



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 99 of 21 July 2009

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

*Having regard to Article 19 of Law no. 23 of 27 January 2006;
Having regard to Article 2 of Law no. 55 of 27 April 2009;
Having regard to the Congress of State Decision no. 29 adopted in its sitting of 29 June 2009;
Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10,
paragraph 2 of Qualified Law no. 186/2005;
Promulgate and order the publication of the following Delegated Decree:*

**IMPLEMENTING REGULATION REFERRED TO IN ARTICLE 19 OF LAW NO. 23 OF
27 JANUARY 2006 - GENERAL RULES FOR RURAL TOURISM**

**CHAPTER I
REQUIREMENTS AND PROCEDURES TO BE ENTERED INTO THE REGISTER OF RURAL
TOURISM OPERATORS**

Art. 1

(Requirements for submitting applications to be entered in the Register of Rural Tourism operators)

1. Anyone meeting the requirements referred to in Article 4, paragraph 1 of Law no. 23 of 27 January 2006 may apply to the Rural Tourism Commission to be entered in the Register of Rural Tourism operators.
2. Applications by professional agricultural operators shall be accompanied, in addition to the professional agricultural operator's licence referred to in Law no. 96 of 20 September 1989 and subsequent amendments, by the following documents:
 - a) certificate of attendance of the training course referred to in Article 3;
 - b) family status certificate;
 - c) birth certificate ;
 - d) certificate of residence;
 - e) cadastral certificate attesting the area of the farm.
3. In addition to the documents referred to in paragraph 2, part-time agricultural operators shall

submit a cadastral certificate of the farm attesting a minimum area of 6 ha.

4. The area of the farm referred to in paragraph 2, letter e) and paragraph 3 shall mean the area owned and/or rented by the agricultural operator under a duly registered contract.

Art. 2

(Procedures for submitting applications to be entered in the Register of Rural Tourism operators)

1. Applications to be entered in the Register of Rural Tourism operators shall be forwarded to the secretariat of the Environmental and Agricultural Resources Management Office, which, within ninety days, shall prepare the related file for the subsequent fulfilments and send it to the Rural Tourism Commission referred to in Article 6 of Law n.23 of 2006.

2. The Environmental and Agricultural Resources Management Office shall prepare the appropriate forms for the submission of the applications referred to in paragraph 1.

3. As part of the examination of the applications referred to in paragraph 1, the Environmental and Agricultural Resources Management Office may rely on the collaboration of the State Office for Tourism and the Department of Public Health.

Art. 3

(Training courses)

1. The Vocational Training Centre shall periodically promote the following training courses, on the basis of the guidelines provided by the Department of Public Health, the State Office for Tourism, the Environmental and Agricultural Resources Management Office and the Rural Tourism Commission, which shall also make the request to start the relevant courses:

a) Training courses for Rural Tourism operators which cover subjects and topics related to the activities connected with Rural Tourism, the reception and management of users, the health and hygiene requirements for the activities as well as subjects and topics related to the promotion and enhancement of agricultural productions, basic notions about the management of Rural Tourism and the regulations governing it;

b) Specific training courses for the management of an educational farm. In this case the course shall cover, in addition to the subjects and topics referred to in letter a), specific topics relating to educational farm activities such as:

1) Knowledge of the rural territory, agriculture and its products and in general of the link between food and the historical and cultural heritage;

2) Knowledge of animal and plant biological cycles and production processes;

3) Education to responsible consumption through an understanding of the links between production, food consumption and the environment, with a view to sustainable development.

2. Those who pass the course shall obtain a specific training certificate pursuant to Article 7, paragraph 1 of Law no. 23 of 2006.

Art. 4

(Inclusion on the Register of Rural Tourism Operators)

1. Within thirty days from the completion of the examination carried out by the Environmental and Agricultural Resources Management Office under Article 2, the Rural Tourism Commission shall take a decision on applications to be entered in the Register of Rural Tourism operators. Such duly motivated decision shall immediately be communicated to the person concerned.

2. The Register of Rural Tourism Operators shall be kept by the Environmental and Agricultural

Resources Management Office, which shall progressively update it in relation to the decisions issued by the Rural Tourism Commission.

3. By 31 January each year, the Environmental and Agricultural Resources Management Office shall publish the list of those enrolled in the Register of Rural Tourism operators.

