



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 129 of 30 September 2013
(ratifying Delegated Decree no. 86 of 19 July 2013)

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

Having regard to Delegated Decree no. 86 of 19 July 2013 - “Implementing Regulation on tourist professions referred to in Title V of Law no. 22 of 27 January 2006, “Framework Law on Tourism of the Republic of San Marino” - which has been promulgated:

Having regard to Article 2, paragraph 2 of Law no. 22 of 27 January 2006 and Article 1 of Law no. 70 of 26 June 2013

Having regard to Congress of State Decision no. 2 adopted in its sitting of 16 July 2013;

Having regard to the amendments to the above-mentioned Delegated Decree when ratified by the Great and General Council in its sitting of 26 September 2013;

Having regard to Decision no. 4 of the Great and General Council adopted on 26 sett 2016;

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;

Hereby promulgate and order the publication of the final text of Delegated Decree no. 86 of 19 July 2013, as amended following the approval of the Great and General Council when ratifying it.

**IMPLEMENTING REGULATION ON TOURIST PROFESSIONS
REFERRED TO IN TITLE V OF LAW NO. 22 OF 27 JANUARY 2006
FRAMEWORK LAW ON TOURISM
OF THE REPUBLIC OF SAN MARINO**

Art. 1
(Objectives)

1. For the purpose of implementing article 2 of Law no. 22 of 27 January 2006 “Framework Law on Tourism of the Republic of San Marino”, this Regulation shall discipline the exercise of the tourist professions of tourist guide, tour leader, environmental tour guide, conference organiser, tourist entertainer, exercised individually, as defined in article 31, paragraphs 1, 2, 3, 4 and 5 of the aforementioned law.
2. This Regulation shall be adopted in accordance with Article 1 of Law no. 70 of 26 June 2013.

Art. 2

(Inclusion in the Register of Professional Tourism Operators - Requirements)

1. A Register of Professional Tourism Operators shall be established at the Office for Tourism. Those who intend to carry out, as individual and independent activities, the tourist professions indicated in the preceding article shall be included in the Register. The Office for Tourism shall be responsible for keeping and updating the Register.
2. Registration shall be subject to obtaining the appropriate professional qualification and to the following requirements:
 - a) To be of legal age;
 - b) To have legal ability to act;
 - c) To enjoy civil and political rights and to have not been finally convicted of a criminal offence involving a prison sentence of more than two years;
 - d) To be a San Marino citizen or to be resident in San Marino;
 - e) To hold the qualification required for the specific profession.
3. Professional qualification shall be obtained by successfully passing the examination referred to in Article 3.
4. The Office for Tourism shall coordinate information on the services provided by professionals duly included in the Register.

Art. 3

(Professional qualification exam - Training courses)

1. The exam sessions for obtaining the qualification as a tourist professional shall be scheduled by the Office for Tourism. There shall be no more than two exam sessions per calendar year. Those who meet the requirements referred to in Article 2 and have attended the training course prescribed in this Article may apply for the exam.
2. The date of the exam session for obtaining professional qualification for the different tourist professions shall be determined by a decision of the Congress of State on the proposal of the Director of the Office for Tourism. Exam procedures shall be regulated by the provisions of this Regulation and by the competition announcement issued by the Office for Tourism.
3. The admission to the exam shall require participation and attendance to training courses focused on San Marino's history and legal system, San Marino's archaeological, architectural and artistic heritage, knowledge of the historical, environmental and landscape features of the Republic, as well as communication and knowledge enhancement techniques.
In particular, the profession of tourist guide shall require attendance to the historical, legal, archaeological, architectural, artistic and environmental training course. The tour leader qualification shall require attendance to the historical-legislative and artistic training course. The environmental tour guide qualification shall require the attendance to the historical-legislative, archaeological and environmental training course.
The aforementioned training courses shall be organised by the San Marino Centre for Historical Studies of the University of San Marino.
The qualification for the profession of conference organiser and tourist entertainer shall require at least a high school diploma and attendance to the specific course set up at the Vocational Training Centre.

Art.4

(Continuous training and refresher courses)

1. Those who are included in the Register of Professional Tourism Operators, in order to maintain their registration and exercise the tourist professions referred to in paragraphs 1, 2 and 3 of Article 31 of Law no. 22 of 27 January 2006 shall be required to attend special refresher courses organised by the San Marino Centre for Historical Studies of the University of San Marino aimed at improving techniques and increasing knowledge of new cultural events such as exhibitions, shows and events in general organised on a temporary basis.

