

UNOFFICIAL TRANSLATION

CONSOLIDATED TEXT

**This text has been prepared only for the purpose of an easier consultation of
Law no. 129/2010 and subsequent amendments and integrations**

REPUBLIC OF SAN MARINO

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

Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;

Promulgate and order the publication of the following ordinary law approved by the Great and General Council during its sitting of 21 July 2010:

Law no. 129 of 23 July 2010

**LAW REGULATING LICENCES TO PURSUE INDUSTRIAL, SERVICE, HANDICRAFT
AND COMMERCIAL ACTIVITIES**

**TITLE I
GENERAL PROVISIONS**

Article. 1

(Scope and Purpose)

1. This Law shall regulate licences to pursue industrial, service, handicraft and commercial activities and shall aim at promoting an economic system consisting of businesses that, through the necessary instruments and people, produce growth and employment.

Article 2

(Licence)

1. Any individual and legal person desiring to pursue an industrial, service, handicraft and commercial activity within the territory of San Marino shall be authorised thereto by a specific licence.

Article 3

(Multiple licences)

1. Each economic operator shall only hold one licence, without prejudice to the explicit compatibilities provided for by special laws.

Article 4

(Industrial, service, handicraft and commercial licences)

1. Licences authorising holders to professionally carry out an economic activity aimed at the production and/or processing of goods and relevant supplementary services shall be considered as licences to pursue industrial activities.
2. Licences authorising holders to professionally carry out an economic activity aimed at the provision of services shall be considered as licences to pursue service activities, except for the activities indicated in paragraphs 3 or 4 of this Article.
3. Licences governed by Law no. 10 of 25 January 1990 and subsequent amendments shall be considered as licences to pursue handicraft activities.
4. Licences enabling to carry out the activities governed by Law no. 65 of 25 July 2000 and subsequent amendments shall be considered as licences to pursue commercial activities.

Article 5

(Licence fees)

1. All economic activities carried out in the form of a business shall be subject to a licence issuance fee and, in the following financial years, to an annual licence fee in the amount established in Annex B to this Law.
2. Fees shall always be paid in full.

Article 6

(Categories exempt from the obligation to obtain a licence)

1. The provision of Article 2 shall not apply to:
 - a) all farmers who seasonally sell their products from their farm and do not purchase or sell other people's products;
 - b) State institutions and bodies; associations and foundations and other non-profit organisations;
 - c) all other activities regulated by specific legislation that do not require the holding of a licence to be performed.

TITLE II LICENCE ISSUANCE

Article 7

(Requirements for obtaining individual licences)

1. Individual licences shall be issued to anyone who:
 - a) is resident in the Republic of San Marino;
 - b) has civil capacity;
 - c)¹ has not been convicted by a criminal judgement having the force of res judicata and has not been punished with more than 2 years imprisonment for felonies against property, public confidence, public economy or for trafficking in narcotic drugs, committed over the last 15 years; or has not been convicted by a criminal judgement having the force of res judicata for corruption, use of false invoices for inexistent operations, tax fraud, usury, fraudulent bankruptcy or money laundering

¹ As amended by Art. 6 of Decree Law no. 179 of 5 November 2010, which ratifies Decree Law no. 162 of 24 September 2010.

committed over the last 15 years; or has not suffered convictions, including non-final, or is not subject to ongoing criminal proceedings, for criminal conspiracy or terrorist financing;

d) is not undergoing bankruptcy proceedings or equivalent proceedings in foreign jurisdictions;

e) complies with the other requirements established by special laws;

f)² during the 12 months preceding the submission of the application for a licence, has not been a shareholder or has had no representative powers in conformity with Article 52 of Law no. 47 of 23 February 2006 in at least two San Marino companies, which have entered into *ex officio* or compulsory liquidation, or in a company, the licence of which has been revoked by the Congress of State. The fact of being a shareholder or of having representative powers in conformity with Article 52 of Law no. 47 of 23 February 2006 shall be concurrent with the company's entering into liquidation or with the revocation of its licence by the Congress of State. A shareholder or director who demonstrates that, by behaving diligently, he/she is not responsible for the decisions or activities of the company leading to its compulsory or *ex officio* liquidation or to the revocation of its licence shall not be considered an Unfit Person.

2. The above requirements may be certified through the statement referred to in Law no. 105 of 21 October 1988.

Article 8

(Licensing requirements for legal persons)

1. Any legal person duly registered pursuant to Law no. 47 of 23 February 2006 and subsequent amendments may be issued a licence.

Article 9³

(First stage of the licence issuance procedure)

1. Licences shall be issued upon prior submission of a specific application to the Office for Industry, Handicraft and Trade. Said application shall specify:

a) the personal details of the licence holder, either an individual or a legal person;

b) the business covered by the licence, which shall be lawful, possible, determined, include activities that are consistent with each other and be related to the activity to be actually performed. In case the applicant is a legal person, the business covered by the licence shall coincide with the corporate purpose, except for cases where the economic operator decides to implement only a part thereof, without prejudice to the regime applying to the establishment of legal persons. In case the applicant is an individual, the business covered by the licence shall be established according to Annex A to this Law;

c) the location where the activity will be carried out, submitting a certified copy, issued by the Town Planning Office, of the last approved project, proof of cadastral registration and list of rooms, or indicating the cadastral references and the details of the last approved project or of the project relative to the amendments being made to the premises used to carry out the activity, their size in square metres and the intended use of and activities that can be performed in the premises as provided for by the project. This information may be omitted by the applicants for individual licences to pursue activities that do not require a fixed place of business. In this case, the place to which communications are to be sent shall be the one referred to in Article 26, paragraph 2 of this Law.

2. The Director of the Office for Industry, Handicraft and Trade shall review licence applications received and, within 5 business days from the date of submission, shall notify the

² As integrated by Art. 6 of Decree Law no. 179 of 5 November 2010, which ratifies Decree Law no. 162 of 24 September 2010.

³ As amended by Art. 7 of Decree Law no. 179 of 5 November 2010, which ratifies Decree Law no. 162 of 24 September 2010

applicant that the application was successful or any irregularities thereof. In the latter case, the Director of the Office for Industry, Handicraft and Trade shall grant a time-limit not exceeding 30 business days from the notification of irregularities to regularise the application. Upon expiration of this time-limit without the necessary changes having been made, the application shall be rejected by a reasoned decision.

3. Licence applications shall be rejected by a reasoned decision on one or more of the following grounds:

- a) formal errors in the application;
- b) the issuance requirements laid down in Articles 7 and 8 above are not met;
- c) the business covered by the licence fails to meet one of the requirements set out in letter b) of paragraph 1 above;
- d) the intended use of the premises, as indicated in paragraph 1, letter c, first sentence is not compatible with the activity included in the business covered by the licence.