4. Within the Register of Rural Tourism operators, a special section shall be created for Rural Tourism operators authorised to carry out educational farm activities.

5. Without prejudice to Articles 5 and 6 below, the inclusion in the Register of Rural Tourism operators shall authorise the exercise of Rural Tourism activities.

CHAPTER II

PROCEDURES FOR AUTHORISING THE STARTING OF RURAL TOURISM ACTIVITIES

Art. 5

(Prior opinion of the Rural Tourism Commission)

1. Anyone meeting the requirements referred to in article 4, paragraph 1, of Law n. 23 of 2006 and intending to start an activity of Rural Tourism shall be required to request a prior opinion from the Rural Tourism Commission by submitting a detailed "Development Plan of Rural Tourism activity" which shall highlight:

- a) The structure of the farm, the buildings and artefacts relating to the activity. The "Development Plan of Rural Tourism activity" shall be accompanied by the cadastral documents of the buildings related to the activity, specifying those owned and those located on the farm, as well as the cadastral documents relating to the areas intended for Rural Tourism;
- b) The combination of crops and the production activities carried out on the farm in the three years preceding the drawing up of the "Development Plan of Rural Tourism activity";
- c) The value of gross agricultural output in the three years preceding the drawing up of the "Development Plan of Rural Tourism activity";
- d) The staff employed in the agricultural activity and the total number of hours dedicated to the agricultural activity calculated on the basis of what is indicated in the table in Annex A to this Delegated Decree;
- e) The use of organic or integrated production and farm management systems;
- f) Rural Tourism activities to be carried out among those listed in article 2 of Law no.23 of 2006;
- g) The forecast of the revenue deriving from the Rural Tourism activity in order to allow verifying that the condition provided for by article 5, paragraph 1, letter a) of Law no. 23 of 2006 is met;
- h) The staff employed in the management of Rural Tourism activity and the total number of hours dedicated to such activity calculated on the basis of what is indicated in the table in Annex B to this Delegated Decree in order to allow verifying that the condition provided for by article 5, paragraph 1, letter b) of Law no. 23 of 2006 is met;
- i) An indication of the interventions to be carried out on buildings and land for the purposes of Rural Tourism activities.

2. In order to carry out activities related to the management of educational farms, in addition to the documents indicated in paragraph 1, persons meeting the requirements of Article 4, paragraph 1, of Law no. 23 of 2006, shall submit an activities project to the Rural Tourism Commission, highlighting the training to be carried out which shall be consistent with the farm's production activity practised.

3. The Rural Tourism Commission shall issue its prior opinion within sixty days from the submission of the applications.

Art. 6

(Authorisation to start Rural Tourism activities)

1. In order to start Rural Tourism activities, persons included in the Register of Rural Tourism operators shall submit an application to the Rural Tourism Commission, with the following documents attached:
 - a) The authorisations provided for in Law no. 85 of 29 October 1992 "Rules on the hygiene of production, storage, transport, sale and supply of food and beverage" and the relevant implementing decrees;
 - b) The prior opinion referred to in Article 5 issued by the Rural Tourism Commission;
 - c) A copy of the building permit or authorisation referred to in Article 10 relating to the interventions referred to in Article 5, paragraph 1, letter i);
 - d) The certificate of building conformity for buildings used for Rural Tourism activities;
 - e) Certificate of compliance with the obligations provided for by Law no. 31 of 1998 and subsequent implementing decrees;
 - f) The authorisations referred to in Chapter III of Law no. 87 of 1995 and subsequent implementing decrees and provisions;
 - g) An indication of the farm's name and logo, if any.
2. The Rural Tourism Commission shall decide on the granting of the authorisation to start the activity within 45 days from the submission of the application, specifying the Rural Tourism activities to be carried out on the farm and the related limits and modalities of the exercise. Such duly motivated decision shall immediately be communicated to the person concerned.
3. The authorisation shall not be transferable.
4. In case of variation of the type of authorised activities, Rural Tourism operators shall submit a new application to the Rural Tourism Commission, which shall issue a new authorisation to start the activity.