Art. 5

(Application)

1. To take part in the exams, applicants shall submit an application on unstamped paper on the form provided by the Office for Tourism. The application shall be sent to the Office for Tourism by mail, fax or e-mail or delivered by hand and shall be accompanied by the following documents:

- a) registration certificates attesting that the applicant is a San Marino citizen or is resident in San Marino;
- b) certificates attesting that the applicant is entitled to enjoy civil rights and has no pending charges; the aforementioned certificates may be replaced by self-certification or by the other methods provided for by Law no. 159 of 5 October 2011 (Rules on administrative documents);
- c) university degree or high school diploma; if the degree was obtained abroad, the exact wording of the equivalent qualification and its translation into Italian shall be provided;
- d) certificate of participation and attendance to the training course required for the specific tourist profession referred to in Article 3.

The Office for Tourism shall issue a receipt for the submission of the application in the same way the applicants has submitted their application.

2. In the application, the applicant shall indicate the tourist profession he intends to qualify for and the foreign language or languages for which he intends to take the examination.

3. The Office for Tourism shall forward the applications received to the Selection Board referred to in Article 6, which shall verify their eligibility and make the relevant decisions.

4. The decisions of the Selection Board shall be notified to the applicants by the Office for Tourism.

Art. 6

(Selection Board)

1. The Selection Board responsible for issuing the professional qualification shall be appointed by the Congress of State on proposal of the Minister of Tourism, shall not receive any remuneration and shall be composed of:

- a) The Director of the Office for Tourism, 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 or expert for each of the foreign languages being examined.

2. At its first meeting, the Selection Board shall appoint a Vice-Chairman from among its members. The Vice-Chairman shall replace the Chairman in case of absence or impediment.

Art. 7
(Subjects and exams)

1. For all the tourist professions mentioned in this Regulation, the exams shall be structured as follows:
 - a) written multiple-choice test aimed at verifying technical-legal and practical knowledge of the profession (tasks and characteristics of the figure, professional ethics);
 - b) oral test aimed at verifying knowledge of the history, monuments, museums and main historical buildings of the City of San Marino, as well as of the tourist and institutional system of the Republic of San Marino;
 - c) speaking test for the foreign languages for which the candidate is applying for qualification.
2. The subjects of the exams for each of the tourist professions shall be set out and indicated in the competition announcement issued by the Office for Tourism.
3. In particular, the exams for the profession of tourist guide and tour leader shall be taken:
 - for the general part, referred to in points a) and b) of paragraph 1, in Italian;
 - for the language test, in the languages for which the qualification is requested.
4. If a person who is already qualified intends to have his/her licence extended to cover the professional use of other foreign languages, he/she may submit an application for this purpose, specifying in the application which additional languages he/she intends to be qualified for. In this case, at the first useful exam session, he/she shall only be admitted to the speaking test in the chosen foreign languages for which he/she is applying for an extension.

Art. 8
(Examination procedures)

1. At the first meeting of each examination session, the Commission shall examine the applications submitted by candidates, it shall verify and decide on their eligibility, determine the dates and times of the exams, the marking methods and anything else deemed useful for the proper functioning of the exam session. The Board's decisions on the admission of candidates shall be communicated to them in the letter inviting them to the exams. The exams shall be held no earlier than thirty days after the notification. The Board shall promptly inform candidates who do not meet the requirements that they have been excluded from the qualification exam and explain the reasons for their exclusion.
2. Persons who are not involved in the examination process shall not be allowed to be present during the written tests. Only personnel appointed by the Office for Tourism to support the Secretary and the Board's work in carrying out practical activities shall be allowed to be present, upon specific request by the Board.
3. Candidates shall bring a valid identification document with them.
4. Candidates shall be informed in writing of the results of the tests.
5. At the end of the exam session, the Commission shall draw up a list of the candidates examined with the score obtained by each of them. The list, signed by the Chairman and the Secretary, shall be displayed at the premises where the oral exams are held, and in any case at the Office for Tourism, for at least 15 days from the date of its drafting.
6. At any time during the qualification procedure, verification of the lack of titles self-certified in the application shall result in the invalidation of the exams taken and of the qualification obtained, and in the cancellation from the Register of Professional Tourism Operators.

Art. 9
(The Secretary)

1. The Secretary of the Selection Board shall be appointed by the Chairman and may be chosen from among the officials of the Office for Tourism. He/she shall perform auxiliary functions for the Selection Board, assisting it in its work, draw up the minutes of the exams, guarantee a connection between the activities of the Board and the Office for Tourism, and maintain contacts with the candidates to deal with practical issues prior to or following the exams.
2. The Secretary shall ensure the personal identification of candidates admitted to the exams by checking their documents.

Art. 10
(Issuing of the certificate of qualification)

1. Candidates who pass the exams shall receive a certificate of professional qualification entitling them to be entered in the Register of Professional Tourism Operators for the tourist profession for which they are qualified. Entry in the Register shall take place upon request of the tourism operator submitted to the Office for Tourism in accordance with Article 2.
2. In carrying out their professional activity, tourist guides shall have free access to all museums, galleries and monuments of the State of San Marino.

