

LAW NO. 157 OF 29 NOVEMBER 2022

REFORM OF THE PENSION SYSTEM

Art. 1

(Purposes and modalities of the reform)

1. In order to ensure better sustainability of the entire pension system and greater adequacy of the pension benefits granted to all workers, with particular regard to the younger generations, in accordance with Article 9, paragraph 2, of the Declaration on Citizens' Rights and Fundamental Principles of San Marino Legal Order, this Law shall amend the existing provisions on the pension system, in order to ensure greater flexibility of the requirements for access to pension benefits, without undermining the stability of the Republic's pension funds.
2. This revision of the public pension system with compulsory contributions shall also envisage measures aimed at redetermining the amount of contributions paid by members of individual categories into the supplementary pension fund, known as FONDISS, established by Law no. 191 of 6 December 2011, pending the overall redefinition of procedures for its management.

**TITLE I
RETIREMENT AGE**

Art. 2

(Early and late seniority pension for mothers)

1. As of 1 January 2023, with regard to female workers, the disincentives for early seniority pension under Articles 6 and 7 shall be reduced, while the incentives for late seniority pension under Article 8 shall be increased.
2. The reductions and increases referred to in paragraph 1 shall be applied for each child, including in the case of adoption, even if born or adopted before that date, in the manner provided for in the following paragraphs.
3. For access to the early seniority pension referred to in Articles 6 and 7:
 - a) reduction of 0.50 percentage points in the disincentive for early seniority pension for female workers with a single child;
 - b) reduction of 1.25 percentage points in the disincentive for early seniority pension for female workers with two children;
 - c) reduction of 2.25 percentage points in the disincentive for early seniority pension for female workers with three or more children.
4. The reduction referred to in the preceding paragraph shall also be applied to the disincentives provided for in the transitional period referred to in Article 6, paragraph 3.
5. For late seniority pension under Article 8, the percentages shall be increased as follows:
 - a) increase of 0.50 percentage points in the incentive for late seniority pension for female workers with a single child;
 - b) increase of 1.25 percentage points in the incentive for late seniority pension for female workers with two children;
 - c) increase of 2.25 percentage points in the incentive for late seniority pension for female workers with three or more children.
6. In the event of the mother's death within 10 years of the child's birth, the surviving parent shall benefit from the measures contained in this Article.
7. For mothers of children who are or have been recipients of a social or invalidity pension or a

carer's allowance related to a permanent disability, a one-year reduction in the quota for access to the ordinary seniority pension shall be granted.

Art. 3

(Early and late old-age pension for mothers)

1. As of 1 January 2023, with regard to female workers, the disincentives for early old-age pension under Article 11, paragraph 1 shall be reduced, while the incentives for late old-age pension under Article 11, paragraph 2 shall be increased.
2. The reductions and increases referred to in paragraph 1 shall be applied for each child, including in the case of adoption, even if born or adopted before that date, in the manner provided for in the following paragraphs.
3. For access to the early old-age pension referred to in Article 11, paragraph 1:
 - a) reduction of 0.50 percentage points in the disincentive for early old-age pension for female workers with a single child;
 - b) reduction of 1.25 percentage points in the disincentive for early old-age pension for female workers with two children;
 - c) reduction of 2.25 percentage points in the disincentive for early old-age pension for female workers with three or more children.
4. For late access to the old-age pension referred to in Article 11, paragraph 2:
 - a) increase of 0.50 percentage points in the incentive for late old-age pension for female workers with a single child;
 - b) increase of 1.25 percentage points in the incentive for late old-age pension for female workers with two children;
 - c) increase of 2.25 percentage points in the incentive for late old-age pension for female workers with three or more children.
5. In the event of the mother's death within 10 years of the child's birth, the surviving parent shall benefit from the measures contained in this Article.
6. For mothers of children who are or have been recipients of a social or invalidity pension or a carer's allowance related to a permanent disability, a one-year reduction in the quota for access to the ordinary old-age pension shall be granted.

CHAPTER I

SENIORITY PENSION

Art. 4

(Ordinary seniority pension)

1. Insured persons, with the exception of the workers referred to in letters a) and d) of Article 1 of Law no. 15 of 11 February 1983, who have reached quota 103, understood as the sum of their age and contributions paid, with a minimum age of 60, shall be entitled to an ordinary seniority pension regardless of the requirements set out in Article 12 of Law no. 158 of 5 October 2011.
2. Without prejudice to the minimum age requirement of 60 years, a transitional period shall be envisaged for the application of the provisions of paragraph 1 above as follows:
 - a) from 1 January 2023 to 31 December 2023, the sum of age and contribution years (quota) required for the ordinary seniority pension shall be 100 and 6 months;
 - b) from 1 January 2024 to 31 December 2024, the sum of age and contribution years (quota) required for the ordinary seniority pension shall be 101;