Article 10

(Second stage of the licence issuance procedure)

1. With the notification of successful application, the Director of the Office for Industry, Handicraft and Trade shall also request the person concerned:

- a) the details of the lease or property leasing agreement, or gratuitous loan agreement, on record at the Registry and Mortgage Office, relative to the premises intended to be used according to the kind of activities indicated in the business covered by the requested licence, or a statement by the applicants that they are the owners or the sole usufructuaries of suitable premises. The gratuitous loan contract shall be allowed, for legal persons, only in case the premises intended to be used as the place of business are owned by one of the partners and have been included in the memorandum of association or in the decision to increase the capital stock, for legal persons, or, for individuals, if they are owned by the spouse or a relative by consanguinity or affinity within the third degree. The agreement or the statement by the owner or usufructuary shall specify the page number, the plot and sub-plot number, the building unit and the size of the premises in square metres;
- b) a statement that the licence issuance fee has been paid, as provided for by Annex B to this Law, with indication of the relevant payment receipt;
- c) trade name, if any, referred to in Article 16;
- d) details of authorisations requested and obtained, which are provided for by special laws for the type of activity that will be carried out;
- e)⁴ certificate of compliance with building regulations.

2. Moreover, in order to obtain an individual licence, the following shall be submitted:

- a) any certificates, certificates of studies or certificates of course attendance to perform activities requiring a special training or professional expertise, as specifically requested in Annex A to this Law and by special laws;
- b) statement of non-employment;
- c) statement that the applicant is not an independent professional.

3. Failure to submit the documents referred to in the preceding paragraphs within 12 months from the notification of successful application by the Director of the Office for Industry, Handicraft and Trade shall automatically void the application, thus making it necessary for the applicant, if still desired, to submit a new one.

4. The statistical code number identifying the activity for which the licence has been requested shall be assigned by the Office for Industry, Handicraft and Trade.

⁴ As integrated by Art.8 of Decree Law no. 179 of 5 November 2010, which ratifies Decree Law no. 162 of 24 September 2010.

5. The licence shall be issued within 5 business days from the submission of all documents referred to in paragraphs 1 and 2 above. The licence shall be delivered through the Civil Police.

Article 11

(Setting up of a permanent establishment and authorisation to perform economic activities)

1⁵. Only foreign companies with share capital or partnerships shall be allowed to set up a permanent establishment in the Republic of San Marino. A foreign company or partnership desiring to set up a permanent establishment in the Republic of San Marino shall fulfil all setting-up procedures before a San Marino Notary and appoint a representative in San Marino, who shall have the same rights and obligations as a sole director.

2. Foreign legal persons whose partners and/or administrative bodies are “Unfit Persons” as established by Law no. 47 of 23 February 2006 and subsequent amendments and integrations shall not set up a permanent establishment.

3. A permanent establishment shall not be set up to perform the activities regulated by Law no. 10 of 25 January 1990 and Law no. 65 of 25 July 2000 and subsequent amendments and by Delegated Decree no. 116 of 13 December 2007 and subsequent amendments.

4. In order to obtain the authorisation from the Office for Industry, Handicraft and Trade to perform a given economic activity, any foreign company shall submit to said Office a specific application specifying:

a)⁶ its name or business name, registered office, legal representative, corporate purpose and capital stock;

b) the activities that are part of its corporate purpose and that will be performed in the San Marino territory;

c) the place where the activities will be performed and the details of the last approved project or of the project relative to the amendments being made to the premises used for such activities and their size in square metres.

5. The application shall be accompanied by the following documents:

a) certificate of status (*Certificato di Vigenza*) of the company/partnership or equivalent document;

b) authenticated copy of the articles of association;

c) authenticated copy of the memorandum of association of the permanent establishment. If the information relating to the appointment of the representative in San Marino is not included in the memorandum of association of the permanent establishment, an authenticated copy of the relevant deed of appointment shall also be submitted;

6. Documents not in Italian shall be accompanied by a certified Italian translation.

7. Upon receipt of the application to carry out an economic activity by a permanent establishment, accompanied by the documents indicated in the preceding paragraphs 4, 5 and 6, the Director of the Office for Industry, Handicraft and Trade shall examine the application and, within 5 business days from the date of submission, shall notify the interested party, by a reasoned decision, whether or not the application has been successful.

8. The application for the issuance of an authorisation may be rejected for one or more of the following reasons:

a) formal errors in the application;

b) the documents and certificates specified in paragraphs 4, 5 and 6 above are missing;

c) the town planning function of the place of business is not in conformity with the type of activity referred to in letter b) of paragraph 4 above;

9. The Director of the Office for Industry, Handicraft and Trade shall grant a time-limit not exceeding 30 business days from the notification of irregularities in the application to regularise it.

⁵ As superseded by Art. 13 of Decree Law no. 36 of 24 February 2011.

⁶ As superseded by Art. 13 of Decree Law no. 36 of 24 February 2011.

Upon expiration of this time-limit without the necessary changes having been made, the application shall be rejected.

10. With the notification of successful application, the Director of the Office for Industry, Handicraft and Trade shall also request the person concerned:

a) the details of the lease or property leasing agreement, or gratuitous loan agreement, on record at the Registry and Mortgage Office, relative to the premises intended to be used according to the kind of activities indicated in the authorisation requested, or a statement by the applicants that they are the owners or the sole usufructuaries of the suitable premises. The gratuitous loan contract shall be allowed only in case the premises intended to be used as the place of business are owned by one of the partners and have been included in the memorandum of association or in the decision to increase the capital stock. The agreement shall specify the page number, the plot and sub-plot number, the building unit and the size of the premises in square metres;

b) a statement that the authorisation issuance fee has been paid, as provided for by Annex B to this Law, with indication of the relevant payment receipt;

c) trade name, if any, referred to in Article 16;

d) details of authorisations requested and obtained, which are provided for by special laws for the type of activity that will be carried out.

11. Failure to submit the documents referred to in the preceding paragraph within 12 months from the notification of successful application by the Director of the Office for Industry, Handicraft and Trade shall automatically void the application, thus making it mandatory for the applicant to submit a new one.

12. The authorisation shall be issued within 5 business days from the submission of all documents referred to in paragraph 10 above and shall be delivered through the Civil Police.

13. The authorisation shall also bear the statistical code number assigned by the Office for Industry, Handicraft and Trade directly to the permanent establishment.

14. The authorisation shall expire on 31 December of every year and may be renewed by paying the relevant fee.

15. The fee shall be paid in full regardless of the date of issue.

Articles 12

(Obligations relating to the places where economic activities are carried out)

1. Economic Operators shall be required to display and update signs allowing to clearly identify their place of business.

2. Violations of the requirement set forth in the preceding paragraph shall be punished with an administrative sanction of €200,00.

Article 13

(Branches)

1. Economic Operators wishing to set up a branch shall have at least one employee.

2. The setting up of further branches shall be conditional upon a number of employees corresponding to the number of further branches set up, which, in any case, shall not exceed 5 including the registered office.

3. The Office for Industry, Handicraft and Trade shall authorise the setting up of branches if the requirements set out in the preceding paragraphs are met and if the premises designated as branches are suitable to perform the activity indicated by the applicant in the application.

