



LAW no. 23 of 27 January 2006

REPUBLIC OF SAN MARINO

GENERAL PROVISIONS FOR THE EXERCISE OF RURAL TOURISM ACTIVITIES

**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.

Art. 1 *(Purposes)*

1. In order to enhance the environmental, socio-cultural, economic and agricultural heritage, the Republic of San Marino shall promote the development of rural tourism.
2. This Law, in particular, shall favour:
 - a) The enhancement of agricultural areas and farmers' income integration;
 - b) The spread of new forms of accommodation and tourist services;
 - c) The agricultural and environmental enhancement of the territory and the promotion of typical agricultural and zootechnical products;
 - d) The enhancement and recovery of rural buildings and outbuildings on the territory.

Art. 2 *(Rural tourism activities)*

1. Rural tourism activities shall include:
 - a) The seasonal offering of hospitality in open spaces intended for camping;
 - b) The offering of catering service exclusively to guests staying in the accommodation facility by preparing food produced on the farm;
 - c) The seasonal offering of hospitality and accommodation in rural buildings for no more than 7 rooms and 15 beds;
 - d) The performance of Bed and Breakfast activities;
 - e) The running of centres for the promotion, tasting and sales of typical products;
 - f) The running of educational farms for the promotion of thematic and recreational courses;
 - g) The promotion of recreational activities, including sports and cultural activities, with museums dedicated to rural activities and the environment.

Art. 3 *(Characteristics of rural tourism activities)*

1. The activities referred to in Article 2 shall be linked and complementary to cultivation activities and management of the farm, which shall in any case remain the primary activity.

Art. 4

(Exercise of rural tourism activities)

1. Professional agricultural operators as defined in Law no. 96 of 20 September 1989, as well as part-time agricultural operators who run farms with a minimum area of 6 hectares, shall be authorised to carry out rural tourism activities.
2. Rural tourism activities shall be exercised in areas of the territory classified by the General Town Planning Scheme as Agricultural Areas, Park Areas and Protected Natural Areas.

Art. 5

(Agricultural activity as main activity)

1. The agricultural activity shall be considered the main activity when the following conditions are in met:
 - a) The value of annual gross saleable agricultural production, including production and income incentives, is higher than the income from rural tourism activity;
 - b) The number of hours dedicated to rural tourism activities during the calendar year is less than the time dedicated to agricultural activities.

Art. 6

(Rural Tourism Commission)

1. The Rural Tourism Commission shall be established.
2. The Commission shall be chaired by the Minister of Territory, Environment and Agriculture and shall be composed of:
 - Two representatives of the Environmental and Agricultural Resources Commission;
 - One representative of the Professional Associations of agricultural operators;
 - One representative of the Associations of Tour Operators;
 - One expert from the Ministry of Tourism;
 - One official from the State Office for Tourism;
 - One official from the Town Planning Office;
 - One official from the Environmental Hygiene Service;
 - The Director of the Environmental and Agricultural Resources Management Office;
 - One official from the Office for Industry, Handicraft and Trade;
 - One official from the Environmental and Agricultural Resources Management Office to act as the Secretary taking the Minutes.
3. The Commission shall exercise the following functions:
 - a) It shall decide on registration in the register of rural tourism operators referred to in Article 6;
 - b) It shall decide on the suspension and removal from the register referred to in Article 7, as well as on the closure of rural tourism activities carried out without authorisation;
 - c) It shall apply the administrative sanctions provided for in Article 17 following a report by the competent offices;
 - d) It shall promote at various levels the implementation of specific programmes for the development of rural tourism.
4. Administrative appeals against the Commission's decisions may be lodged in accordance with Law no. 68 of 28 June 1989.

Art. 7

(Register of rural tourism operators and authorisations)

1. A register of rural tourism operators shall be established, in which anyone who meets the

requirements set out in Article 4 and has obtained a specific training certificate may be registered. The characteristics of such certificate shall be established by the decree referred to in Article 19 below.

2. Registration in the above-mentioned register shall be decided by the Rural Tourism Commission and shall authorise the exercise of the rural activity, without prejudice to any other authorisations provided for by the laws in force.

3. Applications for registration shall be submitted to the Environmental and Agricultural Resources Management Office, which shall prepare, within ninety days, the relevant file for the subsequent fulfilments.

Art. 8

(Buildings and facilities for rural tourism)

1. Buildings or parts of buildings on the land may be used for rural tourism activities.

Art. 9

(Procedures for interventions on buildings intended for rural tourism)

1. The use of premises for rural tourism activities shall not entail a change in the use and destination of the buildings and land concerned.

2. The renovation of buildings may take place through extraordinary maintenance, restructuring and restoration.

3. The interventions mentioned in the preceding paragraph shall not modify the rural characteristics of the buildings, according to typological and architectural criteria and in compliance with town planning and building regulations.

