



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 159 of 31 August 2021
(ratifying Delegated Decree no. 125 of 7 July 2021)

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

Having regard to Delegated Decree no. 125 of 7 July 2021 - Recruitment and career advancement in the Police forces - which has been promulgated:

Having regard to Article 84 of Law no. 223 of 23 December 2020;

Having regard to Congress of State decision no. 13, adopted during its sitting of 31 May 2021;

Having regard to the amendments to the above-mentioned Decree-Law, which were introduced at the time of its ratification by the Great and General Council in its sitting of 27 August 2021;

Having regard to Decision no. 17 of the Great and General Council adopted on 27 August 2021;

Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Article 8, paragraph 3, and Article 10, paragraph 2 of Qualified Law no. 186/2005, as well as to Article 33, paragraph 6 of Qualified Law no. 3/2018;

Hereby promulgate and order the publication of the final text of Delegated Decree no. 125 of 7 July 2021,

as modified following the amendments approved by the Great and General Council at the time of its ratification:

RECRUITMENT AND CAREER ADVANCEMENT IN THE POLICE FORCES

Art. 1 *(Purpose)*

1. This Delegated Decree shall redefine the procedures and requirements for recruitment within the Gendarmerie, the Uniformed Unit of the Fortress Guard and the Civil Police, jointly also referred to as "Police Corps" in the exercise of the delegation provided for in Article 84 of Law no. 223 of 23 December 2020. For the purposes of this Delegated Decree, recruitment shall mean:

- a) the temporary or permanent employment of a person not already serving in the Civil Police for the job specifications of Police Agent, Superintendent, Inspector and Officer referred to in Delegated Decree no. 34 of 25 February 2019;
- b) permanent employment of a person not already serving in the Gendarmerie and in the Uniformed Unit of the Fortress Guard for the military ranks of Agent, Brigadier, Marshal, Lieutenant as well as Guard, Sergeant-Major, Assistant Sergeant-Major, Lieutenant. Recruitment shall also mean temporary employment as Agent and Guard.

2. This decree shall also redefine the procedures and requirements for career advancement within the Police Corps. Career advancement may be based on:
- a) seniority, guaranteeing, however, the assessment of the applicant's professional skills, suitability and integrity, according to objective and predetermined criteria;
 - b) competition.
3. The provisions of this Delegated Decree shall not apply to the recruitment of non-military personnel in the Gendarmerie and the Uniformed Unit of the Fortress Guard and to the recruitment of personnel in the Civil Police for job specifications other than those provided for in Delegated Decree no. 34 of 25 February 2019.

Art. 2

(Requirements for recruitment)

1. Persons meeting the following general requirements may be recruited in the Police Corps:
- a) being a San Marino citizen or resident;
 - b) being at least 18 years old;
 - c) in the case of recruitment for the job specification of Police Agent and the military ranks of Agent and Guard: being not older than 35;
 - d) meeting the requirements of civil and moral integrity set out in Article 3, paragraph 1, letters a), b) and c) of Delegated Decree no. 59 of 29 April 2015 (hereinafter referred to as Code of Conduct), and subsequent amendments;
 - e) being psychologically and physically fit for service and for possessing and using weapons:
 - 1) for the Civil Police: in accordance with the provisions of Delegated Decree no. 124 of 15 July 2010;
 - 2) for the Gendarmerie and the Uniformed Unit of the Fortress Guard: in accordance with the provisions of Article 11, paragraph 1 of Law no. 15 of 26 January 1990 and the Military Health Regulation approved by the Congress of State;
 - f) not having been subjected to the disciplinary measure of expulsion from the Police or Military Corps, including foreign ones;
 - g) not having been subject to the disciplinary sanction of dismissal, under the disciplinary provisions in force for public employees;
 - h) not having been dismissed from public administration employment for one of the causes referred to in Article 80, paragraph 1, of Law no. 41 of 22 December 1972;
 - i) holding the following qualifications:
 - 1) for recruitment for the job specification of Police Agent and for the positions of Agent and Guard: secondary school diploma;
 - 2) for recruitment for the higher job specifications and ranks set out in Article 1, paragraph 1: the qualifications provided for in Article 8;
 - l) visual acuity equal to or greater than a total of 16/10 and not less than 7/10 for the eye that sees less, which can be achieved with a correction of no more than 4 dioptries only for myopia, including in one eye only, and no more than 3 dioptries, including in one eye only, for other refractive errors; normal visual field and ocular motility, normal chromatic sense (only PRK and LASIK refractive surgeries shall be admissible);
 - m) being at least 1.70 m tall for men and 1.60 m tall for women;
 - n) holding a category "A" and "B" driving licence, without prejudice to the possibility for the competition notice to require possession or set out the obligation to obtain further licence categories;
 - o) not being in the situations of incompatibility referred to in Articles 8 and 10, paragraph 3 of the Code of Conduct;