- c) from 1 January 2025 to 31 December 2025, the sum of age and contribution years (quota) required for the ordinary seniority pension shall be 101 and 6 months;
 - d) from 1 January 2026 to 31 December 2026, the sum of age and contribution years (quota) required for the ordinary seniority pension shall be 102;
 - e) from 1 January 2027 to 31 December 2027, the sum of age and contribution years (quota) required for the ordinary seniority pension shall be 102 and 6 months;
 - f) from 1 January 2028, the sum of age and contribution years (quota) required for the ordinary seniority pension shall be 103.
3. It shall be understood that the provisions of this Article shall not apply to workers subject to mobility agreements signed before 1 January 2023, with simultaneous entitlement to early pension.

Art. 5

(Aggregation of contributions)

1. As of 1 January 2023, with regard to the workers referred to in letters a) and d) of Article 1 of Law no. 15 of 11 February 1983, for the purposes of fulfilling the requirements for access to the ordinary seniority pension referred to in Article 4 above, all contributions recorded in any individual pension fund during their entire working career shall be counted, even if in different funds.
2. Persons benefiting from this Article shall not have early access to the seniority pension under the provisions of Articles 6 and 7.
3. For the persons referred to in paragraph 1, pension benefits shall be paid upon seniority retirement, which shall be calculated only on the basis of the fund in which the most daily contributions were recorded. When the age requirements for the ordinary old-age pension are met, pension benefits shall be supplemented with pro-rata benefits relating to the second pension scheme.
4. Persons who have access to the ordinary seniority pension in the manner provided for in this Article shall not be entitled to the minimum pension supplement before meeting the age requirement for the ordinary old-age pension.

Art. 6

(Early seniority pension)

1. The amount of the benefit of an insured person who applies for a seniority pension with a quota of 103 before the age of 60 shall be permanently reduced by the following percentages:
 - a) if the insured has reached the age of 57: 20%;
 - b) if the insured has reached the age of 58: 15%;
 - c) if the insured has reached the age of 59: 10%.The percentages referred to in this paragraph shall also be applied to any year fraction.
2. It shall be understood that the provisions of this Article shall not apply to workers subject to mobility agreements signed before the entry into force of this Law, with simultaneous entitlement to early pension.
3. For anyone who has not reached 60 years of age, a transitional period shall also be envisaged for the application of the provisions of paragraph 1 above as follows:
 - a) from 1 January 2023 to 31 December 2023, the sum of age and contribution years (quota) required for the early seniority pension shall be 100 and 6 months;
 - b) from 1 January 2024 to 31 December 2024, the sum of age and contribution years (quota) required for the early seniority pension shall be 101;
 - c) from 1 January 2025 to 31 December 2025, the sum of age and contribution years (quota) required for the early seniority pension shall be 101 and 6 months;
 - d) from 1 January 2026 to 31 December 2026, the sum of age and contribution years (quota) required for the early seniority pension shall be 102;
 - e) from 1 January 2027 to 31 December 2027, the sum of age and contribution years (quota)

- required for the early seniority pension shall be 102 and 6 months;
- f) from 1 January 2028, the sum of age and contribution years (quota) required for the early seniority pension shall be 103.
4. For workers with a certified occupational disability of more than 50%, the disincentives referred to in paragraph 1 shall be halved.

Art. 7

(Disincentives for seniority pensions below quota 103)

1. Without prejudice to the quota 103 referred to in Article 4, paragraph 1 as the measure for access to the ordinary seniority pension, disincentives shall be envisaged for access to the early seniority pension, only if 60 years of age are reached, based on the following conditions:
- with quota 102, a 5% reduction
 - with quota 101, a 10% reduction
 - with quota 100, a 15% reduction
 - with quota 99, a 20% reduction
 - with quota 98, a 25% reduction.
2. As a transitional measure, by way of derogation from paragraph 1, subject to the requirement of reaching the age of 60 and the minimum contribution period of 35 years, the quotas required to access the disincentives referred to in paragraph 1 shall be modified as follows:
- From 1 January 2023 to 31 December 2023:
 - with quota 99 and 6 months, 3%
 - with quota 98 and 6 months, 6%
 - with quota 97 and 6 months, 9%
 - with quota 96 and 6 months, 13.5%
 - with quota 95 and 6 months, 18.5%
 - From 1 January to 31 December 2024:
 - with quota 100, 4%
 - with quota 99, 8%
 - with quota 98, 12%
 - with quota 97, 17%
 - with quota 96, 22%
 - From 1 January to 31 December 2025:
 - with quota 100 and 6 months, 5%
 - with quota 99 and 6 months, 10%
 - with quota 98 and 6 months, 15%
 - with quota 97 and 6 months, 20%
 - with quota 96 and 6 months, 25%
 - From 1 January to 31 December 2026:
 - with quota 101, 5%
 - with quota 100, 10%
 - with quota 99, 15%
 - with quota 98, 20%
 - with quota 97, 25%
 - From 1 January to 31 December 2027:
 - with quota 101 and 6 months, 5%
 - with quota 100 and 6 months, 10%
 - with quota 99 and 6 months, 15%
 - with quota 98 and 6 months, 20%
 - with quota 97 and 6 months, 25%
 - From 1 January 2028:

