be pursued in the following year.
2. The Plan shall indicate in particular:
- a) Guidelines and strategies of tourism policy;
 - b) Initiatives, organisation, tools and stakeholders for tourism promotion;
 - c) Plans and programmes;
 - d) Criteria and modalities for the granting of contributions and incentives;
 - e) The way in which projects are checked against their objectives.
3. By 31 May of the year preceding the year to which the planning relates, all public and private stakeholders shall submit to the Ministry of Tourism projects and programmes of interventions they intend to carry out and objectives to be achieved.
4. The Ministry of Tourism shall establish how the annual Plan and, if necessary, special tourist programmes proposed by associations or associated operators should be financed.

Art. 9

(State Office for Tourism)

1. The State Office for Tourism shall supervise, on the basis of the directives contained in the three-year Plan and the annual Plan, tourist promotion and territorial tourism marketing, and assign operational actions. The Office shall also perform the following tasks:
- a) Promoting and coordinating market studies and assessments to identify the general objectives and possible actions in the tourism sector;
 - b) Drawing up the tourism communication and image plan, by identifying editorial tools, advertising vehicles and the media deemed appropriate;
 - c) Promoting and coordinating studies on the development and enhancement of the hotel and hospitality industry;
 - d) Identifying and organising promotional initiatives and events and entrusting their implementation, where deemed appropriate, to the Convention & Visitors Bureau, to the tourist sector's professional associations or to other entities;
 - e) Studying, promoting and coordinating, also in cooperation with the most representative organisations in the field of tourism, training initiatives in the various fields of activity.
2. The State Office for Tourism shall also perform administrative and executive functions and tasks concerning:
- a) Collecting and publishing the tariffs of accommodation facilities and their annual validation, as well as monitoring the application of tariffs;
 - b) Assigning classification to accommodation facilities and monitoring them;
 - c) Supervising Travel Agencies and Tour Operators provided for in the implementing Regulation;

- d) Preparing tests for qualification to exercise tourist professions, issuing qualifications, and performing the related supervision;
- e) Paying contributions to operators;
- f) Providing tourist information;
- g) Collaborating with the private sector and with tourist associations;
- h) Collaborating with the competent bodies and institutions for the collection, processing and publication of statistical data;
- i) Supervising compliance with the provisions contained in Titles II and III and applying the pecuniary administrative sanctions referred to in Article 27.

Art. 10

(Convention & Visitors Bureau)

1. The Convention & Visitors Bureau (CVB) shall be a private law service agency, which shall perform operational and implementation tasks in the field of tourism. The Convention & Visitors Bureau shall be a joint-stock company with mixed public/private shareholding. At least 51% of the shares shall be subscribed by the State and the remaining shares by the sector's professional associations and private individuals.
2. For anything not envisaged in this Law, the Convention & Visitors Bureau shall be governed by corporate legislation and by the provisions of its articles of association. The articles of association shall specify:
 - The corporate purpose;
 - The rules relating to the functioning of the Shareholders' Meeting;
 - The rules relating to the functioning of the Board of Directors;
 - The rules relating to the functioning of the Board of Statutory Auditors;
 - The management, accounting and financial rules relating to the economic management of the CVB;
 - The rules relating to cash and treasury services;
 - The rules relating to the distribution of profits and losses.
3. The Board of Directors shall appoint the Chairman from among its members.
4. The Board of Statutory Auditors shall consist of three members, appointed by the Congress of State upon proposal of the Ministry of Tourism (2/3) and of private individuals (1/3).
5. The Convention & Visitors Bureau, on the basis of the tourism policy guidelines defined by the Ministry of Tourism, shall carry out the following activities:
 - a) Adopting its organisational chart and the acts necessary for its internal functioning;
 - b) Implementing the actions and projects entrusted to it by the State Office for Tourism and the Ministry of Tourism regarding the three-year Plan and the annual Plan;
 - c) Collaborating with the Ministry of Tourism and the State Office for Tourism in drawing up the three-year Plan and the annual Plan;
 - d) Managing and organising events, promotional initiatives and congress activities at the "Kursaal" Congress Centre and other suitable infrastructures entrusted to it by the Ministry of Tourism;
 - e) Deciding and implementing its own initiatives;
 - f) Approving by February of the year following the year in which its activities were carried out, the technical and financial report on the activities, to be submitted subsequently to the State Office for Tourism. The State Office for Tourism shall submit the report to the Ministry of Tourism with any comments and considerations;
 - g) The Ministry of Tourism may annually allocate to the Convention & Visitors Bureau the expenditure budget necessary to implement the programmes and initiatives identified by the Ministry, the management of which shall be entrusted to the Convention & Visitors Bureau.
6. The timing and modalities for the establishment of the CVB shall be set out in the implementing Regulation.