p) actually residing in San Marino territory.

Art. 3

(Recruitment for the military ranks of Agent and Guard and for the job specification of Police Agent)

1. Recruitment for the military ranks of Agent and Guard and for the Job Specification of Police Agent for the Gendarmerie, the Uniformed Unit of the Fortress Guard and the Civil Police respectively shall be ordered by the Congress of State by issuing a recruitment notice for a public competition followed by training, upon request by the Commanders of the aforementioned Corps. The competition followed by training shall have a minimum duration of 60 hours and shall be organised according to the provisions of the notice. Admission to the competition followed by training may be subject to a pre-selection procedure based on qualifications and/or an aptitude test.
2. The recruitment notice may be provided for all the Police Corps or for some of them. If the recruitment notice concerns all the Police Corps, it shall be drafted and published by the Directorate General of Civil Service in accordance with the Ministry of Foreign Affairs, whereas if the notice concerns a specific Corps, its drafting and publication shall be the responsibility of:
 - a) in case of Military corps: the Ministry of Foreign Affairs;
 - b) in case of Civil corps: the Directorate General of Civil Service.
3. Even in the case of recruitment notices relating to specific Corps, the Ministry of Foreign Affairs and the Directorate General of Civil Service shall cooperate in order to ensure that they are drafted in a consistent manner for the three Police Corps.
4. The Military Congress shall be informed of the issuance and results of the recruitment notices for the Gendarmerie and the Uniformed Unit of the Fortress Guard.
5. The recruitment notice, besides including the requirements set out in Article 2, shall also indicate the procedures for submitting the application, the documents to be submitted, the provisions aimed at ensuring compliance with Article 4 of the Code of Conduct and all the provisions regulating the course and the competition procedure. The recruitment notice shall specify, in particular, which of the requirements of Article 2 shall be fulfilled at the time of submitting the application and which ones, on the other hand, shall be fulfilled in order to be recruited in the Corps in question. If the recruitment concerns more than one Police Corps, the notice shall specify the criteria and procedures for the allocation of the candidates found to be suitable to each Corps.
6. The rules set forth in Law no. 107 of 31 July 2009 and subsequent amendments and in Delegated Decree no. 106 of 2 August 2012 and subsequent amendments, concerning the competition procedure and the validity of the final ranked list, shall also apply, if and insofar as they are compatible and without prejudice to the provisions of the preceding paragraphs and of Article 4 below, to the procedure for the recruitment of Police Agents in the Military Corps. Final ranked lists shall be valid for three years.
7. From the merit ranked list of the competition followed by training referred to in this Article and for the period of validity of the list, for service requirements reported by the Corps Commander, those who have been found suitable for the position of "Police Agent", "Agent" and "Guard" may be recruited on a temporary basis for a maximum period of three months, renewable for two further periods of three months each. Such persons shall assume, for hierarchical purposes only, the rank of "Cadet", respectively for the Civil Police Corps and for the military corps of the Gendarmerie and the Uniformed Unit of the Fortress Guard, and the remuneration referred to in Article 9, paragraph 3 shall apply to them. The period of service referred to in this paragraph shall not be counted as probationary period under Article 4.