4. The rejection of a request to open a branch shall not affect in any way the Economic Operator's licence.

5. Should the Economic Operator no longer have the number of employees required to set up one or more branches, he or she shall restore such number within 60 business days from the

interruption of the working relationship. Failure to meet this requirement shall entail the withdrawal of the authorisation to set up the main office or branches.

Article 14

(Transfer of registered office)

1. Economic Operators shall be authorised to transfer their registered office upon submission of an application to the Office for Industry, Handicraft and Trade. The application shall include the information set forth in letter c) of paragraph 1 of Article 9 of this Law.
2. Upon receipt of the application, the Director of the Office for Industry, Handicraft and Trade shall examine said application and, within 5 business days from the date of submission, shall notify the applicants, by a reasoned decision, whether or not their application has been successful.
3. An application may be rejected on the grounds laid down in letters a) and d) of paragraph 3 of Article 9 of this Law.
4. With the notification of successful application, the Director of the Office for Industry, Handicraft and Trade shall also request the person concerned to provide the information indicated in letter a) of paragraph 1 of Article 10 of this Law, as well as a statement confirming that the relevant fee set out in Annex B to this Law has been paid.
5. The transfer of the registered office shall be authorised within 5 business days from the submission of the documents referred to in the preceding paragraph and from the date on which any authorisations required by special laws have been obtained.
6. The Office for Industry, Handicraft and Trade shall notify the transfer of the registered office to the Commercial Registry of the Single Court within 2 days following the date on which the relevant application has been successful. Legal persons shall be required to change the registered office in their articles of association during the earliest possible general meeting following the date on which the transfer has been authorised.

Article 15

(Domiciliation)

1. Only the following activities shall be domiciled at the offices of professionals:
 - a) real estate activities;
 - b) activities supporting independent professionals.
2. Holding companies may be domiciled at the registered offices of companies in the group.
3. Each premise for which a certificate of occupancy has been obtained shall serve as a domicile for no more than two businesses.
4. The types of activities for which the offices of professionals shall be allowed to serve as domiciles may be amended through a delegated decree.

Article 16

(Use of trade names)

1. A Register of Trade Names shall be established at the Office for Industry, Handicraft and Trade. Upon issuance of the licence, this Office shall enter the name or the business name or the name of the holder of the individual licence in said Register.
2. Economic Operators wishing to carry out their activity with a trade name different from that indicated in the licence shall notify the use of said trade name to the Office for Industry, Handicraft and Trade, which shall enter this trade name in the specific Register.
3. The registrations referred to in paragraphs 1 and 2 above shall be made by the Office for Industry, Handicraft and Trade only if the reported trade names have not been previously registered by other parties.

Article 17

(Assignment of the Tax Registration Number)

1. With the notification of successful application, legal persons shall be assigned a Tax Registration Number, which shall exclusively allow them to: conclude and register a lease or property leasing agreement, or gratuitous loan agreement, as established in Article 10 of this Law; set up natural gas, electricity, water and telephone utilities and purchase instrumental goods. The use of the Tax Registration Number in cases not provided for by this Article shall constitute illegal exercise of economic activities as referred to in Article 25 hereunder.
2. Individuals shall be assigned a Tax Registration Number only upon issuance of the licence.

Article 18

(Suspension and reactivation)

1. A licence shall be suspended upon request of the licence holder.
2. Economic Operators may suspend the exercise of their activity for up to 24 months, upon prior notification to the Office for Industry, Handicraft and Trade.
3. Suspended licences shall be reactivated only after ascertaining that corporate taxes have been paid, in case of legal persons, and/or that unpaid licence fees, if any, have been paid.
4. Upon reactivation of a licence, the activity shall be exercised without the possibility of a new suspension before 12 months have elapsed from the date of reactivation, under penalty of nullity of the licence.

Article 19

(Renunciation)

1. Anyone wishing to renounce a licence shall submit a written renunciation declaration to the Office for Industry, Handicraft and Trade.
2. In case of renunciation, the licence holder shall not be exempted from paying in full the annual fee relating to the current year.
3. If the licence has not been exercised for two consecutive years, the Office for Industry, Handicraft and Trade, upon expiration of the time-limit for reactivation, shall officially notify the Economic Operator that the two year time-limit has expired and inform him/her of the possibility of reactivating the licence within 30 business days from the receipt of said notification by paying € 3,000.00 within 10 business days from receipt of the notification, € 5,000.00 within 20 business days from receipt of said notification and € 9,000.00 within 30 business days from receipt of said notification. If this time-limit expires, the licence shall be deemed to have been renounced, without prejudice to the obligation to pay the annual fee for the whole duration of said period, also in case the licence has not been exercised.

Article 20

(Appeals)

1. The provisions contained in this Law may be appealed against pursuant to Law no. 68 of 28 June 1989.

TITLE III
TRANSFER OF LICENCES TO THIRD PARTIES

Article 21

(Transfer of licences to individuals or legal persons)

1. The ownership of a licence may be transferred to individuals and legal persons who meet the same subjective and objective requirements as those authorised to be issued the licence.
2. The transfer of the ownership of licences shall fall within the competence of the Office for Industry, Handicraft and Trade and may take place by:
 - a) transferring ownership of the business *inter vivos* through a duly registered deed of sale or donation;
 - b) transferring the ownership of the business by succession as a result of death, upon prior submission of the documents certifying inheritance rights and fulfilment of the relevant tax obligations;
 - c) transferring the business through a duly registered lease contract having a temporary validity; in this case, the transfer of the ownership of the licence shall be temporary according to the terms of the contract. If the licence holder transfers only part of the activity covered by the licence, he/she may continue to carry out the activities that have not been transferred by applying for a fixed-term licence for the type of activity that he/she will continue to carry out. If the licence holder does not submit this application, his/her licence shall be suspended. The duration of the fixed-term licence shall be the same as that of the lease contract to which it refers.
3. The authorisation to transfer the licence shall be granted by a reasoned decision adopted by the Office for Industry, Handicraft and Trade, upon submission of an application by the interested party. Applicants shall prove that they meet the requirements set out in Article 7 or 8. The application shall also be accompanied by all documents attesting the transfer of ownership of the licence pursuant to letters a), b) or c) of the preceding paragraph.
4. Applications for the transfer of a licence by succession shall be submitted by the heir or legatee, under penalty of nullity, within 30 business days from the declaration of estate.
5. In case of succession as a result of death, the heirs may request that the activities be continued until the persons taking over the business have fulfilled all requirements prescribed by this Law. In any case, this period shall not exceed 12 months from the death of the previous holder, under penalty of nullity of the licence. The authorisation to transfer ownership of a licence issued pursuant to this Law shall be granted within 5 business days from the submission of the application.
6. Should the application to transfer the ownership of the licence be rejected by the Director of the Office for Industry, Handicraft and Trade, the person concerned shall be notified within 5 business days from the submission of the application. An application shall be rejected on the following grounds: formal errors in the application for transfer; missing documents; failure to meet the necessary requirements for transfer; failure to meet the requirements to obtain the licence; the applicant is the holder of other licences, without prejudice to compatibility cases provided for by special laws.