7. The articles of association of the Convention & Visitors Bureau shall be drawn up in cooperation with the sector's professional associations by 30 September 2006.

Art. 11

(Executive Director of the Convention & Visitors Bureau)

1. The Board of Directors of the CVB shall appoint the Executive Director from among three experts in the tourism sector, upon proposal of the President of the Convention & Visitors Bureau.
2. The Executive Director shall implement the decisions adopted by the Board of Directors, coordinate the activities of the staff, keep acts, books and accounting records, and collaborate with the Board of Directors for the identification of the operational guidelines.
3. The requirements, the duration of the Executive Director's term of office and the procedures for its renewal or early removal shall be laid down in the implementing Regulation.

Art. 12

(Tourism Observatory)

1. The Tourism Observatory, with the cooperation of San Marino tourism companies and public offices operating in the field of tourism and of the economic and technical sectors involved in tourism and the sector's professional associations, shall carry out surveys, market analyses, forecasts and monitoring. It shall report thereon to the Minister of Tourism in order to enable him to implement an informed tourism policy, anticipate events, manage crises and participate in any special initiatives.
2. The members of the Tourism Observatory shall be appointed by the Minister of Tourism. The Tourism Observatory shall be entrusted to experienced professionals chosen from among experts for the continuous monitoring of the tourism system.
3. The Tourism Observatory shall also contribute with data, information and statistical studies to the drawing up of the three-year Plan and the annual Plan in agreement with the Minister of Tourism and shall participate with advisory functions in the meetings of the CVB and the Council for Tourism.
4. The rules, operating procedures and composition of the Tourism Observatory shall be laid down in the implementing Regulation.

TITLE II

TOURIST COMPANIES: ACCOMODATION FACILITIES

Art. 13

(Tourist companies)

1. Tourist companies shall be economic activities professionally organised for the production, management, marketing, provision of hospitality and other related services in accommodation establishments and/or for the intermediation of tourist services.
2. Tourist entrepreneurs shall be those who carry out the economic activities referred to in the first paragraph.
3. Sole proprietorships and companies authorised to carry out tourist activities shall be registered in a special Register of Tourist Companies kept by the Office for Industry, Handicraft and Trade.
4. In order to obtain a licence to carry out tourist activities as a sole proprietorship, the applicant shall, in addition to meeting the personal requirements laid down in the legislation in force on the issuing of operating licences, meet the following requirements:

- a) Having obtained a professional certificate issued by the Vocational Training Centre, or a professional diploma issued by Vocational Institutes for Hotel and Catering Services or Technical Institutes for Tourism, or a degree in tourism or a master's degree in tourism issued by qualified institutes; or, if the interested person has not obtained one of the above-mentioned academic or professional qualifications, and provided the other requirements are met, he shall have successfully completed a qualification course as set out in the Regulation implementing this Law;
 - b) Having passed the qualification exam for the exercise of entrepreneurial activity referred to in the Regulation implementing this Law.
5. In order to obtain a licence to carry out tourist activities as a company, the promoter or the natural person carrying out the activity shall, in addition to meeting the personal requirements provided for by the legislation in force on the issuing of operating licences, meet the requirements set out in letters a) and b) of the preceding paragraph.
6. Sole proprietorships and companies, which, on the date of entry into force of this Law, legally carry out the activities referred to in the first paragraph, shall be entitled to be registered by applying to the Office for Industry, Handicraft and Trade within 90 days of the date of entry into force of this Law.

Art. 14

(Accommodation facilities)

1. Accommodation facilities shall be establishments operated under a single management and organised to provide the public with accommodation, with or without autonomous catering service and other services ancillary to the stay, including any bar and restaurant services.
2. Accommodation facilities shall be divided into hotels, hotel-type tourist residences and motels.
3. Accommodation facilities shall have at least seven rooms. This paragraph shall be derogated from only in case of buildings of high historic and monumental value located in historic centres or in buildings already existing at the time of entry into force of this Law.
4. Hotels shall be accommodation establishments open to the public, operated under a single management and providing accommodation, possibly food and other ancillary services, in rooms located in one or more buildings or parts thereof. Hotels shall be allowed to include residential accommodation units (with cooking facilities and related services) up to 20% of the total accommodation capacity of the facility.
5. Hotel-type tourist residences shall be establishments open to the public, operated under a single management and providing accommodation, daily cleaning and ancillary services in furnished accommodation units consisting of one or more rooms. At least 80% of such units shall be equipped with an independent kitchen and centralised services may possibly be offered. Hotel-type tourist residences shall be allowed to include rooms and suites up to 20% of the total accommodation capacity of the facility.
6. Motels shall be hotels specially equipped for the parking and servicing of cars and motorbikes and shall provide repair services and possibly refuelling.
7. In addition to the main building, where reception and other general services are provided, accommodation facilities may also carry out their activity in annexes. Annexes shall be located in buildings other than the main one, in the same real estate property, or in a separate part of the same building, when accessed through a different entrance.
8. Accommodation facilities shall be classified by stars. Stars awarded shall be 5, 4, 3, 2 and 1, according to the characteristics and requirements set out in paragraph 10 hereunder. 5-star hotels may be given the additional designation "Luxury" when the conditions set out in the implementing Regulation are met.