Art. 4

(Probationary period for recruitment in the ranks of Agent and Guard and for appointment as Police Agent)

1. The winners of the competition followed by training referred to in Article 3 shall be:
 - a) in relation to the Job Specification of Police Agent: appointed by the Directorate General of Civil Service with an indication of the date on which they take up their duties;
 - b) in relation to the military ranks of Agent and Guard: appointed by the Commander Officer of the relevant Corps with an indication of the date on which they take up their duties.
2. The twelve-month probationary period in the Police Corps shall start from the actual date on which they take up their duties.
3. During the probationary period, the Agent, Guard and Police Agent shall undergo an intermediate test after six months of service and a final one at the end of the twelve months, which shall also include a review of physical abilities.
4. The intermediate and final tests shall be managed directly by the Commander of the Police Corps concerned on the basis of special examination papers adopted by Regulation of the Congress of State under proposal of the Commanders of the three Police Corps.
5. During the probationary period, the Agent, the Guard and the Police Agent shall be required to attend theoretical and practical training courses, both in San Marino and outside its territory, which are deemed appropriate by the relevant Command, as well as, if required by the notice, to obtain driving licences of categories higher than 'A' and 'B'.
6. The result of the tests shall be communicated to the Agent, Guard and Police Agent by their respective Commander by means of a specific reasoned notification.
7. If the Commander of the Corps expresses an unfavourable evaluation on the result of the intermediate or final test, the Agent, Guard and Police Agent shall be discharged ex officio and shall be entitled to payment of one month's salary for each year of service, which may be divided into twelfths for the period of service rendered. The measure of ex officio discharge may be challenged before the administrative courts in accordance with the procedure referred to in Title II of Law no. 68 of 28 June 1989 and subsequent amendments.
8. If the candidate fails to pass the probationary period he/she shall be excluded from the merit ranked list, without prejudice to the possibility for him/her to participate in any future competition.
9. After the successful completion of the one-year probationary period, the Commander of the Corps:
 - a) in the case of Military Corps, shall inform the Military Congress and the Congress of State thereof, for the definitive enrolment of the Cadet with the rank of Agent if belonging to the Gendarmerie or of Guard if belonging to the Uniformed Unit of the Fortress Guard, by means of an acknowledgement of the Great and General Council;
 - b) in the case of Civil Corps: the provisions of Law no. 107/2009 and subsequent amendments and Delegated Decree no. 106/2012 and subsequent amendments shall apply for the purposes of appointment as Police Agent.
10. During the probationary period, the Police Agent, the Agent and the Guard respectively for the Civil Police Corps, and for the military corps of the Gendarmerie and the Uniformed Unit of the Fortress Guard shall assume for hierarchical purposes only the rank of "Cadet".

Art. 5

(Career advancement by seniority)

1. Without prejudice to paragraphs 2 and 4, advancement by seniority within the Police Corps shall only be provided for the following ranks or job specifications:
 - a) in the Gendarmerie:
 - 1) from Agent to Lance-corporal after 8 years of actual service in the rank of Agent;