CHAPTER III

PROVISIONS ON BUILDING INTERVENTIONS AND CRITERIA FOR THE USE OF BUILDINGS AND THEIR CHARACTERISTICS

Art. 7

(Buildings and facilities for Rural Tourism)

1. To exercise Rural Tourism activities, rural buildings existing on the land and buildings used as the farmer's dwelling may be used provided that such buildings are closely linked to agricultural activity.

Art. 8

(Types of building interventions on buildings intended for Rural Tourism)

1. Building interventions for the extraordinary maintenance, renovation, conservation and restoration of buildings intended for Rural Tourism under Article 9, paragraph 2 of Law no. 23 of 2006, shall be carried out respecting the characteristics of the building and preserving its overall appearance and individual architectural elements.

Art. 9

(Requirements for the premises of the buildings intended for Rural Tourism)

1. The building interventions referred to in Article 8 carried out on rural buildings, used for the temporary accommodation and reception of clients of the rural tourism farm, which are of historical, environmental and cultural interest according to Article 214, paragraph 2 of Law no.87 of 1995 and the decision no.1 of 10 October 1995 of the Town Planning Commission, shall also be carried out by way of derogation from the height limits of the premises and of the lighting and ventilation ratios in accordance with the provisions for the corresponding degrees of intervention regulated by the aforementioned decision.
2. The building interventions referred to in Article 8 carried out on rural buildings, used for temporary accommodation and reception of clients of the rural tourism farm, which do not fall within the types referred to in paragraph 1 shall be carried out in compliance with all the dimensional and performance requirements referred to in Chapter IV, Section I of Law no. 87 of 1995 with the possibility of:
 - a) Aggregating adjacent type units which are too small to be used appropriately, while respecting the architectural and historical features of the buildings;
 - b) Introducing stairs, lifts for people and goods and other technological installations, which shall not compromise the type and structure of the building;
 - c) Creating new openings or modifying existing openings in order to adjust the building to the legal parameters, without compromising the building envelope and the roof.

Art. 10

(Submission of applications for building permits or authorisations)

1. The application for a building permit or authorisation for interventions on buildings intended for Rural Tourism included in the areas referred to in Article 4, paragraph 2 of Law no. 23 of 2006 shall be submitted to the Town Planning Office in accordance with Articles 157 and 158 of Law no. 87 of 1995 with the following documents attached:
 - a) Opinion of the Civil Protection;
 - b) Opinion of the Department of Public Health;
 - c) Certificate attesting the inclusion on the Register of Rural Tourism operators;
 - d) Prior favourable opinion from the Rural Tourism Commission for the interventions proposed.

Art. 11

(Advertising displays)

1. For all activities carried out within the framework of Rural Tourism, both ordinary and extraordinary advertising displays shall be allowed, with the following limitations:
 - a) Only materials appropriate to the nature of the locations, including but not limited to wood, wrought-iron and glass, shall be used for advertising by means of signs, panels, showcases and displays;
 - b) Luminous signs shall not be permitted. Signs may, however, be illuminated;
 - c) The colours used shall be decorous and match the surrounding environment. The paints shall reflect natural colours;
 - d) For all the artefacts and buildings related to Rural Tourism, displays detached from the building may be authorised, including but not limited to, ice cream fridges and vending machines for drinks and the like for a maximum of three elements and an area of no more than 4 square meters;

- e) Extraordinary displays shall be permitted for a maximum area of 6 square meters;
- f) The derogations provided for in Article 115 of Law no. 87 of 1995 shall not be allowed for the activities referred to in this Delegated Decree.

CHAPTER IV
PROVISIONS ON HOSPITALITY AND ACCOMMODATION IN FARM BUILDINGS AND OPEN SPACES, CHARACTERISTICS OF THE FACILITIES USED FOR THIS SERVICE AND CRITERIA FOR THE USE OF THE SPACES

Art. 12

(Hospitality in the farm's premises)

- 1. Hospitality shall be a seasonal activity and shall be carried out in specifically prepared premises inside the buildings intended for Rural Tourism with a limit of 7 rooms for a total of 15 guests.
- 2. The characteristics of the premises shall be the same as those of residential buildings, taking into due consideration their rural characteristics. There shall be at least one toilet every 4 beds and one toilet with the characteristics prescribed by Annex D "Technical standards implementing Chapter IV Section V" of Law no. 87 of 1995 and related barrier-free pathways in order to use such toilet.