Art. 11
(Identification card)

1. The Office for Tourism shall include qualified tour operators in the Professional Register of Tourism Operators upon payment of an annual registration fee, the amount of which shall be determined by the Congress of State on proposal of the Director of the Office for Tourism. For renewal, this fee shall be paid to the Office for Tourism by 30 June every year. When applying for registration, the tourism operator shall sign a formal commitment to comply with all the provisions in force relating to the tourist profession and the rules of professional ethics referred to in Article 15.
2. After registration, the Office for Tourism shall issue an identification card (badge) containing the Tourism Operator's personal details and photo, the type of profession, the registration number and, exclusively for the tourist guide profession, any linguistic qualifications.
3. The identification card (badge) shall be renewed every year by 30 June upon payment of the annual registration fee.
4. The tourism operator shall be required to keep the identification card visible at all times during the exercise of his/her professional activity.

Art. 12
(Fees)

1. The minimum and maximum fees for tourist services supplied by professionals shall be determined annually by decision of the Congress of State, on proposal of the State Office for Tourism, and shall be adopted by 30 September of the year before the one to which they refer. The fees shall be published by posting at the Office for Tourism.

Art. 13

(Tourist guide activities carried out by employees of the Office for Tourism)

1. By way of derogation the provisions of article 2, paragraph 3, employees of the Office for Tourism who exercise the function of tourist guide shall do so by reason of and within the framework of their public employment relationship with the Public Administration, and at the time of early termination of their employment relationship they shall be entitled to be entered, upon application, in the Register of Professional Tourism Operators to carry out the activity professionally. Similarly, by way of derogation of the provisions of Article 2, paragraph 3, those who have worked as a tourist guide for the Office for Tourism and who terminated their employment relationship prior to the date of this Regulation shall be entitled to be entered in the Register upon request.
2. In the exercise of the above-mentioned activities, employees shall be required to show their identification card (badge) issued by the Office for Tourism.

Art. 14

(Businesses providing tourist services)

1. Notwithstanding the temporary provisions of article 19, paragraph 2, San Marino businesses, including those established as companies, providing tourist services such as tourist guides, tour leaders, environmental tour guides, conference organisers and tourist entertainers shall resort to staff, including their own employees, holding the professional qualification provided for by article 3.
2. In the exercise of the above-mentioned activities, employees shall be required to show their identification card (badge) issued by the Office for Tourism.

Art. 15

(Professional Ethics)

1. Tourist guides and the other tourist professions listed in article 1 shall be responsible for their professional services towards their clients and shall be required to comply with the laws in force in the Republic, the provisions of this Regulation and the provisions of the Code of Ethics for the Tourist Professions of the Republic of San Marino, annexed under letter A to this Regulation of which it shall be an integral part.
2. In the performance of tour leader services for individual tourists or groups of tourists, it shall be absolutely prohibited to engage in any form of commercial intermediation aimed at directing or conditioning the free choice of purchase of the individual or group of persons accompanied, in order to gain financial benefit or other undue personal advantage.
3. Non-compliance with the Code of Ethics of the Tourist Professions of the Republic of San Marino may be reported by any interested individual by filing a written complaint to the Office for Tourism pursuant to Article 18 or to the Police Forces.

Art. 16

(Supervision activities and administrative sanctions)

1. The administrative functions of supervision and control over tourist professions shall be carried out by the Office for Tourism through the Civil Police. The Civil Police shall be required to intervene autonomously whenever deemed necessary.
2. In case of violation of the provisions contained in this regulation, the following administrative pecuniary sanctions shall be applied:

- a) € 200.00 for the exercise of the activity of tourist guide, tour leader, environmental tour guide, conference organiser, tourist entertainer carried out without the relevant professional qualification. Tourist companies or business providing tourist services that resort to subjects who are not qualified for the professions referred to in this regulation shall be subject to a pecuniary sanction of € 400.00;
- b) € 50.00 for failure to show the identification card;
- c) € 200.00 for violation of the Code of Ethics for cases other than those provided for in letter d);
- d) € 500.00 for violation of the prohibition of commercial intermediation referred to in paragraph 2 of Article 13; the business operator who uses or benefits from the prohibited intermediation activity of the Tourism Operator shall also be subject to the payment of an administrative pecuniary sanction of € 200.00.

Art. 17

(Revocation and suspension of qualification)

1. The qualification to exercise the tourist profession shall be suspended from one to six months following the third violation of the rules of professional ethics referred to in Article 15.
2. The qualification may also be suspended from one to six months following the first violation of the prohibition of commercial intermediation in the case of a particularly serious violation.
3. The professional qualification shall be revoked if the tourism operator ceases to meet the requirements set out in Article 2, letters b), c) and d), or if the qualification has already been suspended twice.
4. Suspension and revocation shall be ordered by the Director of the Office for Tourism on the basis of reports of infractions issued by the competent police authorities, as well as on the basis of complaints and written reports received that are found to be true.