- 2) from Lance-corporal to Deputy Brigadier after 5 years of actual service in the rank of Lance-corporal;
 - b) In the Uniformed Unit of the Fortress Guard:
 - 1) from Guard to Major Corporal after 8 years of actual service in the rank of Guard;
 - 2) from Major Corporal to Sergeant after 5 years of actual service in the rank of Major Corporal;
 - c) in the Civil Police Corps:
 - 1) from Police Agent to Assistant after 8 years of actual service as Police Agent;
 - 2) For career advancement with regard to the job specification of Assistant, reference shall be made to the Agreement between the Government and Trade Unions signed on 23 August 2021, in accordance with Article 49, paragraph 2 of Law no. 188 of 5 December 2011.
2. For the purposes of the advancement by seniority referred to in paragraph 1, the employee or military member concerned shall meet the following conditions:
- a) having passed all the training courses held at the request of the Command. If the candidate fails to pass the training courses, having passed subsequent courses on the same subjects;
 - b) Not having been subject to any disciplinary sanction higher than a warning, for members of the Civil Police, or a reprimand, for military members in the previous five years. Any staff member subject to disciplinary proceedings for a sanction higher than a warning at the time when the above-mentioned time requirement is met, shall be excluded from advancement if the disciplinary action results in the application of the sanction;
 - c) having achieved over the last five years of service an average of not less than "good", reported in the specific evaluation sheet, provided that the last annual evaluation sheet is at least good.
3. In line with what is provided for the military corps of the Gendarmerie and the Uniformed Unit of the Fortress Guard, the Commander of the Civil Police shall draw up an annual "evaluation sheet" to assess the aptitude, professional and integrity requirements of all corps members. The Commander shall rely on the reports of the heads of the Operational Units where the corps members are in service. The evaluation sheet shall assign the following ratings, which shall be one of the useful parameters for career advancement:
- a) excellent;
 - b) very good;
 - c) good;
 - d) sufficient;
 - e) insufficient.
- 3 *bis*. One or more templates for annual evaluation sheets shall be adopted by means of a regulation of the Congress of State upon proposal of the Commanders of the Police Corps.
- 3 *ter*. For all Police Corps, the evaluation sheets shall be included in the personal file of the evaluated person and a copy thereof shall be transmitted to the person concerned.
4. *Deleted.*

Art. 6

(Career advancement by internal competition)

1. The military ranks of Brigadier, Marshal and Lieutenant (8th level) in the Gendarmerie Corps, the military ranks of Sergeant-Major, Assistant Sergeant-Major and Lieutenant (8th level) in the Uniformed Unit of the Fortress Guard and the job specifications of Superintendent, Inspector and Officer in the Civil Police shall be mainly obtained through the career advancement of military members and employees already belonging to the Corps following an internal competition based on qualifications and exams.

2. The requirements for participating in the internal competitions for the military ranks of Brigadier of the Gendarmerie Corps and of Sergeant-Major in the Uniformed Unit of the Fortress Guard and for the job specification of Superintendent in the Civil Police:

- a) for the military rank of Brigadier of the Gendarmerie Corps:
 - 1) to hold the military rank of Deputy Brigadier and a secondary school diploma or hold a lower military rank with at least five years of actual service in the Corps and a Bachelor's degree;
 - 2) to have achieved an average of not less than "good" in the years of service, reported in the specific sheet.
- b) for the military rank of Sergeant-Major in the Uniformed Unit of the Fortress Guard:
 - 1) to hold the military rank of Sergeant and a secondary school diploma or hold a lower military rank with at least five years of actual service in the Corps and a Bachelor's degree;
 - 2) to have achieved an average of not less than "good" in the years of service, reported in the specific sheet.
- c) for the job specification of Superintendent in the Civil Police:
 - 1) to be employed as Assistant and hold a secondary school diploma or to be employed as Police Agent with at least five years of actual service in the Corps and hold a Bachelor's degree;
 - 2) to have achieved an average of not less than "good" in the years of service, reported in the specific sheet.