9. The classification shall be awarded on application by the natural or legal person holding the authorisation.

10. The minimum structural and functional characteristics and requirements referred to in this Article shall be established by the implementing Regulation.

11. The classification shall be awarded by the "Commission for Classification and Supervision of Accommodation Companies" referred to in Article 20.

Art. 15

(Open-air accommodation facilities)

1. Open-air accommodation facilities shall include tourist resorts and campsites.

2. Tourist resorts shall be accommodation establishments open to the public, operated under a single management, set up on fenced areas for the stop and stay, in facilities having the characteristics identified in the implementing Regulation, of tourists who do not normally have autonomous means of accommodation.

3. Campsites shall be accommodation establishments open to the public, operated under a single management, set up on fenced areas for the stop and temporary stay of tourists normally with tents, caravans, campers, mobile homes, maxi-caravans or other means of mobile accommodation. Tents, caravans and minimum non-mobile facilities installed by the operator as additional means of accommodation shall be permitted on campsites, up to a maximum of 25% of the total capacity of the campsite in relation to the usable area.

4. Campsites and tourist resorts may be given the additional designation "Holiday Centre" if they are equipped with sports, entertainment and leisure facilities and commercial and catering services.

5. Tourist resorts and campsites shall be classified by stars. Stars awarded shall be 3, 2 and 1, according to the characteristics and requirements set out in paragraph 7 hereunder.

6. The classification shall be awarded on application by the natural or legal person concerned.

7. The minimum structural and functional characteristics and requirements for classification shall be established by the implementing Regulation.

8. The classification shall be awarded by the Commission for Classification and Supervision of Accommodation Companies, established according to the modalities referred to in Article 20, second paragraph and regulated by the relevant implementing Regulation.

9. In the accommodation facilities referred to in this Article, mobile overnight accommodation such as caravans, mobile homes, maxi-caravans and the like installed by the operator for the use of customers shall not be subject to any building permission or authorisation, provided that they are not in any way permanently connected to the land and that the operator guarantees, in writing, the rotation of customers, on pain of withdrawal of authorisation.

Art. 16

(Guesthouses)

1. Guesthouses shall be establishments with up to seven rooms in no more than three furnished apartments in the same building, in which accommodation and any complementary services are provided, as well as - limited to the accommodated persons - food and drink.

2. In particular, guesthouses shall provide the following minimum hospitality services, included in the price of the room, through ordinary family organisation:

a) Room cleaning at each change of customer and at least once a week for each customer;

b) Supply of electricity, water and heating.

3. The use of an apartment or building in the manner provided for in this Article shall not entail its change of use for town planning purposes.

4. Authorisation rules and procedures shall be contained in the implementing Regulation.

Art. 17

(Holiday houses and apartments)