Article 22

(Death of a licence holder)

1. In case of death of a licence holder, the licence may be registered in the heir's or legatee's name, provided that he/she meets the requirements necessary to be issued the licence.
2. The entry relative to the transfer of the licence by succession shall be requested by the heir or legatee, under penalty of nullity, within 30 business days from the declaration of estate.

Article 23

(Transfer of businesses or branches of businesses)

1. With the conclusion of a business transfer contract, credits shall be transferred to the transferee. The transfer contract shall be deposited with the Office for Industry, Handicraft and Trade and such deposit shall replace the notifications to the debtors that have been transferred.
2. Any contractors that have been transferred shall be entitled to withdraw for good cause from contracts being executed within 90 days from the deposit of the transfer contract with the Office for Industry, Handicraft and Trade.
3. If the transferee is a company, the transferor shall be jointly and severally liable for all debts with the transferee.
4. If the transferee is an individual, the transferor shall be exclusively liable for the debts resulting from the business transfer contract, while the transferee shall be fully liable.

TITLE IV CONTROL AND SANCTIONS

Article 24

(Supervision over the correct enforcement of this Law and of the other laws relating to Industry, Services, Handicraft and Trade)

1. The Office for Industry, Handicraft and Trade shall be responsible for the supervision over the correct enforcement of this Law and of the other laws relating to Industry, Services, Handicraft and Trade.
2. Said Office shall operate on its own initiative or following reports by relying on the Police Corps.
3. The Office for Industry, Handicraft and Trade shall have the power to:
 - a) promote investigations;
 - b) carry out assessments;
 - c) express opinions;
 - d) give instructions;
 - e) issue immediately enforceable provisions and orders.
4. Said Office may adopt precautionary measures to stop fraudulent acts or behaviours of an administrative nature, including seizure of goods and documents, or to acquire evidence thereof.
5. For the purposes indicated in the preceding paragraphs:
 - a) the police corps shall be required to report in a timely manner to the Office for Industry, Handicraft and Trade any facts constituting administrative offences in matters relating to industry, services, handicraft and trade and to provide all evidence to said Office; they shall also be required to carry out investigations and assessments requested by the Office for Industry, Handicraft and Trade and to support the investigations carried out directly by said Office;
 - b) the Office for Industry, Handicraft and Trade shall have the power to issue orders to ensure that industrial, service, handicraft and commercial activities are performed in compliance with the State legislation and with international conventions and agreements, in respect for the legitimate orders of the authority; for this purpose, the Office shall issue, through a reasoned order, immediately enforceable instructions and provisions; such orders may be appealed against before the Administrative Judge pursuant to Law no. 68 of 28 June 1989;

- c) the Office for Industry, Handicraft and Trade shall report to the other Offices of the Public Administration matters falling within their competence and shall provide them with the relevant evidence;
- d) the Offices of the Public Administration that, while performing their functions, identify irregularities in the activities carried out by licence holders shall report them to the Office for Industry, Handicraft and Trade.
3. By 30 November of each year, the Director of the Office for Industry, Handicraft and Trade, together with the Director of the Office for Control and Supervision over Economic Activities, shall draw up a detailed prospectus indicating the inspections planned for the new year, the goals it intends to pursue, the criteria according to which it will perform the inspections and how frequent these will be performed. Said prospectus shall be submitted to the Secretary of State for Industry, Handicraft and Trade, who shall illustrate it to the members of the Congress of State by 15 December.
4. By 31 January of each year, the Director of the Office for Industry, Handicraft and Trade, together with the Director of the Office for Control and Supervision over Economic Activities, shall submit a detailed report to the Secretary of State for Industry, Handicraft and Trade indicating whether or not the goals set have been achieved and the outcome of the inspections carried out during the previous year.
5. Said report shall be submitted to the Congress of State by 15 February.
6. The Office for Industry, Handicraft and Trade shall apply the administrative pecuniary sanctions and accompanying sanctions imposed in case of administrative offences referred to in this Law and in laws relating to industry, services, handicraft and trade.
7. The Director of the Office for Industry, Handicraft and Trade shall carry out on-site inspections of economic operators' registered offices through the Police Forces.

Article 25

(Sanctions in case illegal exercise of economic activities)

1. Anyone carrying out Industrial, Service, Handicraft and Trade activities without a licence shall be subject to an administrative sanction twice as much the current value of the goods or services forming the activities conducted without a licence.
2. Anyone carrying out Industrial, Service, Handicraft and Trade activities outside the scope of their licence shall be subject to an administrative sanction equal to the current value of the goods or services forming the activities carried out outside the scope of the licence.
3. Anyone carrying out Industrial, Service, Handicraft and Trade activities while the licence is suspended shall be subject to the administrative sanction set out in paragraph 1 above.
4. In all cases of illegal exercise of Industrial, Service, Handicraft and Trade activities, the Director of the Office for Industry, Handicraft and Trade shall order the termination of the activity by adopting the necessary precautionary measures, including seizure, also for evidentiary purposes, of goods and documents, or seizure for confiscation purposes. The order shall be immediately enforceable notwithstanding appeals.
5. If an Industrial, Service, Handicraft and Trade activity is carried out without a licence, the administrative sanction shall always be accompanied by the confiscation of the goods owned by the offender. In case the goods are not owned by said person or if the violation concerns services or if the Industrial, Service, Handicraft and Trade activity is carried out in relation to property different from that covered by the licence, confiscation shall be replaced by an extraordinary pecuniary sanction equal to the current value of the property or services forming the illegal activity. Property belonging to a legal person shall be deemed to be owned by the offender when legal action is taken against its legal representatives, directors or managers for offences committed while carrying out the business activity.

Article 26
(Suspensions and revocations)

1. A licence shall be suspended *ex officio* in the following cases:

- a) if the licence annual fee has not been paid once 90 days have elapsed from the expiration of the relevant time-limit; in such a case, the licence shall be suspended until the amount due and the penalties set out in Annex B to this Law have been paid. In any case, the licence shall be revoked once 180 days have elapsed from the expiration of the time-limit established for the regular payment of the fee;
- b) upon expiration, withdrawal or termination of the lease, leasing or gratuitous loan agreement relating to the Economic Operator's head office. The licence shall be reactivated upon conclusion of the new agreement, which shall occur within 12 months from the expiration, withdrawal or termination of the preceding agreement, under penalty of revocation of the licence;
- c) unjustified closing of the Economic Operator's registered office and/or of the premises used to carry out the economic activity for more than 90 days;
- d) if the place of business is found to have been deprived of the instruments necessary to regularly carry out the economic activity;
- e) if the Civil Police is not able to deliver the licence, as provided for by Article 10, paragraph 5 of this Law, within 2 months from the date of its issuance, because of the Economic Operator's unjustified absence;
- f) in the other cases provided for by this Law and by special laws;
- g)⁷ if the licence holder, following a judicial order, fulfils the conditions referred to in Article 7, paragraph 1, letter d) or has suffered any conviction, including non-final, or is subject to criminal proceedings for criminal conspiracy or terrorist financing. The licence shall be revoked in case of a final judgement in all circumstances referred to in Article 7, paragraph 1, letter c).