3. The requirements for participating in the internal competitions for the military ranks of Marshal of the Gendarmerie and of Assistant Sergeant-Major in the Uniformed Unit of the Fortress Guard and for the job specification of Inspector in the Civil Police shall be the following:

- a) for the military rank of Marshal of the Gendarmerie Corps:
 - 1) to have hold the military rank of Brigadier for at least three actual years and hold a secondary school diploma or have hold a lower military rank with at least five years of actual service in the Corps and hold a Master's degree;
 - 2) to have achieved an average of not less than "good" in the years of service, reported in the specific sheet.
- b) for the military rank of Assistant Sergeant-Major in the Uniformed Unit of the Fortress Guard:
 - 1) to have hold the military rank of Sergeant-Major for at least three actual years and hold a secondary school diploma or have hold a lower military rank with at least five years of actual service in the Corps and hold a Master's degree;
 - 2) to have achieved an average of not less than "good" in the years of service, reported in the specific sheet.
- c) for the job specification of Inspector in the Civil Police:
 - 1) to have been employed as Assistant for at least three actual years and hold a secondary school diploma or to fall within a lower job specification with at least five years of actual service in the Corps and hold a Master's degree;
 - 2) to have achieved an average of not less than "good" in the years of service, reported in the specific sheet.

4. The requirements for participating in internal competitions for the military ranks of Lieutenant of the Gendarmerie Corps and in the Uniformed Unit of the Fortress Guard and for the job specification of Officer in the Civil Police:

- a) for the military rank of Lieutenant of the Gendarmerie:
 - 1) to have hold the military rank of Marshal for at least four actual years or the military rank of Brigadier for at least seven actual years;

- 2) to hold a Master's degree
 - 3) to have achieved an average of not less than "good" in the years of service, reported in the specific sheet.
- b) for the military rank of Lieutenant in the Uniformed Unit of the Fortress Guard:
- 1) to have hold the military rank of Assistant Sergeant-Major for at least four actual years or the military rank of Sergeant-Major for at least seven actual years;
 - 2) to hold a Master's degree
 - 3) to have achieved an average of not less than "good" in the years of service, reported in the specific sheet.
- c) for the job specification of Officer in the Civil Police:
- 1) to have been employed as Inspector for at least four actual years or as Superintendent for at least seven actual years;
 - 2) to hold a Master's degree
 - 3) to have achieved an average of not less than "good" in the years of service, reported in the specific sheet.
5. *Deleted.*
6. It shall be a requirement for participating in the internal competitions referred to in paragraphs 2, 3 and 4 that no disciplinary sanction higher than a warning, for members of the Civil Police, or a reprimand, for military members, has been imposed in the previous five years. Any personnel subject to disciplinary proceedings for a sanction higher than a warning or a reprimand at the time when the above-mentioned time requirement is met, shall be excluded from advancement if the disciplinary action results in the application of the sanction.
7. The Military Congress shall be informed of the issuance and results of the internal competition notice for the Gendarmerie and the Uniformed Unit of the Fortress Guard.
8. The competition notice, in addition to the requirements for participation, the procedures for submitting the application and the documents to be submitted, shall also contain the provisions regulating the competition procedure. In particular, the notices shall specify the marks to be awarded to candidates on the basis of the evaluations obtained during their years of service and set out in the appropriate sheets. Such evaluations shall be duly taken into account and given significant weight.
9. For internal competitions relating to military ranks, the rules referred to in Law no. 107 of 31 July 2009, and subsequent amendments, and in Delegated Decree no. 106 of 2 August 2012, and subsequent amendments, shall apply, if and insofar as they are compatible.
10. The final ranked lists, even if they refer to job specifications of the Civil Police Corps, shall be valid for three years.
11. The winners of the internal competitions referred to in this Article shall be subject to a probationary period of six months and be obliged to attend theoretical and practical courses during such period, both in San Marino and outside its territory, as deemed appropriate by the respective Command.

Art. 7

(Responsibility to order career advancement in the Military Corps)

1. Career advancement by seniority in the Military Corps shall be ordered by the Congress of State upon proposal of the Commander, after receiving the opinion of the Higher Command of the Militia concerning the disciplinary position of the military member.
2. Career advancement by means of an internal competition in the Military Corps shall be ordered by the Congress of State upon proposal of the Commander of the Gendarmerie following successful completion of the probationary period, after receiving the opinion of the Higher Command of the Militia concerning the disciplinary position of the military member.