1. Holiday houses and/or apartments shall be housing units consisting of one or more furnished rooms, equipped with toilets, with or without a self-catering kitchen and operated under a single management as a business, to be rented to guests not resident in the Republic of San Marino, without providing centralised services and through contracts valid for no more than three consecutive months.
2. The non-occasional and organised management of three or more houses or apartments for tourism, work, business, study purposes and the like shall be considered accommodation activity carried out through the management of holiday houses and apartments.
3. The following services shall be guaranteed in the management of such houses and apartments:
 - a) Cleaning of the housing units at each change of customer and at least once a week;
 - b) Provision of clean linen at each change of customer and change of linen on request;
 - c) Supply of electricity, water, gas, heating and/or air conditioning;
 - d) Assistance with the maintenance of the housing units and the repair and replacement of furniture, fittings and equipment;
 - e) Guest transfer and reception service.
4. The management of houses and apartments shall not, however, include the serving of food and drink and the provision of other centralised services typical of hotels.
5. The use of houses and apartments in the manner provided for in this Article shall not entail their change of use for town planning purposes.
6. Anyone intending to provide accommodation to guests according to the type of accommodation regulated by this Article shall notify thereof the Gendarmerie, pursuant to San Marino laws on security and foreigners, and the State Office for Tourism for statistical purposes.
7. The exercise of the accommodation activities indicated in this Article shall be subject to the issue of a licence, after the Office for Industry, Handicraft and Trade has verified that the necessary requirements are met. The licence shall indicate the number of housing units, beds, bathrooms and any other authorised services.
8. The licence holder shall give prior notice of any change in the elements contained in the authorisation for the purposes of verifying that the requirements are still met. Such changes shall be recorded in the authorisation document within 30 days of receipt of the relevant notification.
9. The Office for Industry, Handicraft and Trade shall transmit a copy of the licence to the State Office for Tourism and shall inform it of any changes for promotional purposes.
10. Without prejudice to compliance with the provisions of the third, fourth, fifth and sixth paragraphs, anyone intending to provide accommodation in holiday houses and apartments for periods of up to thirty days, in a non-business form, shall annually notify the State Office for Tourism thereof, specifying the location and housing characteristics of the accommodation rented.
11. The relevant modalities and procedures shall be contained in the implementing Regulation.

Art. 18

(Rural tourism)

1. Rural tourism accommodation activities shall be establishments located in rural buildings, in accordance with the law on rural tourism activities, with no more than seven rooms and fifteen beds, with the possible provision of a catering service limited to the accommodated guests and the possible management of agricultural, sports and recreational facilities consistent with rural tourism accommodation activities.

2. Rural tourism activities shall be regulated by a specific law.

Art. 19

(Bed and breakfasts)

1. The Republic of San Marino shall encourage the development of family hotel accommodation called "Bed and breakfasts".
2. Bed and breakfasts shall be defined as non-hotel accommodation activities carried out by persons who, in the house in which they live and have their registered residence, offer an accommodation service and provide breakfast, in no more than four rooms for a maximum of twelve beds, on an occasional basis or during certain periods of the year.
3. A prerequisite for the exercise of this activity shall be compliance with health and hygiene rules, building regulations and town planning rules, as well as regulations on the intended use of civil dwellings. The owner of the house shall be obliged to live in the house used for such activity during the period in which the service is provided.
4. The exercise of this activity shall be subject to a declaration of commencement of the activity and shall not be subject to licensing.
5. The relevant modalities, terms, procedures and sanctions shall be contained in the implementing Regulation.

TITLE III

COMMON RULES FOR ACCOMMODATION COMPANIES

Art. 20

(Classification)

1. The administrative functions concerning the classification of accommodation facilities shall be performed by the Commission for Classification and Supervision of Accommodation Companies, which shall decide on the classification and/or its review and issue the certificate necessary to obtain the licence referred to in Article 21.
2. The Commission for Classification and Supervision of Accommodation Companies shall be appointed by the Great and General Council, shall have a five-year term of office, shall be made up of the Director of the State Office for Tourism - who coordinates it - and six experts, three of whom designated by the sector-related Professional Associations, and shall be governed by the implementing Regulation.
3. The implementing Regulation shall indicate the procedures and requirements for classification, the distinctive signs corresponding to the type of facility and to the level of classification and the indications to be displayed to the public, as well as the parameters for quantifying the number of beds to be allocated to each room or accommodation unit and for establishing the accommodation capacity of campsites and tourist resorts.

Art. 21

(Operating licence, name and conversion)

1. The exercise of accommodation activities shall be subject to the issuance of a licence by the Office for Industry, Handicraft and Trade in accordance with the legislative provisions in force concerning the issuance of operating licences to natural and legal persons, without prejudice to the provisions of the specific law for accommodation facilities referred to in Article 18 and to the provisions

of Article 19.

2. The name and size of the accommodation facilities and changes thereto contained in the classification document shall be included in the licence. The name chosen to identify the company shall be subject to the approval of the Office for Industry, Handicraft and Trade, which may request its change to avoid homonyms between establishments and/or indications likely to mislead tourists.

3. Accommodation facilities may be converted from one type to another among those provided for, subject to the limits envisaged by this Law and by the relevant implementing Regulations.

4. The Office for Industry, Handicraft and Trade shall transmit to the State Office for Tourism and to the Gendarmerie the notifications related to licences, suspensions, revocations and terminations, as well as changes of ownership. It shall also transmit information on opening and closing periods, as well as information on the operator and/or the person in charge of managing the accommodation facility, as communicated by accommodation companies in accordance with the implementing Regulation.