2. In case of suspended licence, any communications shall be sent to the following places:

- a) for legal persons, any communications shall continue, in any respect, to be sent to the registered office of the Company, unless otherwise specified;
- b) for residents, to their home;
- c) for non-residents, to the office of an Accountant (holding either a high school diploma or university degree) or of a Lawyer and Notary, enrolled in the relevant Professional Register, which they shall formally designate as their domicile;
- d) in the absence of the above, *ad valvas*.

3. The Congress of State may suspend or revoke a licence if the licence holder carries out his or her activities in a way that damages the prestige and interests of the Republic.

4. Any other violation of this Law, of the legislation on industry, services, handicraft and trade and of directives issued by the Office for Industry, Handicraft and Trade shall be punished with an administrative pecuniary sanction ranging from € 500,00 to € 5,000.00 depending on the seriousness of the violation.

Article 27
(Repeated violations and enforcement of pecuniary sanctions)

1. In case of repeated administrative violations referred to in the preceding articles, the administrative sanction shall be increased up to three times both for the minimum and the maximum amount, depending on the seriousness of the violation in relation to the quantity and value, which in any case shall not be lower than €5,000.00, of the goods and services to which the administrative violation refers.

⁷ As integrated by Art. 9 of Decree Law no. 179 of 5 November 2010, which ratifies Decree Law no. 162 of 24 September 2010.

2. For the purposes of this Law, anyone who, during the five years prior to the last violation, has committed the same administrative violation shall be considered a repeat offender. In this case, the voluntary cash settlement provided for in Article 33 of Law no. 68 of 28 June 1989 shall not be allowed.
3. Anyone who, in the same terms set out in paragraph 1, commits a further administrative violation, shall also be subject to the accompanying sanction of suspension of the business activity for a period ranging from 3 to 90 days.
4. As a guarantee for the payment of the administrative sanctions applied for non-compliance with this Law, the Director of the Office for Industry, Handicraft and Trade may order the seizure of any movable goods kept at the place of business.
5. Licence holders or anyone having an interest may offer a sufficient security instead of the seizure.
6. Legal persons holding a licence shall be civilly liable for the enforcement of pecuniary sanctions and the fulfilment of other obligations imposed on their legal representatives, directors or managers for non-compliance with the legislation on industry, services, handicraft and trade. They shall be jointly and severally liable without the *beneficium excussionis*.

Article 28

(Approval of goods for economic operators with suspended or revoked licences)

1. Economic operators whose licence has been suspended shall be required, within 3 business days from the receipt of the notification of suspension by registered mail, to draw up and deposit with the Tax Office a list of all goods already ordered, and therefore expected to arrive, from abroad. Only perishable goods included in this list shall be allowed to enter the country and be resold.
2. Goods brought into San Marino and destined to an economic operator whose licence has been revoked shall be subject to seizure.

Article 29

(Notification of administrative sanctions)

1. Administrative sanctions shall be notified by registered mail with return receipt or through the Civil Police, to the Economic Operator's registered office or to the place designated as his/her domicile or, if this is not possible, *ad valvas*.

TITLE V FRAUD SQUAD

Article 30 (Fraud Squad)

1. The Fraud Squad is a special section of the Civil Police. It is tasked with preventing and combating tax fraud, swindling, distortions and irregularities in trade exchange.
2. The Director of the Police Department, the Coordinator of the Department for Production Activities and the Director of the Office for Control and Supervision over Economic Activities shall identify, on the advice of the Commander of the Civil Police, the officers to be entrusted with the task referred to in the preceding paragraph and they shall designate, among those officers, the person responsible for the Squad, taking into account the need to ensure a number of officers consistent with the operational needs of the Office for Control and Supervision over Economic

Activities. At all events, the number of officers shall not be less than 8. Said officers shall be identified among sergeants and agents, on the basis of the experience gained in the sector, their specific qualifications relating to the matter, such as accounting, economics and computer science, and aptitude. The identified staff shall be assigned to the Fraud Squad for a period not less than 5 years.

3. The Fraud Squad shall report the outcome of investigations directly to the competent offices.

Article 31

(Administrative powers of the Fraud Squad)

1. With a view to fulfilling its administrative duties, the Fraud Squad, on its own initiative or upon direct request of the competent public offices, may:

a) carry out access, inspections and checks;

b) convene a meeting of the Economic Operators, notably the owners or the legal representatives thereof also assisted by Professionals, specifying the reason for the meeting, to provide them with data and information that are relevant for the purposes of performing the tasks and duties mentioned in paragraph 1 of Article 30 of this Law. The requests submitted and the answers received shall be included in a verbatim record signed also by the Economic Operator or the representative thereof; if the Economic Operator or the representative thereof fails to sign the verbatim record, the reason for such a failure shall be indicated. The Economic Operator shall have the right to obtain copy of the verbatim record;

c) request the Economic Operators, specifying the reason therefor, to submit and/or transmit relevant acts and documents for the purposes of fulfilling the duties mentioned in paragraph 1 of Article 30 of this Law;

d) request the Economic Operators to provide specific and relevant data and information to fulfil the duties mentioned in paragraph 1 of Article 30 of this Law, also for what relates to other Economic Operators and third parties with whom they have established business relationships;

e) request copies or extracts from acts and documents deposited with notaries or public offices. The copies and extracts, certified as being in conformity with the original, shall be issued on unstamped paper and in any case free of charge.

2. The meetings and requests referred to in this Article shall be notified by the Fraud Squad.

Article 32

(Access, inspections and verifications)

1. The members of the Fraud Squad may access the premises intended to be used for business activities and the relevant sites in order to carry out inspections of documents, verifications, searches and any other investigation deemed useful to prevent, detect and counter illegal administrative activities.

2. In order to fulfil the above-mentioned tasks, the Law Commissioner shall issue the necessary authorisation to access premises also used for residential purposes or intended to be used for professional activities, or in any case any places different from those indicated in the preceding paragraph.

3. Whenever the Economic Operator, or a representative thereof, declares that the accounting documents, or some of them, are located in other places, the access, inspections and verifications shall involve also these places, following the necessary authorisation issued by the Law Commissioner.

4. In any case, the Law Commissioner shall issue the necessary authorisation to search persons and coercively open sealed envelopes and safes during access. The judge shall grant the authorisation in case there is solid evidence of tax fraud, swindling, distortions or irregularities concerning trade.

5. Inspections, verifications and investigations shall extend to all books, registers, deeds and documents, also in electronic form, including those not subject to mandatory record keeping, which are located at the accessed premises, or which are in any case accessible through information technology equipment to be found in said premises.