Art. 13

(Open air hospitality and criteria for the use of spaces)

- 1. Open air hospitality shall be seasonal and shall be carried out on farms with an area of not less than two contiguous hectares and in compliance with the maximum limit of forty guests with six guests per hectare.
- 2. An area of at least 40 square meters per pitch shall be provided for the open air accommodation of campers in tents, tent trailers and/or camper vans and caravans. A maximum of 10 pitches may be built and they shall be located close to the farm building.
- 3. The construction of permanent bungalows and equipment shall not be permitted.

Art. 14

(Toilets)

- 1. Open air accommodations referred to in Article 13 with up to 5 pitches shall be equipped at least with the following:
 - a) 2 toilets equipped with washbasin, bath or shower, water closet and bidet, one for males and one for females. At least one of these shall have the characteristics prescribed by Annex D "Technical standards implementing Chapter IV Section V" of Law no. 87 of 1995 and related barrier-free pathways for the use of such toilets;
 - b) 1 washbasin and 1 shower outside the toilet;
 - c) 2 laundry tubs with hot and cold running water and 1 water fountain, located outside the toilet and far from the pitches;
 - d) 2 electric hook-up points;
 - e) 1 dump station for black and grey water in a suitable location.
- 2. Open air accommodations referred to in Article 13 with more than 5 pitches shall be equipped

at least with the following:

- a) 4 toilets equipped with washbasin, bath or shower, water closet and bidet, two of which are for males and two for females. At least one for each subgroup shall have the characteristics prescribed by Annex D "Technical standards implementing Chapter IV Section V" of Law no. 87 of 1995 and related barrier-free pathways for the use of such toilets;
- b) 2 washbasins and 2 showers outside the toilets and separated by sex;
- c) 4 laundry tubs with hot and cold running water and 2 water fountains, located outside the toilets and far from the pitches;
- d) 4 electric hook-up points;
- e) 1 dump station for black and grey water in a suitable location.

Art. 15

(Administrative requirements)

1. After having obtained the authorisations referred to in Article 7, Rural Tourism Operators shall be required to communicate to the Gendarmerie the list of clients with the details of their identity documents.
2. The guests shall be registered on a daily basis in a specific book issued by the Gendarmerie.
3. Rural Tourism operators shall be required to communicate to the State Office for Tourism the farm's opening periods and price lists for meals, drinks and overnight stay by 31 March of each year.
4. The authorisation to start the activity issued by the Rural Tourism Commission, the opening periods and the price lists shall be prominently displayed outside and inside each farm authorised to carry out Rural Tourism activities.

Art. 16

(Names and logo)

1. Rural Tourism activities shall use an identifying logo approved by the Rural Tourism Commission, which shall issue the corresponding mark.
2. The identifying logo shall be placed on all information, illustrative and signalling material according to the indications provided by the Rural Tourism Commission.
3. The logo issued by the Rural Tourism Commission and the farm's name shall be prominently displayed outside and inside each farm authorised to carry out Rural Tourism activities.
4. Homonyms shall not be permitted in the identification of Rural Tourism activities. Names that recall the rural peculiarities which have been passed on, such as mill, tavern, farmhouse, stable, homestead and the like, as well as dialect names that have a real historical and cultural connection with the place, shall be admitted.
5. It shall be forbidden for Rural Tourism farms to use the names "restaurant", "pizzeria", "hotel", which are reserved for business licence holders.

Art. 17

(Staff exercising Rural Tourism activities)

1. In the exercise of Rural Tourism activities, in addition to employees, it may be possible to resort to staff belonging to the farm owner's household, even without the establishment of an employment relationship, as provided for in Article 11 of Law no.23 of 2006.
2. Workers in charge of food production, preparation and provision within the Rural Tourism activity shall have obtained the certificate provided for by Decree no.109 of 11 July 2005.

CHAPTER V
PROVISIONS ON THE PRODUCTION, PREPARATION AND PROVISION OF FOOD, MEALS
AND DRINKS AND FOR THE SALE OF FARM PRODUCTS

Art. 18

(Health and hygiene criteria)

1. The production, preparation and provision of meals, food and drinks shall be subject to the provisions of Law no. 85 of 29 October 1992 and relevant implementing decrees.
2. When verifying health and hygiene requirements, the competent public bodies and offices shall take into consideration the specific characteristics of rural buildings.