Art. 22

(Suspension, revocation and termination of the operating licence)

1. If one of the mandatory requirements relating to the minimum level of classification or compliance with safety standards is not met, the Office for Industry, Handicraft and Trade, following a report by the State Office for Tourism and after sending a formal notice, may temporarily suspend the licence to exercise accommodation activities for a period ranging from one to six months

2. The licence shall be revoked if:

- a) One of the subjective requirements for the owner or operator is no longer met;
- b) The owner or operator has not complied with the requirements imposed upon expiry of the period of suspension;
- c) The town planning requirement is no longer met.

3. The owner of an establishment, who intends to temporarily suspend his activity shall give prior notice thereof. Anyone intending to terminate his activity shall submit a statement of renunciation written on legal paper to the Office for Industry, Handicraft and Trade.

4. The relevant modalities, terms and procedures shall be contained in the implementing Regulation.

Art. 23

(Complaints)

1. Complaints about the operation of the establishments referred to in this Law shall be addressed to the State Office for Tourism.

2. The owners or operators of accommodation facilities against whom a complaint has been made shall provide their counter-arguments within seven days of receiving the complaint from the State Office for Tourism. Failure to respond shall be tantamount to admission of liability.

3. If the complaint is well-founded, the State Office for Tourism shall initiate the procedure for the application of a pecuniary administrative sanction in accordance with the implementing Regulation.

4. If the complaint concerns the application of tariffs, the owner or operator, regardless of the application of the administrative sanction, shall be obliged to reimburse the customer for any amount paid in excess, within fifteen days of the start of the sanctioning procedure referred to in the third paragraph and, at the same time, to communicate the details of the payment to the State Office for Tourism.

5. Customers submitting a complaint pursuant to the first paragraph shall be informed of the relevant outcome.

6. The relevant modalities, procedures and sanctions shall be contained in the implementing Regulation.

Art. 24

(Reporting accommodated guests to the Gendarmerie and statistical recording of tourist flows)

1. The operators of the accommodation facilities referred to in Articles 14, 15, 16, 17, 18 and 19 shall be obliged to record, in accordance with the "Regulation for the provisions in force on foreigners" no. 23 of 7 August 1927, in appropriate paper or computer registers the personal data relating to accommodated guests, following the acquisition of a valid identity document, and to communicate them to the Gendarmerie within 24 hours of their arrival, by fax or other computerised means.
2. The operators of the accommodation facilities referred to in Articles 14, 15, 16, 17, 18 and 19 shall also be obliged to communicate periodically to the State Office for Tourism the statistical data relating to arrivals and departures of guests, their stays, nationality or their province of residence in case they are Italian.
3. The implementing Regulation shall indicate the methods of communication, as well as the sanctions envisaged in the event of failure to communicate, without prejudice to the sanctions falling within the competence of the Gendarmerie for omitted declarations, referred to in the first paragraph of this Article, as provided for by Law no. 22 of 24 February 2000.

Art. 25

(Reporting prices)

1. Prices for services provided by hotel and non-hotel accommodation companies shall be regulated by Law no. 89 of 31 October 1994.
2. By 30 June each year, the Tourist Sector Association shall propose to the Ministry of Tourism the minimum and maximum prices for hotel and non-hotel establishments to be applied to the public, as from 1 January of the following year, for the whole year and/or for subsequent years. The Ministry of Tourism shall transmit the proposal, with its observations, to the Price Commission, which shall decide in accordance with Law no. 89 of 31 October 1994.
3. Operators may not charge prices above the approved maximum or below the approved minimum prices. The application of tariffs to the public that are higher than the official maximum and lower than the official minimum prices shall be punished by a pecuniary administrative sanction laid down in the implementing Regulation, which shall also provide for the relevant procedures.

Art. 26

(Information to tourists)

1. Price tables containing general information about the facility, the prices charged by it and the list of rooms with the relevant services and prices shall be prominently displayed in the guest reception area. The price tags indicating the prices charged for each room or accommodation unit shall be prominently displayed in each room or accommodation unit or at the place where the individual services are provided.
2. The models adopted by the State Office for Tourism shall be used. The Office shall stamp them for approval after completion by the operator and before displaying them to the public.
3. The State Office for Tourism shall publish the list of accommodation facilities with the relevant characteristics and prices charged.

Art. 27

(Administrative sanctions)

1. Without prejudice to the application of criminal sanctions, any person exercising an accommodation activity without a licence shall be subject to the payment of a pecuniary administrative sanction and to the immediate closure of the establishment. In documented cases of force majeure, the closure may be postponed to another fixed and pre-established date.