6. A verbatim record shall be made of any access specifying the inspections and detections carried out, the requests made to the Economic Operator or a representative thereof, the answers provided and the documents obtained. The verbatim record shall be signed by the Economic Operator or a representative thereof or indicate the reason for any failure to sign. The Economic Operator shall have the right to obtain copy of the verbatim record.

7. The members of the Fraud Squad may take copies or extracts from the documents and deeds and sign or initial the relevant parts of the original documents, besides entering the date and affixing the official seal. The original copies of the documents and deeds may be obtained only if it is not possible to immediately copy them or transcribe their content in the verbatim record, as well as in case of failure to sign or if the content of the verbatim record has been challenged, or whenever the authenticity thereof needs to be verified or guaranteed.

8. The provisions contained in the preceding paragraphs shall apply also to verifications and searches that concern merchandise or other goods travelling on vehicles.

9. In case of refusal to submit or transmit the requested documents, the Fraud Squad may coercively search for and obtain them, also without the consent of the interested person. The relevant verbatim record shall be transmitted within 48 hours to the Law Commissioner, who, within 72 hours following receipt of the verbatim record, shall validate the measure, in case a refusal is not justified. If the measure is not validated, the documents shall be returned to the Economic Operator.

TITLE VI AMENDMENTS AND INTEGRATIONS TO LAW N. 47 OF 23 FEBRUARY 2006

Art. 33

*(Amendment to the definition of “Unfit Person” referred to in Article 1, paragraph 1, point 9) of Law no. 47 of 23 February 2006)*⁸

1. Article 1, paragraph 1, point 9) of Law no. 47 of 23 February 2006 shall be amended as follows:

“the term “Unfit Person” means an individual who:

a) has been convicted by a criminal judgement having the force of *res judicata* and has been punished with more than 2 years imprisonment for felonies against property, public confidence, public economy or for trafficking in narcotic drugs, committed over the last 15 years; or has been convicted by a criminal judgement having the force of *res judicata* for corruption, use of false invoices for inexistent operations, tax fraud, usury, fraudulent bankruptcy or money laundering committed over the last 15 years; or has suffered convictions, including non-final, or is subject to ongoing criminal proceedings, for criminal conspiracy or terrorist financing;

b) during the 12 months preceding the date of the instrument of incorporation of the company, of the share acquisition or of the appointment of directors, has been a shareholder or has had representative powers in conformity with Article 52 of Law no. 47 of 23 February 2006 in at least two San Marino companies, which have entered into *ex officio* or compulsory liquidation, or in a

⁸ As last amended by Art. 1 of Decree Law no. 179 of 5 November 2010, which ratifies Decree Law no. 162 of 24 September 2010.

company, the licence of which has been revoked by the Congress of State. The fact of being a shareholder or of having representative powers in conformity with Article 52 of Law no. 47 of 23 February 2006 shall be concurrent with the company's entering into liquidation or with the revocation of its licence by the Congress of State. A shareholder or director who demonstrates that, by behaving diligently, he/she is not responsible for the decisions or activities of the company leading to its compulsory or *ex officio* liquidation or to the revocation of its licence shall not be considered an "Unfit Person";

c) has undergone bankruptcy proceedings or equivalent proceedings under foreign legal systems, either ongoing or concluded less than five years ago;

or a legal person that:

i) is undergoing bankruptcy or compulsory liquidation proceedings for insolvency, or equivalent proceedings, also under foreign legal systems;

ii) is undergoing voluntary liquidation proceedings in the presence of a cause for dissolution;

iii) during the 12 months preceding the date of the instrument of incorporation of the company or of the share acquisition, has been a shareholder of at least two San Marino companies, which have entered into *ex officio* or compulsory liquidation, or of a company, the licence of which has been revoked by the Congress of State. The fact of being a shareholder shall be concurrent with the company's entering into liquidation or with the revocation of its licence by the Congress of State. Shareholders or directors demonstrating that, by behaving diligently, they are not responsible for the decisions or activities of the company leading to its compulsory or *ex officio* liquidation or to the revocation of its licence shall not be considered "Unfit Persons".

Article 34

*(Amendments to the second paragraph of Article 17 of Law no. 47 of 23 February 2006 and subsequent amendments)*⁹

1. The second paragraph of Article 17 of Law no. 47 of 23 February 2006 and subsequent amendments shall be replaced by the following:

"2. Fiduciary Companies shall not establish companies, acquire or possess their shareholdings on the basis of a fiduciary mandate if the Certificates show that the settlor or the beneficial owner is an Unfit Person."

Article 35

(Replacement of Article 111 of Law no. 47 of 23 February 2006 and subsequent amendments)

1. Article 111 of Law no. 47 of 23 February 2006 and subsequent amendments shall be replaced as follows:

"Art.111

(Winding-up procedure)

1. Within six months from their appointment, liquidators shall submit a report and a plan for the settlement of all debts according to the priority order envisaged by the laws in force.

2. Winding-up and bankruptcy proceedings shall be declared closed by a decree issued by the Law Commissioner, without any further formalities, if the report of the liquidator or of the bankruptcy attorney shows no assets or assets lower than €1,000.00.

⁹ As last amended by Art. 4 of Decree Law no. 179 of 5 November 2010, which ratifies Decree Law no. 162 of 24 September 2010.

3. Liquidators shall annually submit a report highlighting the key facts of the proceedings. However, the period between the registration of the winding-up decision adopted by the General Meeting or of the Law Commissioner's winding-up order and the preparation of the final winding-up balance sheet constitutes a single tax period. Therefore, liquidators shall file the tax return relative to this period in compliance with the tax legislation in force.
4. At the end of the winding-up proceedings, liquidators shall submit a final report with a plan for the distribution of any residual assets to partners. The final report shall be deposited with the Court Registry and shall be available to the interested parties for thirty days. Such deposit shall be made public by affixing the relevant notice *ad valvas* and at the Government Building.
5. If within thirty days from the expiration of the time-limit referred to in the preceding paragraph the profit-sharing plan is opposed by summoning the liquidator, the Law Commissioner shall summarily decide on the merit by delivering a judgement. Oppositions shall be combined and decided in a single proceeding, in which all partners and creditors concerned may take part. The judgment shall be binding also upon non-participants.
6. If no oppositions are submitted or if oppositions submitted are rejected, the plan shall be approved through a decree and the Law Commissioner's order shall make the plan immediately enforceable.
7. Liquidators shall convene the General Meeting for the approval of the final winding-up balance sheet, drafted on the basis of the enforceable plan. After such approval, they shall make payments to creditors and distribute residual assets to the partners.
8. Once all their duties have been fulfilled, liquidators shall request the deletion of the company from the Register of Companies. The deletion from the Register shall mean that the company no longer exists.
9. After the deletion of the company, unsatisfied creditors may submit claims against the partners, up to the sums collected by the latter on the basis of the final winding-up balance sheet, and against liquidators, if non-payment is their fault."

Article 36

(Foreign documents)

1. A specific delegated decree shall indicate the foreign documents to be accepted as equivalent to articles of association, memorandum of association, Certificate of Status (*Certificato di Vigenza*) and other documents useful to allow foreign legal persons to operate or to participate in San Marino legal persons.