Art. 19

(Provision of meals, food and drinks)

1. The catering service shall exclusively be provided to guests staying on the farm for at least one (1) night. The meals, food and drinks offered to guests shall be an expression and enhancement of typical local food and wine traditions and of San Marino culture.
2. In the preparation and provision of meals, food and drinks, the farm's own products, whether processed on the farm or by a third party, shall represent at least 35% of the value of the total products offered. However, it shall be possible to use local products coming from other individual or associated San Marino farms as long as they have a mark certifying their origin or as long as they come from organic farms. The sum of own and local products shall reach 80% of the total products offered, while the remaining 20% may only come from San Marino farms or handicraft companies and shall consist of typical local products.

Art. 20

(Premises for the production, preparation and provision of meals, food and drinks)

1. The premises for the production, preparation and provision of meals, food and drinks shall have a specific health authorisation and appropriate toilets.
2. The preparation, provision and production of food, meals and drinks and the processing of farm products shall comply with the applicable health and hygiene regulations.
3. For the preparation and provision of food, meals and drinks, the use of the domestic kitchen may be authorised if the farm can receive a maximum of only ten guests per day.

Art. 21

(Production, processing and sale of farm products)

1. Following a specific health authorisation, the kitchen, understood as a production laboratory, may be used for the production and processing of farm products at times other than meal preparation.
2. If the production and processing of the farm's food products requires particularly complex processing, the competent Public Administration office may order the use of a specific preparation room.

3. The sale of farm products shall be permitted, whether they are processed inside or outside the farm, as long as they are obtained from raw materials mainly coming from the farm.
4. The products shall be packaged and labelled in accordance with the rules in force.

Art. 22
(Toilets)

1. The toilets of the premises used for the production, preparation and provision of meals, food and drinks shall meet the following requirements:
 - a) They shall be different from those of the clients;
 - b) They shall not be directly connected with the kitchen;
 - c) They shall have a changing room, possibly located in the antebathroom, equipped with individual lockers corresponding to the number of employees;
 - d) They shall be equipped with hot and cold running water with a non-manual tap, a liquid or powder soap dispenser and disposable towels.
2. If the kitchen is located inside or in the immediate vicinity of the house, operators may use the premises of the house as changing rooms, as well as the toilets of the house, provided that they are different from those intended for the public.
3. At least one easily accessible toilet, not directly connected with the catering areas, shall be available for clients to whom meals, food and drinks are provided.
4. The service shall meet the hygienic and technical-structural requirements envisaged by the relevant rules in force.
5. In the event that the catering area has more than 20 seats, there shall be at least two toilets, separated by sex, one of which shall have the characteristics prescribed by Annex D "Technical standards implementing Chapter IV Section V" of Law no. 87 of 1995 and related barrier-free pathways for the use of such toilets.

CHAPTER VI
**ENHANCEMENT OF TYPICAL PRODUCTS, TASTING OF FARM PRODUCTS - SPORTS,
CULTURAL AND LEISURE ACTIVITIES**

Art. 23
(Enhancement of typical products, tasting of farm products)

1. The organisation of leisure, cultural and sports activities aimed at enhancing the territory, the rural heritage and typical products shall be permitted.
2. The organisation of product tasting shall only involve farm products, including those processed on the farm, and shall be open not only to farm guests but also to the public.

CHAPTER VII
EDUCATIONAL FARMS

Art. 24
(Educational farms)

1. The activity relating to educational farms, referred to in Article 2 of Law no. 23 of 2006, may

be considered as a part of the broader Rural Tourism activity or be carried out as an exclusive activity.

2. The activity related to educational farms shall be aimed, on a priority basis, at students and interest groups and, in general, at the public.

3. This specific activity shall aim at creating a direct connection between the agricultural sector and consumers in order to promote the farmer's work, to understand how the food chain works, from farm to table, to enhance the culture and traditions of the rural world and to raise awareness of environmental protection.

4. Educational farms shall generally carry out their activities over one day and apply learning methods in the premises where the farm's activities are carried out, in open agricultural areas and in specially prepared premises.

