



Decree no. 66 of 15 March 2006

REPUBLIC OF SAN MARINO

IMPLEMENTING REGULATION ON THE OCCASIONAL OPERATION OF THE FAMILY-RUN ACCOMMODATION AND BREAKFAST SERVICE CALLED "BED & BREAKFAST".

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

Having regard to Art. 19 of Law no. 22 of 27 January 2006;

Having regard to Congress of State Decision no. 6 adopted on 15 March 2006; Availing Ourselves of Our Powers,

We hereby decree, promulgate and order the publication of:

Art.1

(Purposes and definitions)

1. The Republic of San Marino shall encourage the development of non-hotel family-run accommodation activities called "Bed and Breakfast".
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 and breakfast service in no more than four rooms and for a maximum of twelve beds, on an occasional basis or during certain periods of the year.

Art. 2

(Characteristics and requirements)

1. The activities referred to in Article 1 shall be carried out through ordinary family organisation.
2. However, the following minimum services shall be guaranteed:
 - a) a bathroom for the exclusive use of the guests if the activity takes place in more than one room;
 - b) daily cleaning of the premises;
 - c) change of linen, including bathroom linen, at each change of client and at least once a week;
 - d) supply of electricity, hot and cold water and heating;
 - e) provision of breakfast, preferably using typical local products in order to enhance and promote the various local production activities.
3. The premises used for accommodation activities shall meet the health and hygiene requirements laid down for residential use by the regulations in force in the Republic of San Marino.
4. The exercise of the activities referred to in Article 1, carried out within the limits set out in this Law, shall not constitute a change in the residential use already envisaged for the building units used, and shall entail for the owners or holders of the building units (based on a usufruct, gratuitous loan or lease), the obligation to reside and live therein.
5. If the premises used for the accommodation activities referred to in Article 1 are located in a condominium, the approval decision of the condominium assembly shall also be attached to the application for the commencement of the activity.
6. The total opening period during the year shall not exceed three hundred days.

7. Guests shall not stay in the facilities referred to in Article 1 for more than sixty consecutive days, and a period of not less than thirty days shall elapse before the same guests may stay there again.

Art. 3

(Administrative requirements)

1. The activities referred to in Article 1 shall be started following a declaration of commencement of the activity to the State Office for Tourism. The declaration of commencement of the activity shall be accompanied by a certificate of building conformity for the premises concerned by the Bed & Breakfast activity.

A copy of the declaration of commencement shall also be forwarded, for information, to the Head of the Township where the building is located.

2. The Commission for the classification of accommodation companies shall carry out a specific inspection to confirm the suitability of the facility and shall notify the outcome thereof to the competent State Office for Tourism, which shall draw up a special list of San Marino Bed & Breakfasts.

3. Bed & Breakfast operators shall notify the State Office for Tourism by 30 September each year of the opening period and the minimum and maximum prices valid from 1 January of the following year. A copy of this notification shall be prominently displayed within the accommodation facility. Failure to notify the State Office for Tourism of the prices shall entail the automatic application of the prices and opening periods reported for the previous year.

4. Operators of the activities referred to in Article 1 shall provide the Gendarmerie with a daily fax of the list of clients with the details of their identity documents, and shall periodically send to the State Office for Tourism statistical information on the nationality and country of origin of the guests.

5. The guests shall be registered in a specific book, duly issued and stamped by the Gendarmerie, in which the following shall be listed in chronological order: name and surname of the guests, date and place of birth, place of residence, details of the document from which the data were taken. Guests shall be registered on a daily basis.

6. Such registrations shall be used to determine the income to be reported, which shall not be less than 40% of the receipts recorded.

7. The exercise of the activities referred to in Article 1 shall not require any registration in any professional register or any operating licence or health authorisation.

8. In order to exercise the activities referred to in Article 1, a plaque shall be displayed on the outside of the house bearing the definition "Bed & Breakfast" and the name of the facility or the name of the host family, based on the model prepared by the State Office for Tourism.

Art. 4

(Publicity)

1. On the basis of the notifications received by 30 September each year, the State Office for Tourism shall draw up an annual list of the activities referred to in Article 1, with an indication of the prices charged, and shall publicise it in the manner it considers appropriate. However, the activities may be started at any time of the year.

Art. 5
(Training of operators)

1. The Ministry of Tourism may grant contributions for the organisation of study, training, professional qualification and refresher courses for the operators of the facilities referred to in Article 1 to bodies and associations with proven experience in this sector or organisations specialised in tourism services or set up by said operators.

Art. 6
(Inspections and sanctions)

1. Upon receipt of the declaration of commencement of the activities referred to in Article 1, the administrative authority in charge, namely the Gendarmerie, shall, within 60 days of receiving it, inspect the premises used for Bed & Breakfast activities and verify the application of the legislative provisions (certificate of building conformity and display of the price list).

The Gendarmerie shall regularly carry out the inspections necessary to ensure effective compliance with these provisions and shall apply the relevant sanctions.

2. Bed & Breakfast activities shall be prohibited in premises lacking a certificate of building conformity for residential use or having a different use.

3. To the extent provided for by the regulations in force, the Gendarmerie shall apply the following sanctions:

- a) unauthorised opening of a facility referred to in Article 1 (fine: €2,500.00);
- b) exceeding the accommodation capacity (fine: €1,500.00);
- c) failure to display the rates charged (fine: €250.00);
- d) application of prices that differ from those displayed (fine: €300.00);
- e) failure to notify the data referred to in Article 3, paragraph 5 (fine: €200.00).

4. In the event of a repeat offence, the sanctions provided for in the preceding paragraph shall be doubled and, in the most serious cases, the State Office for Tourism may temporarily suspend the activity or close the facility.

Art. 7
(State Office for Tourism)

1. Given that the activities referred to in Article 1 pertain to the accommodation sector, which is covered by the Framework Law on Tourism, anyone intending to carry out such activities shall be aware of and comply with the rules governing the activities pertaining to this sector, and in particular food hygiene regulations and the most basic rules on safety and collective prevention. The authorisation to operate a Bed & Breakfast shall require operators to comply with the directives issued by the competent authorities and with the guidelines of the State Office for Tourism.

Done at Our Residence, on 15 March 2006/1705 since the Foundation of the Republic.

THE CAPTAINS REGENT
Claudio Muccioli – Antonello Bacciocchi

THE MINISTER OF
INTERNAL AFFAIRS
Rosa Zafferani