TITLE VII

FOUNDATIONS AND NON-PROFIT ASSOCIATIONS

Article 37

(Transparency provisions for Associations, Foundations and Non-profit Organisations)

1. Without prejudice to what provided for by Art. 4 of Law no. 68 of 13 June 1990 and by way of derogation from the provisions of this Article, the establishment, functioning and liquidation of Associations, Foundations and other Non-profit Organisations shall be subject to the provisions on legal persons contained in the Company Law (Law no. 47 of 23 February 2006) and subsequent amendments and integrations, to the extent they are compatible.
2. The aforesaid entities shall also be subject to the provisions, as far as they are compatible, relating to obligations, accountability and suitability requirements imposed on directors and auditors. The latter shall not be subject to the provisions relative to professional requirements.

3. Associations, Foundations and other Non-profit Organisations shall be required to register data and information regarding funding and funds received and the use thereof. Data, information and relevant documents shall be kept for at least 5 years from the date on which funds were received or the transaction relating to the use of funds was conducted. These data and information shall be kept by the aforementioned entities and be provided, upon request, to the Law Commissioner for the purpose of performing supervisory functions and to the Financial Intelligence Agency for the purpose of performing the functions assigned to it by Law no. 92 of 17 June 2008. To this end, the aforementioned entities shall draw up the prospectus entitled “Detailed Funding and Uses”, as per Attachment C to this Law. Moreover, they shall annually deposit with the Law Commissioner the balance sheet and the prospectus entitled “Summary of Funding and Uses”, as per Attachment D to this Law.

4. The entities referred to in this Article shall also be required to keep at their registered office a Register containing the names of their associates and members. By 31 December of each year, they shall also be required to submit a list of their members to the Commercial Registry of the Single Court so as to allow the Court to update the Registry containing the names of members of Associations, Foundations and Non-profit Organisations.

5. Failure to comply with information reporting, filing and keeping requirements provided for in this Article shall entail an administrative sanction of €2,000.00, for any single violation, applied by the Office for Industry, Handicraft and Trade, following a report by the Commercial Registry of the Single Court.

6. On a transitional basis and without prejudice to the instructions issued by the Supervision Authority concerning Associations, Foundations and Non-profit Organisations, the latter entities shall comply with the provisions of this Article by 31 December 2010.

7. The Commercial Registry shall transmit to the Law Commissioner the documents relating to Associations, Foundations and Non-profit Organisations that have not complied with the obligations set forth in paragraphs 1, 2, 3 and 5 above. The Law Commissioner shall set a mandatory time-limit of 30 days within which non-compliant entities shall comply with the new provisions or deposit the missing documents. Moreover, the Law Commissioner shall warn that, if such obligations are not met, the entities will be placed into *ex officio* liquidation.

Article 38

(Special provisions concerning Foundations)

1. Without prejudice to what envisaged by Art. 4 of Law no. 68 of 13 June 1990 and by Art. 37 of this Law, the memorandum of association of a Foundation shall not be revoked.

2. Foundations required to pursue the purpose of public benefit or, in any case, a socially useful purpose, shall cease to exist, in the cases provided for by the law, if the objectives set have been achieved or if they cannot be achieved.

3. The endowment fund shall be used according to what indicated in the memorandum of association.

4. Foundations shall be required to indicate the initial contributions making up the endowment fund and to deposit with the Commercial Registry the documents attesting that contributions have been made within 60 days from their allocation or from the date on which the will was opened. Foundations shall also be required to deposit with the Commercial Registry other documents relating to any increase of the endowment fund within the same time-limit.

5. If the requirements established by this Article are not complied with, the Law Commissioner shall remove the non-compliant Foundation *ex officio*.

TITLE VIII

FINAL AND TRANSITIONAL PROVISIONS

Article 39

(Access to databases)

1. The Office for Industry, Handicraft and Trade shall have access, only for consultation purposes, to available data and information contained in the registers, archives and databases kept and used by the Public Administration, which may be useful to perform its tasks and functions.

Article 40

(Register of Licences)

1. The Office for Industry, Handicraft and Trade shall keep a public Register of Licences listing all licences issued and providing the name of the holder, the Tax Registration Number, the statistical code, the registered office, the business covered by the licence, the date of issuance, the status of the licence, the trade name, if any, and any other information deemed useful.

2. The Register shall be accessible to anyone, for a charge, also through the website of the Secretariat of State for Industry, Handicraft and Trade.

Article 41

(Services Charter)

1. Within 30 days from the publication of this Law, the Office for Industry, Handicraft and Trade shall prepare, and make available to the public, a Services Charter for said Office, which besides supplying detailed and clear information on the services provided, shall lay down the procedures to be followed for the provision of these services by identifying the people in charge of the single procedures, how long these will take, the costs and the related forms. The Services Charter shall be updated by the Office for Industry, Handicraft and Trade in case of changes made to the services provided and/or the procedures related thereto.

Art. 42

(Annexes)

1. Annexes A (Types of individual and handicraft business activities and professional requirements) and B (Licence fees) to this Law shall be amended through a delegated decree.

Article 43

(Transitional provision)¹⁰

1. By 31 May 2012, every licence holder, either an individual or a legal person, shall report to the Office for Industry, Handicraft and Trade the activity actually carried and included in the business covered by the licence so as to proceed to the reclassification of the licence granted in line with the categories set out by Article 4 of this Law. The determining factor in reclassifying the activity shall be the prevailing activity carried out. Those who do not comply with this obligation within the time-limits established shall be subject to an administrative sanction of €1,000.00. After 30 additional business days following the expiration of the time-limit previously set, a further

¹⁰ As amended by Art. 10 of Decree Law no. 179 of 5 November 2010, which ratifies Decree Law no. 162 of 24 September 2010.

sanction of €3,000.00 shall be applied. Upon expiration of this second time-limit with no action having been taken, the licence shall be suspended until the above obligation has been fulfilled. In any case, if by 31 December 2012 the Economic Operator has not fulfilled the above-mentioned obligation, the licence shall be revoked *ex officio*. As of 31 May 2012, the shareholdings of legal persons, the corporate purpose of which does not meet the criteria set by Article 9 of Law no. 47 of 23 February 2006 and subsequent amendments and integrations, shall no longer be transferable.

2. For fixed-term licences, the obligations established by law for obtaining a regular licence shall be fulfilled by 31 December 2011. Upon expiration of this time-limit, said licences shall no longer be renewable.

3. By 31 December 2011, Economic Operators existing at the date of entry into force of this Law who, despite holding an industrial manufacturing or service licence, mostly carry out activities of commercial agents, shall be required to apply for and obtain, pursuant to Law no. 65 of 25 July 2000 and subsequent amendments, the conversion of their licence into a commercial licence, under penalty of revocation of the licence itself.

