



REPUBLIC OF SAN MARINO

DELEGATED DECREE no.75 of 8 May 2019

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

Having regard to Article 5, paragraph 6 of Law no. 101 of 1 July 2015;

Having regard to Congress of State decision no. 14 adopted during its sitting of 29 April 2019;

Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;

Promulgate and order the publication of the following Delegated Decree:

RULES GOVERNING THE TAX BENEFIT REGIME IN FAVOUR OF FOUNDATIONS

Art.1

(Scope of application)

1. This Delegated Decree shall establish the terms and conditions for the granting of tax benefits in favour of specific socially oriented non-profit foundations (ONLUS) pursuant to Article 5 of Law no. 101 of 1 July 2015, with the aim of contributing to the achievement of significant public interest objectives.

Art. 2

(Access to benefits)

1 Socially oriented non-profit foundations that carry out activities in the areas of intervention referred to in letters b), o) and p) of paragraph 3 of Article 4 of Law no. 101/2015 may apply for the benefits governed by this Delegated Decree.

2 The socially oriented non-profit foundations referred to in paragraph 1 may request access to the benefits governed by this Delegated Decree by submitting a specific application to the Evaluation Committee referred to in Article 4.

Art.3

(Object of the benefits)

1 The deeds of purchase for any reason of real estate and rights in rem on real estate referred to in Article 41, paragraph 1, letter l) of Law no. 101/2015 and under the conditions provided for in this Delegated Decree, with the exception of the administrative headquarters and offices, shall be exempt from registration, stamp, transcription and transfer duties.

2 Real estate acquired with the benefits envisaged by paragraph 1 may be sold no earlier than 10 years, without prejudice to the cases recognised as necessary by the Committee referred to in Article 4 below.

3 With the dissolution or liquidation of the foundation, the real estate properties that have enjoyed the benefits envisaged by this Delegated Decree shall be registered in the name of another person in accordance with the law and the Articles of Association, with the simultaneous payment to the Treasury of the proportional taxes that were not paid, unless the real estate properties are transferred free of charge to a public body or to the Control Committee pursuant to Article 58, paragraph 4 of Law no. 101/2015.

Art. 4
(Evaluation Committee)

1. An Evaluation Committee shall be hereby established to evaluate the applications referred to in Article 2 and to decide on admission to the benefits provided for by this Delegated Decree.
2. The Committee shall be composed of the following members:
 - a one representative of the Ministry of Finance and Budget, acting as coordinator;
 - b one representative of the Ministry of Health and Social Security;
 - c one representative of the Health Authority.
3. The coordinator shall convene the Committee by means of a written communication to be sent at least 5 days before the meeting and shall set the agenda.
4. The Committee shall decide by a vote of all those present on the basis of a simple majority.
5. Officials of the Public Administration Offices may also attend the Committee meetings, if requested and without voting rights.
6. The decision shall be forwarded to the applicant without delay.
7. If the Committee's evaluation is positive, an agreement shall be concluded between the foundation and the Committee to govern the use of the real estate, the purposes to be achieved and any other element that the parties deem useful.

Art. 5
(Content and evaluation of the application for access to the benefits)

1. The application for access to the benefits referred to in this Delegated Decree shall be addressed to the Committee referred to in Article 4 above.
2. The application shall be accompanied by the necessary documents illustrating the project of the socially oriented non-profit foundation and by the following detailed elements:
 - a explanatory report of the social project involving the acquisition of the real estate, with a description of its use;
 - b economic and financial plan and the necessary resources;
 - c indication of the essential elements of the purchase deed (legal transaction, selling party, identification of the real estate, price/value and any authorisations, certifications, terms and conditions);
 - d a declaration attesting to the regular payment of taxes and contributions.
3. The submission of untrue declarations under paragraph 2 shall entail the application of the sanctions provided for by the Criminal Code.

Done at Our Residence, on 8 May 2019/1718 since the Foundation of the Republic

THE CAPTAINS REGENT
Nicola Selva – Michele Muratori

MINISTER OF INTERNAL
AFFAIRS
Guerrino Zanolini