5. Farms intending to provide a service to schools, shall agree on specific training programmes and courses with the schools and guarantee:

- a) The reception of a number of guests proportionate to the number of operators within the farm;
- b) The provision of educational support material by the farm or by qualified entities;
- c) The definition of educational goals to be achieved and of the programme to be implemented.

Art. 25

(Requirements for premises used for the activities of educational farms)

1. Without prejudice to the provisions set forth in the articles above, the structures and premises used to carry out activities related to the educational farm shall include:

- a) Essential furniture to carry out educational activities in case of bad weather and at least one toilet for guests, accessible to disabled people;
- b) At least one toilet for guests with the characteristics prescribed by Annex D "Technical standards Implementing Chapter IV Section V" of Law no. 87 of 1995 and related barrier-free pathways for the use of such toilets;
- c) Adequate cleaning of the areas close to the farm's building, which shall be free from obstructing material, disused equipment or anything else that may constitute an obstacle or danger or may be unpleasant;
- d) Demarcated areas where guests can enjoy snacks and recreational moments freely and safely.

2. The premises used in particular for the preparation of food shall comply with the requirements for the performance of such activity and with the health and hygiene criteria referred to in Article 20.

Art. 26

(Safety requirements for the activities of educational farms)

1. The activity of educational farm shall comply with the following safety requirements:

- a) Compliance with the relevant health and safety rules in force;
- b) The drawing up of a guest safety regulation within three months from the granting of the authorisation to carry out this activity;
- c) The conclusion of a civil liability insurance which shall cover toxic risks
- d) Inaccessibility to hazardous substances for visitors;
- e) Appropriate signalling of hazardous areas and equipment for users and group coordinators;
- f) Verification of users' allergies, intolerances or particular issues;
- g) The availability of a safe deposit box in accordance with Law no. 31 of 1998.

CHAPTER VIII
PROCEDURES FOR THE SUPERVISION AND CONTROL BY THE COMPETENT PUBLIC
OFFICES AND SERVICES AND FOR THE APPLICATION OF ADMINISTRATIVE SANCTIONS

Art. 27

(Supervision and control activities by competent public offices and services)

1. In accordance with article 12 of Law no. 23 of 2006, the Environmental and Agricultural Resources Management Office and the Public Health Department as well as the Police Forces shall periodically carry out verifications and controls over Rural Tourism activities, regarding the compliance with the requirements for the inclusion on the Register of Rural Tourism operators as well as over the management of these activities.
2. The control and verification activity shall be carried out, in particular, in relation to the compliance with the principle of connection and complementarity of the Rural Tourism activity with the activity of cultivation and management of the farm, to the use of the staff, to the reception and hospitality capacity of the farm and to the activities related to the sale of typical products.
3. The Environmental and Agricultural Resources Management Office and the Department of Public Health shall report annually to the Rural Tourism Commission on the verifications and controls carried out, also in order to allow the application of the sanctions for which the Commission is responsible pursuant to Article 28.

Art. 28

(Administrative sanctions)

1. Without prejudice to the competences provided for by the rules in force on administrative sanctions, the Rural Tourism Commission shall be competent to apply the administrative sanctions referred to in Article 17 of Law no. 23 of 2006 on the basis of the reports from the competent offices.
2. The Rural Tourism Commission shall also be competent to order the suspension or cancellation from the Register of Rural Tourism operators and the consequent temporary or definitive closure of activities carried out in contrast with the authorisation and the requirements established by Law no. 23 of 2006 and by this Delegated Decree.
3. The suspension from the Register of Rural Tourism operators shall entail the interruption of the Rural Tourism activity for a minimum of eight days and a maximum of six months.
4. Following the controls aimed at verifying the compliance with the building and town-planning rules referred to in Chapter V, Section II of Law no. 87 of 1995, the Director of the Town Planning Office shall notify and forward any formal notice and sanction issued pursuant to articles 176 and 178 of the above-mentioned law to the Rural Tourism Commission, which shall assess whether it is appropriate to adopt the measures referred to in paragraph 2.

Done at Our Residence, on 21 July 2009/1708 since the Foundation of the Republic.

THE CAPTAINS REGENT
Massimo Cenci - Oscar Mina

THE MINISTER OF
INTERNAL AFFAIRS
Valeria Ciavatta