4. If, within the prescribed 6 months, anyone who was issued a licence following the procedures set out by Article 59 of Law no. 165 of 18 December 2003 does not deposit the required documents, he/she shall have the licence suspended until such documents are deposited and shall be subject to a fine of €1,000.00. After 2 years of suspension, the licence shall be deemed to have been renounced.

5. Licence holders who, despite having one or more branch offices, do not have one or more employees, as required by Article 13 of this Law, shall hire the required employees, under penalty of closing the branch office, by 31 December 2010.

6. Holders of licences that were active at the date of entry into force of this Law shall be required to comply with the provisions of Article 16 of this Law by 31 December 2010, under penalty of application of an administrative sanction of €500.00. In case of suspended licence, the above-mentioned obligation shall be fulfilled within 30 days from the reactivation of the licence.

7. The procedures to be adopted following the seizure referred to in the second paragraph of Article 28 of this Law shall be governed by a specific delegated decree.

Article 44

(Repeal)

1. The following shall be repealed:

- Law no. 18 of 8 June 1965;
- Articles 22 and 31 of Law no. 10 of 25 January 1990;
- Law no. 52 of 1 July 1992;
- Law no. 53 of 28 April 1999;
- Decree no. 9 of 1 February 2002;
- Article 59 of Law no. 165 of 18 December 2003;
- Decree no. 179 of 28 December 2004;
- Article 14 of Law no. 95 of 18 June 2008.

2. Any law provision not expressly mentioned in this Law and in contrast with any provision thereof shall be intended as repealed.

Article 45

(Entry into force of this Law)

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

2. The provisions referred to in Articles 11 and 40 shall apply as of the 120th day following that of the publication of this Law.

Done at Our Residence, on 23 July 2010

THE CAPTAINS REGENT
Marco Conti – Glauco Sansovini

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS
Valeria Ciavatta

Annex A

Types of individual and handicraft business activities and professional requirements

Article 1

(Details on the issuance procedures for individual handicraft, industrial and service licences)

1. When submitting the application for the issuance of a licence, applicants shall choose only one of the business types listed in Articles 2 and 4 and, if necessary, request to limit this to only some entries for the activities provided for in Article 2 and 4 of this Annex. Business types may not be combined nor is it possible to request, also after the issuance of the licence, to have more types combined.
2. Any application for the issuance of a handicraft licence, an individual industrial or service licence involving business types different from those listed in this Annex shall be authorised by reasoned decision within 60 days from the filing of the application to the Office for Industry, Handicraft and Trade, following the procedures laid down in Law no. 10 of 25 January 1990 for handicraft licences and through a request for authorisation by the Congress of State for individual industrial and service licences. The type shall be licit, feasible, specific, consistent with and related to the actual activity that will be performed.
3. Any denial to grant the authorisation referred to in the preceding paragraph shall be notified to the applicants by a reasoned decision within 60 days from the filing of the application.
4. The authorisation referred to in the second paragraph of this Article shall not be necessary if the holder of the licence issued pursuant to this Law intends to change the purpose of the licence choosing among the other types provided, on condition that the application to change the purpose is accompanied by a deed of expressed renunciation of the original licence purpose by the applicant.

Article 2

(Types of handicraft business activities)

The types of handicraft business activities shall be the following:

A) HANDICRAFT LICENCES FOR ARTISTIC PRODUCTS

(omissis)

B) HANDICRAFT LICENCES FOR SERVICES

(omissis)

C) HANDICRAFT LICENCES FOR PRODUCTION

(omissis)

Article 3

(Training and professional expertise requirements relating to handicraft activities)

(omissis)

Article 4

(Types of industrial and services business activities)

(omissis)

Article 5

(Amendment to Article 21 of Law no. 10 of 25 January 1990)

(omissis)

Annex B
Licence fees

(omissis)

Annex C

PROSPECTUS OF DETAILED FUNDING AND USES

(to be kept by the association, foundation or other non-profit organisation)

Business name _____

Year _____

A. FUNDING RECEIVED

A.1 FROM BANKING OR FINANCIAL INTERMEDIARIES

Name of the intermediary	Current account number to which the amount was credited	Amount issued (the amount granted shall be indicated in euro)

A.2 FROM PUBLIC ADMINISTRATIONS

Name of the administration	Current account number to which the amount was credited	Amount issued (the amount granted shall be indicated in euro)	Reason

A.3 FROM MEMBERS

Surname and name of the member	Current account number to which the amount was credited	Amount issued (the amount granted shall be indicated in euro)

A.4 FROM DONATIONS

Surname and name of the donor	Current account number to which the amount was credited	Amount issued (the amount granted shall be indicated in euro)

A.5 FROM OTHER SOURCES

Name of the financial backer	Current account number to which the amount was credited	Amount issued (the amount granted shall be indicated in euro)

A.6 BANK DETAILS OF CURRENT ACCOUNTS HELD

Indicate the accounts – both existing and closed during the year - held by the association, foundation or other reporting non-profit organisation

NAME OF THE INTERMEDIARY	CURRENT ACCOUNT IBAN

B. USES OF FUNDING RECEIVED

B.1 BENEFICIARIES OF FUNDS

Beneficiary of funds (business name or surname and name)	Purposes of the use of funds	Amount (the amount shall be indicated in euro)

Annex D

PROSPECTUS “SUMMARY OF FUNDING AND USES” (to be deposited with the Judge of Supervision)

Business name _____
Year _____

A. FUNDING RECEIVED

	Funding received (the amount granted shall be indicated in euro)
A.1 FROM BANKING OR FINANCIAL INTERMEDIARIES, OF WHICH:	
A.1.1. SAN MARINO	
A.1.2. ITALY	
A.1.3. FOREIGN (1)	
A.2 FROM PUBLIC ADMINISTRATIONS, OF WHICH:	
A.2.1. SAN MARINO	
A.2.2. ITALY	
A.2.3. FOREIGN (2)	
A.3 FROM MEMBERS, OF WHICH	
A.3.1. SAN MARINO	
A.3.2. ITALY	
A.3.3. FOREIGN (3)	
A.4 FROM DONORS, OF WHICH:	
A.4.1. SAN MARINO	
A.4.2. ITALY	
A.4.3. FOREIGN (4)	
A.5 OTHER FINANCIAL BACKERS (to be specified), of which:	
A.5.1. SAN MARINO	
A.5.2. ITALY	
A.5.3. FOREIGN (5)	

- (1) Specify the country where the intermediary is established.
- (2) Specify the country where the public administration is established.
- (3) Specify the country where the member is resident.

- (4) Specify the country where the donor is resident.
 (5) Specify the country where the party providing financial support is established, if it is a legal person, or where it is resident, in case of an individual.

B. USES OF FUNDING RECEIVED

Projects and activities financed broken down into categories	Amount financed (indicate the amount in euro)
1. Social and social-healthcare assistance	
2. health assistance	
3. charity	
4. education	
5. training	
6. amateur sports	
7. protection, promotion and development of artistic and historical heritage	
8. protection and enhancement of the environment	
9. promotion of culture and art	
10. protection of civil rights	
11. scientific research of particular social interest	
12. other (to be specified)	