2. A pecuniary administrative sanction shall be imposed on the operator of an accommodation establishment who:

- a) Fails to display price tables and tags to the public;
- b) Fails to provide the Gendarmerie with information about the accommodated guests;
- c) Fails to communicate statistical data on accommodated guests to the State Office for Tourism;
- d) Fails to provide the information requested by the competent public bodies or offices or fails to allow the verifications ordered for classification purposes;
- e) Fails to observe the rules on hygiene, health, public order and safety;
- f) Fails to observe opening periods;
- g) Applies prices to the public that are higher than the approved maximum or lower than the approved minimum prices;
- h) Publishes data that are untrue or do not correspond to the certifications and the licence. In this case, the publication shall be immediately seized;
- i) Fails to respect the authorised accommodation capacity. In this case, the pecuniary sanction imposed shall be calculated on the basis of a specific amount for each bed in excess, without prejudice to the obligation to restore the authorised accommodation capacity;
- l) Has received a well-founded complaint pursuant to Article 23 above.

3. In the event of a repeat infringement, the sanctions provided for in the preceding paragraph shall be doubled. In more serious cases, the licence may also be suspended for a period not exceeding 60 days or revoked.

4. The pecuniary administrative sanctions provided for in this Article, with the exception of those envisaged in letter b), shall be established by the implementing Regulation and shall be applied by the State Office for Tourism, which shall also exercise supervision over the provisions contained in Titles II and III of this Law through its own officials and any police officers.

5. The suspension and revocation of the licence and the closure of the establishment shall be applied by the Office for Industry, Handicraft and Trade.

6. Sanctions relating to failure to notify the Gendarmerie of the personal data of accommodated guests, as referred to in letter b) of this Article, shall be applied by the Gendarmerie pursuant to Article 1 of Law no. 22 of 24 February 2000.

TITLE IV

TOURIST COMPANIES: TOURIST INTERMEDIATION

Art. 28

(Travel and tourism agencies and tour operators)

1. Tourist intermediation activity, including assistance and advice to tourists, shall be exercised by Tour Operators (T.O.) and Travel and Tourism Agencies (Travel Agencies).

2. Tour operators shall be companies that carry out, at their own risk, the production and organisation of stays, trips and cruises by land, sea and air, without direct sales to the public. Tourist products shall be sold through the publication and distribution of travel catalogues and information brochures or by electronic means exclusively to Travel and Tourism Agencies.

3. Tour Operators' activities shall be carried out with due regard to the protection of users' rights and interests. They shall not be carried out in premises open to the public. Any signs shall indicate the ban on direct sales to the public.
4. Travel and Tourism Agencies shall be companies that provide tourism consultancy and carry out the activity of production and organisation of travel and stays, intermediation for individuals or groups and transport ticketing, with direct sales to the public. These activities may be carried out either jointly or separately. Direct sales to the public shall mean sales made either at the tourist company's premises or by telematic means, provided they are intended for the final user, namely the consumer of the service, whether a private individual or a company/association.
5. Travel and Tourism Agencies shall prominently display their distinctive sign, indicate the exact name and have independent premises devoted exclusively to their specific activity.
6. The activity of Travel and Tourism Agencies and Tour Operators shall be subject to the issue of a licence in accordance with the legislation in force on the issue of operating licences.
7. In addition to the provisions of the legislation on the issue of operating licences, to exercise such activity it shall be necessary not to have been convicted of a criminal offence entailing the prohibition, even temporary, of exercising this profession, except in case of rehabilitation. It shall also be necessary to have taken out the appropriate insurance policy and to have paid the security deposit or bank guarantee provided for by the implementing Regulation.
8. The name of the Agency shall not be the same or similar to those of agencies already operating within the territory of San Marino.
9. Where agency services are sold through sales promoters, the latter shall carry an identification document issued by the Agency, which shall keep the list of promoters at its premises and show it to the supervisory authorities if requested.