Art. 8

(Recruitment for the military ranks of Brigadier, Marshal, Officer of the Gendarmerie and of Sergeant-Major, Assistant Sergeant-Major, and Officer in the Uniformed Unit of the Fortress Guard and of Superintendent, Inspector and Officer in the Civil Police Corps)

1. If the career advancement by internal competition referred to in Article 6 does not make it possible to fill the positions in the organisational chart of the Military Corps or the job specifications of the Civil Police Corps, the military ranks of Brigadier, Marshal and Lieutenant (8th level) in the Gendarmerie, the military ranks of Sergeant-Major, Assistant Sergeant-Major and Lieutenant in the Uniformed Unit of the Fortress Guard and the job specification of Superintendent, Inspector and Officer in the Civil Police Corps shall be filled by means of a public competition followed by training.
2. The duration and structure of the training course to be carried out as part of the public competition followed by training, the possible periods of application in the Police Corps as well as the possible participation in theoretical and practical professional courses, both in San Marino and outside its territory, shall be defined by means of a protocol drawn up by the Commanders of the Gendarmerie and approved by the Ministers of Foreign Affairs and Internal Affairs, also by way of derogation from the provisions of Article 5 of Law no. 107/2009. In any case, the training course shall not last less than 120 hours.
3. The educational and academic qualifications for participating in the public competition followed by training shall be the following:
 - a) for the military ranks of Brigadier of the Gendarmerie Corps and of Sergeant-Major, in the Uniformed Unit of the Fortress Guard and for the job specification of Superintendent in the Civil Police:
 - 1.1 Bachelor's degree in an administrative, accounting or technical field related to the sector or operational unit of the Corps as identified in the recruitment notice;
 - 1.2 As an alternative to the qualification provided for in point 1.1, experience of at least ten years in the Police or Military corps as well as in Security Organisations, including foreign ones, in ranks equivalent to or higher than those being selected;
 - b) for the military ranks of Marshal of the Gendarmerie and of Assistant Sergeant-Major in the Uniformed Unit of the Fortress Guard and for the job specification of Inspector in the Civil Police:
 - 1.1 Master's degree in an administrative, accounting or technical field related to the sector or operational unit of the Corps as identified in the recruitment notice;
 - 1.2 As an alternative to the qualification provided for in point 1.1, experience of at least ten years in the Police or Military corps as well as in Security Organisations, including foreign ones, in ranks equivalent to or higher than those being selected;
 - c) for the military ranks of Lieutenant of the Gendarmerie and in the Uniformed Unit of the Fortress Guard and for the job specification of Officer in the Civil Police:
 - 1.1 Master's degree in an administrative, accounting or technical field related to the sector or operational unit of the Corps as identified in the recruitment notice, and specialisation diploma or Master's degree, as identified in the recruitment notice.
 - 1.2 As an alternative to the qualification provided for in point 1.1, experience of at least ten years in the Police or Military corps as well as in Security Organisations, including foreign ones, in ranks equivalent to or higher than that being selected;
4. In relation to the military rank of Lieutenant in the Gendarmerie and in the Uniformed Unit of the Fortress Guard as well as for the job specification of Officer in the Civil Police Corps, it may also be required to hold a professional qualification and/or have specific professional experience for participating in the competition followed by training.
5. The requirements and procedures for recruitment as well as the terms and duration of the probationary period in relation to the military ranks and job specifications referred to in this Article shall be the same as those laid down in Articles 2, 3 and 4 above, without prejudice to the responsibility to adopt the measure appointing military personnel, which is attributed to the bodies referred to in Article 7, paragraph 2.