Art. 18

(Complaints)

1. Complaints regarding the activities of tourist guides, tour leaders and other tourist professions covered by this Regulation shall be submitted to the Office for Tourism in written and not anonymous form or to the Civil Police.
2. The Director of the Office for Tourism, having verified the relevance of the complaint, shall prepare the relevant file by hearing the interested parties and, if necessary, resorting to the report activities of the Police.

Art.19

(Transitional and final provisions)

1. In order to satisfy all the requests for tourist services supplied by professional operators, it shall be possible to resort, exclusively for tourist guide services, to foreign tourist professionals, provided that they are duly recognised and included in the relevant Professional Registers of the countries of origin and provided that the service concerns foreign languages for which no professionals are included in the Register referred to in Article 2.
2. The performance of the activities of tourist guide, tour leader, environmental tour guide, conference organiser, tourist entertainer carried out by employees of the businesses referred to in Article 14 who are not professionally qualified shall be permitted until 31 December 2014. If the aforementioned activities are carried out by personnel the business resorts to in a capacity other than an employment relationship, the deadline for the use of personnel not holding the required qualification shall be set at 31 December 2013. By way of derogation of the provisions of point a, paragraph 1 of article 5, admission to the professional qualification exams for tour

guides, conference organisers and tourist entertainers shall also be permitted to non San Marino foreign citizens, provided that they already have a stable employment relationship with the businesses referred to in article 14 at the time of the entry into force of this Regulation.

3. The provision of tourist guide services to the public for a fee by the Office for Tourism shall be allowed until the first session of the qualification exams referred to in Article 3 has been completed. The Office for Tourism shall continue to provide tourist guide services for its own purposes.

4. Entities and public offices of the Republic and the Police Forces shall be obliged to disseminate the rules and provisions introduced by this delegated decree as widely as possible in order to inform citizens and foreign tourism operators.

5. The provisions of this Regulation and the annexed Code of Ethics may be integrated or amended by delegated decree.

*Done at Our Residence, on 30 September 2013/1713 since the
Foundation of the Republic*

THE CAPTAINS REGENT
Antonella Mularoni - Denis Amici

THE MINISTER OF
INTERNAL AFFAIRS
Gian Carlo Venturini

ANNEX A

CODE OF ETHICS FOR PROFESSIONAL TOURISM OPERATORS IN THE REPUBLIC OF SAN MARINO

1. Professional Tourism Operators shall be responsible for their work towards the client. They shall undertake tasks that they are objectively able to carry out with care and specific competence; they shall respect their clients' ideas and beliefs; they shall behave loyally towards their colleagues.
2. Professional Tourism Operators shall not carry out professional services in conditions of manifest and proven incompatibility, in contrast with specific rules prohibiting it and without the authorisation of the competent authorities; they shall not accept requests from clients that are aimed at breaking laws, rules and regulations in force or that are in open contrast with the public function of the profession, or that offend the prestige of the professional or of the category.
3. Professional Tourism Operators shall be recognisable by an identification card (badge) that they shall wear prominently on the chest. The badge shall show their personal information, a photo and their linguistic qualifications.
4. Professional Tourism Operators shall define explicitly and in advance the contents of their professional service with the client, in accordance with the rules in force, and carry out the service in accordance with the commitments made.
5. Professional Tourism Operators shall agree to behave in a fair manner with the traders and shopkeepers in the Historic Centre, avoiding actions damaging to the dignity and professionalism of any particular commercial operator aimed on the other hand at favouring others; in particular, they shall not engage in any commercial intermediation activity in order to gain financial benefit or other undue personal advantage.
6. Professional Tourism Operator shall agree to behave in a fair manner towards tourists and day visitors, avoiding actions that undermine their freedom to purchase from any particular commercial operator.
7. Professional Tourism Operators may be replaced in the fulfilment of their tasks by another qualified professional, after having notified the client.
8. Professional Tourism Operators shall avoid any form of unfair competition with colleagues and shall not make negative criticisms about them, or any criticism about professional behaviours not motivated by strict fairness, in both form and substance.
9. Professional Tourism Operators shall be remunerated for professional services in accordance with the fees in force and, in accordance with fair competition, shall not grant discounts on the legal minimum fees, with the exception of tourist guide services carried out by the State Office in pursuit of its own purposes.
10. When Professional Tourism Operators carry out their activity with the help of an interpreter, they shall not only be required to constantly remain next to the interpreter, but shall also have the right and duty to provide the interpreter with all the explanations relevant to the performance of his/her professional task.
11. The use of a megaphone shall not be allowed.