Art. 10

(Characteristics of premises intended for rural tourism)

1. The premises and accommodation facilities used for rural tourism activities shall meet the health and hygiene requirements laid down in the regulations in force for residential buildings.

2. The premises used for catering services shall meet the requirements of Law no. 85 of 29 October 1992 and its implementing decrees, as well as the provisions set out in the regulation implementing this Law.

Art. 11

(Staff of rural tourism companies)

1. In order to run rural tourism companies, it may be possible to resort to family members, who meet the health and hygiene requirements laid down in the relevant legislation.

Art. 12

(Suspension and revocation)

1. The Environmental and Agricultural Resources Management Office and the Environmental Hygiene Service shall periodically verify whether the requirements for registration in the register continue to be met, as well as other regulatory and management aspects and authorisations of rural tourism companies.

2. They shall report at least once a year on the verifications referred to in the preceding paragraph by means of specific communications to the Commission referred to in Article 6.

Art. 13

(Cancellation from the register of operators)

1. Loss of the requirements referred to in Articles 4 and 5 shall result in removal from the register of rural tourism operators and revocation of the authorisation to exercise the activity.
2. This measure shall be adopted by the Commission referred to in Article 6.

Art. 14

(Administrative obligations)

1. Operators authorised to run rural tourism companies shall fulfil the following obligations:
 - a) Displaying the operating licence to the public;
 - b) Complying with the requirements set out in the authorisation;
 - c) Applying the rates approved by the Price Commission referred to in Article 2 of Law no. 89 of 31 October 1994;
 - d) Complying with public safety rules and regulations;
 - e) Continuing to meet the requirements envisaged by Articles 4 and 5.

Art. 15

(Taxation)

1. Rural tourism activities shall be subject to the payment of the taxes envisaged by the regulations on the granting of health and hygiene authorisations and the granting and renewal of operating licences.

Art. 16

(Supervision)

1. Supervision and control over the application of this Law and the exercise of rural tourism activities shall be carried out by the competent offices and services on the basis of their specific competences.

Art. 17

(Sanctions)

1. Agricultural operators who carry out rural tourism activities without the authorisation referred to in Article 7 shall pay an administrative pecuniary sanction ranging from €1,000.00 to €4,000.00, which can be updated by Regency decree, and to the closure of the illegally established tourist company.
2. Anyone using names consisting of modifications or alterations of the term "rural tourism" that are likely to mislead potential users shall pay an administrative pecuniary sanction ranging from €1,500.00 to €4,500.00.
3. Agricultural operators authorised to carry out rural tourism activities shall pay an administrative pecuniary sanction ranging from €800.00 to €2,000.00 in the following cases:
 - a) Failure to comply with the limits and requirements set out in the authorisation;
 - b) Violation of the obligations under this Law or under the implementing regulation, which is not otherwise sanctioned.
4. Agricultural operators authorised to carry out rural tourism activities shall pay a pecuniary sanction ranging from €150.00 to €500.00 in the following cases:
 - a) Display or application of prices higher than those communicated;
 - b) Failure to display to the public the authorisation to carry out the activity;
 - c) Failure to comply with the communication referred to in Article 14.

5. If the violations referred to in the third paragraph are particularly serious, in addition to the application of the administrative pecuniary sanctions provided for, the Commission referred to in Article 6 shall order the temporary closure of the activity and the offender shall be suspended from the register referred to in Article 7.

Art. 18

(Incentives to agricultural operators and initiatives related to rural tourism)

1. Following the examination of the companies' programmes and in accordance with Law no. 96 of 20 September 1989, the Environmental and Agricultural Resources Commission shall grant funding for the implementation of initiatives related to rural tourism and concerning the restoration of existing buildings, as well as for environmental remediation interventions.

Art. 19

(Implementing regulation)

1. Within sixty days of the entry into force of this Law, the Congress of State shall adopt, on the proposal of the Minister of Territory, Environment and Agriculture, an implementing regulation in the form of a decree having the force of law and concerning, in particular:

- a) The requirements and procedures for submitting an application for registration in the register of rural tourism operators;
- b) The procedures for submitting requests for authorisation to carry out rural tourism activities;
- c) The procedures for the exercise of supervision and control activities by the competent public offices and services and for the application of administrative sanctions;
- d) The provisions on hospitality and accommodation in the company's buildings;
- e) The provisions on open-air hospitality and the characteristics of the facilities used for this service;
- f) The criteria for the provision of food and drinks;
- g) Sports, cultural and recreational activities;
- h) The sale of farm products and food preparations;
- i) The criteria for the use of spaces and buildings;
- j) The criteria and arrangements for the use of staff to carry out the activity;
- k) The health and hygiene rules relating to the activity in question.

Art. 20

(Entry into force)

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

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