Art. 8-bis
(On-call recruitment)

1. The Congress of State, upon request of the Commander of the Corps, may permanently or temporarily recruit on-call with a three-year assignment that may be renewed for a further term, without prejudice to the successful completion of a twelve-month probationary period, Officers and Marshals and Assistant Officers and Sergeants-Major respectively for the Gendarmerie and the Uniformed Unit of the Fortress Guard. Among other things, they shall train the personnel already in the Corps in the specialised subjects for which they are responsible. The identified persons shall have an excellent technical and professional preparation, outstanding qualities and proven experience in Military Academies or Police Corps as well as Security Organisations, including foreign ones.
2. A maximum of one person for each military rank mentioned in the preceding paragraph may be recruited on-call as referred to in paragraph 1. An additional person may be recruited only if the numerical limit determined by the organisational chart of the Corps of reference in relation to the military rank concerned is correspondingly increased by a maximum of one unit by means of a decision of the Congress of State.
3. The on-call recruitments referred to in this Article may also be decided by the Congress of State by way of reasoned derogation from the provisions of Article 2, paragraph 1, letters a), c), n), p) and i).

Art. 9
(Access remuneration for military recruits during the probationary period)

1. The remunerations provided for by the regulations in force in relation to the various military ranks shall be reduced by 15 % during the maximum period of 12 months of probationary service of military members recruited by public competition followed by training who are not already enlisted in the Gendarmerie or the Uniformed Unit of the Fortress Guard. On the contrary, any ancillary components shall only be reduced by 10% as provided for by Article 75 of Law no. 194 of 22 December 2010.
2. Without prejudice to paragraph 1, the salary level associated with the military ranks of Agent and Guard during the probationary period shall be the 5th.
3. The remuneration provided for permanent military members and employees referred to in Article 3, paragraph 7 shall be that provided in paragraph 2 above, reduced by 20 % and without any ancillary component of remuneration.

Art.10
(Secondment between Military Corps)

1. Members of the Military Police Corps, without prejudice to recruitment in the Corps to which they belong, may be temporarily seconded from one Corps to another for special and justified service requirements for a maximum period of 12 months, which may be renewed, by means of a decision of the Congress of State adopted upon proposal of the Commanders of the Police Corps concerned, after informing the Military Congress. After the maximum period of three years has elapsed, the seconded military member shall return to duty in the Corps to which he/she belongs or, upon proposal of the respective Commanders of the Police Corps concerned, he/ she shall definitively be re-recruited in the military corps in which he/ she has been seconded with the rank corresponding to that held in the Corps of origin.

Art. 11

(Final and coordination provisions and repeals)