Art. 29

(Technical Director)

1. The activities of Tour Operators and Travel and Tourism Agencies shall be the responsibility of the Technical Director, who may be either the licence holder in case of sole proprietorships, or the natural person designated by the company owning the Tour Operator or Travel Agency. The person in question shall meet the requirements set out in the second paragraph.
2. Subject to the provisions of the implementing Regulation, the candidate Technical Director shall meet the following requirements:
 - a) Be of legal age;
 - b) Have obtained a diploma issued by Professional Institutes for Tourism Services or Technical Institutes for Tourism, or a degree in tourism, or a master's degree in tourism issued by approved institutes. If the candidate Technical Director has not obtained one of the aforementioned academic or professional qualifications, and without prejudice to the meeting of the other requirements, access to the exam referred to in paragraph 3 shall remain subject to the successful completion of a qualification course referred to in the Regulation implementing this Law, or to the meeting of the requirement of five years' seniority referred to in letter d);
 - c) Have legal ability to act;
 - d) Have a documented work experience at least performing conceptual tasks or as department manager in a Travel Agency, or at a Tour Operator, even if not of San Marino, for at least three years. If the academic qualification referred to in letter b) has not been obtained, the period of documented experience in a Travel Agency or at a Tour Operator shall be increased to five years;
 - e) Not have been finally convicted of a criminal offence involving a prison sentence of more than two years;

3. If the candidate Technical Director meets the requirements referred to in the second paragraph, he shall be admitted to the professional qualification exam governed by the implementing Regulation.
4. Tourist intermediation companies which, on the date of entry into force of this Law, carry out the activities of Travel and Tourism Agency and/or Tour Operator shall indicate a professional as Technical Director, by means of a specific application to be submitted to the Office for Industry, Handicraft and Trade, within ninety days from the date of entry into force of the implementing Regulation referred to in the following paragraph.
5. Authorisation procedures, verification and control activities, tourist protection rules and anything else concerning the operation of the companies regulated by this Law shall be contained in the implementing Regulation.

Art. 30

(Transitional provision)

1. Tourist intermediation companies, whether Travel and Tourism Agencies or Tour Operators, which, at the time of entry into force of this Law, carry out one of the two activities separately on the basis of the previous legislation, may continue to carry out this activity subject to written notification to the Office for Industry, Handicraft and Trade.
2. Tourist intermediation companies which, at the time of entry into force of this Law, carry out the joint activity of Travel and Tourism Agency and Tour Operator on the basis of the previous legislation may continue to carry out this activity subject to written notification to the Office for Industry, Handicraft and Trade. However, these companies shall have the place of business of the Tour Operator activity in premises not open to the public and separate from those where the Travel and Tourism Agency activity is carried out. The separation of premises shall take place within six months of the entry into force of the implementing Regulation, subject to verification and authorisation by the Office for Industry, Handicraft and Trade.
3. Companies which, at the time of entry into force of this Law, although their corporate purpose is to carry out tourist intermediation activities, have not collected their licence or have not actually started tourist intermediation activities on the basis of the legislation previously in force, shall be subject to the provisions of this Law. Consequently, if the aforementioned companies intend to start the activity of tourist intermediation, they shall opt between the activity of Tour Operator referred to in the second and third paragraphs of Article 28 and the activity of Travel Agency referred to in the fourth and fifth paragraphs of Article 28.
4. The procedures, verification modalities and sanctions applicable in the event of non-compliance with the requirements of this Article shall be contained in the implementing Regulation.

TITLE V

TOURIST PROFESSIONS

Art. 31

(Professionals)

1. A tourist guide shall be anyone who professionally accompanies individuals or groups of people on visits to works of art, museums, galleries, archaeological sites, villas, parks, particularly attractive sites, industrial, craft, agricultural and similar establishments and illustrates their historical, artistic, monumental, landscape and socio-economic characteristics.

2. A tour leader shall be anyone who, by profession, accompanies individuals or groups of people on trips in the national territory or abroad, implements the tourist programme prepared by the organisers, provides assistance to the individuals or groups accompanied, and provides significant information or tourist indications on the transit areas not falling within the competence of the tourist guides referred to in the first paragraph.

3. An environmental tour guide shall be a person, who by profession, even if not exclusively and not continuously, accompanies individuals or groups of people in areas classified as having naturalistic value, illustrating the territorial characteristics and their environmental aspects, complexity, interaction and dynamism, allowing users to enjoy them in a stimulating and participatory way, with the methods, means and in the venues deemed most appropriate from time to time.

4. A conference organiser shall be a person, who by profession provides facilities for conferences, congresses, seminars and/or takes over the management thereof, promotes events, provides services for those purposes, with the exclusion of intermediation activities referred to in Article 28.

5. A tourist entertainer shall be anyone, who professionally organises, on his own or in association with others, activities aimed at entertaining, in the accommodation facilities or in external premises, the guests of these facilities, with the exclusion of the activities referred to in the first, second and third paragraphs.

6. Those who carry out the above-mentioned professional activities, including on a non-exclusive basis, shall be licensed and registered in the appropriate Register of Professional Tourism Operators kept by the State Office for Tourism.

7. A licence to carry out the above activities shall be granted if the following requirements are met:

- a) Be of legal age;
- b) Have obtained a high school diploma or university degree;
- c) Have legal ability to act;
- d) Have passed the professional qualification exam as regulated for each profession by the implementing Regulation and consisting of at least one written test and oral tests, aimed at verifying the technical and legal knowledge of the profession and the knowledge of at least one or two of the main European languages, in addition to Italian. The authorisation procedures, the verification and control activities and any other activity not provided for in this Title shall be governed by the implementing Regulation;
- e) Have not been finally convicted of a criminal offence involving a prison sentence of more than two years.

8. The Selection Board responsible for awarding the professional qualification shall be appointed by the Congress of State upon proposal of the Minister of Tourism and shall be composed of:

- a) A Director of the State Office for Tourism with expertise in the relevant field, acting as Chairman;
- b) Three experts in the exam subjects specific to the profession;
- c) A representative of the professional category concerned;
- d) One teacher for each of the foreign languages being examined.

9. Licensed tourist guides shall be admitted free of charge in all museums, galleries and monuments of the State of San Marino.

10. Employees of the State Office for Tourism, who are currently working as tourist guides at the Office of Tourist Guides, shall continue to work as tourist guides until the end of their office. They shall be entitled to be entered in the Register *ex officio* as provided for in the implementing Regulation. The qualification shall be issued for the known language only.

Art. 32 *(Training)*

1. The Ministry for Tourism shall professional qualification and requalification in the field of tourism, both in the public and private sectors, also in cooperation with professional associations, in order to protect the regular performance of activities and the image of good tourist organisation in the

Republic of San Marino.

2. To this end, refresher and training courses shall be organised, at intervals to be established, with the aim of training and updating operators in the tourism sector, promoting the culture of hospitality and improving the reception system in the territory of the Republic of San Marino.

3. Refresher and training courses shall be directed to employees in the public tourism or tourism-related sectors and private operators.

TITLE VI **INTERVENTIONS BY THE STATE**

Art.33 *(Financial interventions)*

1. The enlargement of the accommodation facilities referred to in Article 14 above in order to increase their accommodation capacity, the upgrading of the facility in order to improve its classification to a higher category, the construction of new accommodation facilities under Title II of this Law, shall benefit from a tax relief in the form of subsidised credit and partial exemption from the general income tax under the Budget Law.

Art. 34 *(Use limitation)*

1. The facilities, equipment, installations and furnishings covered by the contributions provided for in the implementing provisions of this Title shall be subject to the use limitation indicated in the authorisation for a period equal to that required for the repayment of any subsidised loan, and in any case for not less than ten years starting from the date on which the contribution is granted.

2. The limitation shall be accepted by the owner or legal representative of the company intending to benefit from the interventions provided for in Article 33, by means of a unilateral deed, which shall be registered and, if referring to immovable property, transcribed.

3. The limitation shall remain valid also for any successors in title of the original beneficiary, whether a natural or legal person.

4. Any early termination of the limitation shall be authorised when it is demonstrated that it is impossible or non cost-effective to maintain the intended use of the works, and shall entail the obligation of prior repayment of the contribution made and of the tax considered as exempt, plus interest at the statutory rate from the date on which the tax relief was granted.

5. All registration, transcription or cancellation costs shall be borne by the beneficiaries.

Art. 35 *(Interventions for the elimination of architectural barriers and for health and hygiene adaptations, technological services and improvements)*

1. In relation to buildings and installations existing at the date of entry into force of this Law and to the facilities and professions regulated by this Law, interventions may be carried out for the elimination of architectural barriers and for health and hygiene adaptations and technological services, as well as works required by safety regulations and to modernise and upgrade the buildings aimed according the minimum quality levels envisaged by the provisions on classification, in compliance with Law no. 7 of 29 January 1992 and Law no. 87 of 19 July 1995 and subsequent amendments.

TITLE VII
REPEAL AND ENTRY INTO FORCE

Art. 36

(Repeal and entry into force)

1. Any provision in contrast with this Law shall be repealed.
2. Until the entry into force of the implementing Regulation, Law no. 43 of 18 March 1993 "Classification of accommodation companies" shall apply to accommodation companies.
3. This Law shall enter into force on the fifteenth day following that of its legal publication, with the exception of the provisions of Title VI, which shall enter into force subject to the adoption of the relevant implementing Regulation.

Done at Our Residence, on 6 February 2006/1705 since the Foundation of the Republic

THE CAPTAINS REGENT
Claudio Muccioli – Antonello Bacciocchi

THE MINISTER OF INTERNAL
AFFAIRS
Rosa Zafferani