1. All provisions that conflict with this Delegated Decree shall be repealed, in particular the following provisions:
 - a) Article 10, paragraph 1, letters h) and i) and paragraphs 4, 5, 6, 9, 10, 11, 12, 13, 14, 15 and 16, limited to the expression "*in the alternative*", of Law no. 131 of 12 November 1987, and subsequent amendments;
 - b) Articles 11, 12, 13bis, paragraphs 3 to 10 and Article 15 of Law no. 131 of 12 November 1987, and subsequent amendments;
 - c) Articles 6 and 7 bis, paragraphs 1, 2, 3, 4, 5, 6 and Article 15 of Law no. 132 of 13 November 1987, and subsequent amendments;
 - d) Article 2 of Decree-Law no. 88 of 25 July 2016.
 - e) Article 6 of Law no. 142 of 21 November 1990 and subsequent amendments;
 - f) Article 10, paragraph 3 of Delegated Decree no. 34 of 25 February 2019;
 - g) the provisions of Annex "A" to Delegated Decree no. 34 of 25 February 2019, specifically the parts concerning the qualifications, requirements and access to the job specification as well as the transitional provisions for access;
2. The following amendments shall also be applied:
 - a) In paragraph 2 of Article 15-bis of Law No. 131 of 12 November 1987, and subsequent amendments, the words "*Cadet agents*" and "*Auxiliary agents*" shall be deleted;
 - b) In paragraph 1 of Article 16 of Law no. 131 of 12 November 1987, and subsequent amendments, the words "*Cadet Agent level 4 (for the first year of service)*" shall be deleted;
 - c) In Article 4 of Law no. 132 of 13 November 1987 and subsequent amendments, the words "*Cadet Guards*" and "*Auxiliary Guards*" shall be deleted;
 - d) In paragraph 2 of Article 15 bis, the words "*Cadet Guards*" and "*Auxiliary Guards*" shall be deleted;
 - e) In paragraph 1 of Article 21 of Law no. 132 of 13 November 1987, and subsequent amendments, the words "*Cadet Guard level 4*" shall be deleted;
 - f) In paragraph 4 of Article 5 of Law no. 142 of 21 November 1990, and subsequent amendments, the words "*Auxiliary Agent*" shall be deleted;
3. Employees on duty on a permanent basis for the job specifications referred to in Annex A to Delegated Decree no. 34 of 25 February 2019 and permanent employees with qualifications related to the aforementioned job specifications on the basis of the conversion table referred to in Annex B to the same Delegated Decree shall not be eligible to participate in the voluntary mobility, reassignment and transfer procedures as well as in the internal competition and selection procedures governed by Delegated Decree no. 78 of 28 June 2018, by Law no. 107 of 31 July 2009, and subsequent amendments, and by Delegated Decree no. 106 of 2 August 2012, and subsequent amendments, and aimed at permanently or temporarily filling permanent and temporary vacancies other than those regulated by the aforementioned Delegated Decree no. 34/2019. The prohibition of admission referred to in the preceding sentence shall remain in force until ten years have elapsed from the date of the last classification of the job/job specification referred to in Annex "B" to Delegated Decree no. 34/2019.
 - 3 *bis*. The assessments referred to in Article 5, paragraph 3 and in the relevant regulations of the Gendarmerie and the Uniformed Unit of the Fortress Guard may be appealed against before the administrative courts in accordance with the procedure provided for in Title II of Law no. 68 of 28 June 1989.
 - 3 *ter*. For persons already on duty at the date of entry into force of this Delegated Decree, the career advancement by seniority referred to in Article 5, paragraph 1, letter a), number 1) and letter b), number 1) shall take place, without prejudice to the further requirements provided for, eight years after the date of recruitment.
 - 3-*quater*. For the purposes of the fulfilment of the requirement provided for in the relevant articles

above to have received an at least “good” evaluation of the service rendered, only evaluation sheets drawn up after the entry into force of this Delegated Decree shall be taken into account. In the event that the person concerned has not received an annual evaluation sheet, the requirement referred to in the preceding sentence shall be deemed to be fulfilled if the competent Commander, with the assistance of the head of the sector or unit in which the military member or employee renders his/ her service, assesses as at least “good” the activity performed by the person concerned during the interim reference period.

3 *quinquies*. The evaluation sheets for the year 2021 shall be drawn up by February 2022. The sheets for the following years shall be drawn up by February of the year following the reference year.

3-*sexies*. Until 31 December 2025, the requirement in Article 5, paragraph 2, letter c) shall therefore be understood as follows: "to have achieved an average of not less than "good" in the years of service, reported in the specific sheet".

3-*septies*. The winners of internal or public competitions or persons recruited on call for the military rank of Lieutenant, shall acquire, during the probationary period, the rank of Second Lieutenant.

3 *octies*. Pending the adoption of the Delegated Decree referred to in Article 16, paragraph 4 of Law no. 131/1987, and subsequent amendments, and in Article 21, paragraph 5 of Law no. 132/1987, and subsequent amendments, which will be issued following the completion of the reform of the Police Corps, the economic regime for allowances in the aforementioned Corps shall continue to be regulated in the form and manner used to date.

Done at Our Residence, on 31 August 2021/1720 since the Foundation of the Republic

THE CAPTAINS REGENT
Gian Carlo Venturini – Marco Nicolini

THE MINISTER OF
INTERNAL AFFAIRS
Elena Tonnini