- i. with quota 102, 5%
- ii. with quota 101, 10%
- iii. with quota 100, 15%
- iv. with quota 99, 20%
- v. with quota 98, 25%

3. The disincentives referred to in paragraphs 1 and 2 shall be re-proportioned by fractions of a year. For the purpose of determining the percentage of the disincentive to be applied to the pension, if more favourable, the number of years remaining before reaching the age for the old-age pension shall be applied.

4. Persons who access the early seniority pension on the basis of this Article shall be entitled to the minimum pension supplement.

5. The provisions of this Article shall not apply to the workers referred to in Article 1, letters a) and d) of Law no. 15 of 11 February 1983.

6. For workers with a certified occupational disability of more than 50%, the disincentives referred to in this Article shall be halved.

2023 Quota	Percentage	2024 Quota	Percentage	2025 Quota	Percentage	2026 Quota	Percentage	2027 Quota	Percentage	2028 Quota	Percentage
99 and 6 months	-3.00%	100	-4.00%	100 and 6 months	-5.00%	101	-5.00%	101 and 6 months	-5.00%	102	-5.00%
98 and 6 months	-6.00%	99	-8.00%	99 and 6 months	-10.00%	100	-10.00%	100 and 6 months	-10.00%	101	-10.00%
97 and 6 months	-9.00%	98	-12.00%	98 and 6 months	-15.00%	99	-15.00%	99 and 6 months	-15.00%	100	-15.00%
96 and 6 months	-13.50%	97	-17.00%	97 and 6 months	-20.00%	98	-20.00%	98 and 6 months	-20.00%	99	-20.00%
95 and 6 months	-18.50%	96	-22.00%	96 and 6 months	-25.00%	97	-25.00%	97 and 6 months	-25.00%	98	-25.00%

Art. 8

(Incentives for seniority pensions above quota 103)

1. As of 1 January 2023, the amount of the ordinary seniority pension, calculated in accordance with Article 4, shall be increased by 3% for each year of contribution paid after having fulfilled the requirements for entitlement to the ordinary seniority pension pursuant to Article 4.

2. The incentive referred to in paragraph 1 shall not apply to persons who receive an ordinary old-age pension.

Art. 9

(Adjustment of the requirements for the incentives referred to in Article 7, paragraphs 2 and 3 of Law no. 157 of 8 November 2005)

1. The requirements for access to the incentives referred to in Article 7, paragraphs 2 and 3 of Law no. 157 of 8 November 2005 shall be adjusted to the requirements in force from time to time for access to the ordinary seniority pension referred to in Article 4 above.

Art. 10

(Age for access to the ordinary old-age pension)

1. The age requirement for access to the ordinary old-age pension shall be set at 66 for all categories of workers contributing to the first-pillar pension fund, including entrepreneurs and farmers referred to in Article 12, letter b) of Law no. 15 of 11 February 1983.

2. If the individual categories of workers have lower retirement ages for ordinary old-age pension than indicated in paragraph 1 above, such ages shall be adjusted, as from 1 January 2023, by an increase of 6 months for each calendar year until the workers reach the age of 66.

3. By way of derogation from paragraph 2, for the Police Corps only, the adjustment referred to in paragraph 2, with the same annual increase, shall apply as of 1 January 2026, since the gradual adjustment of the age required for ordinary old-age pension is still in force for them until the end of 2025, in accordance with Article 8 of Law no. 47 of 18 March 2008.

Art. 11

(Early and late access to the old-age pension)

1. As of 1 January 2023, early access to the ordinary old-age pension shall be permitted with the following penalties on the pension income, provided that these penalties do not entail minimum pension supplements:

- a) early retirement at 63 years of age with at least 32 years of contributions with a final penalty on the ordinary old-age pension of 20%;
- b) early retirement at 64 years of age with at least 28 years of contributions with a final penalty on the ordinary old-age pension of 15%;
- c) early retirement at 65 years of age with at least 24 years of contributions with a final penalty on the ordinary old-age pension of 10%.

2. From 1 January 2023 it shall be permitted, following an agreement between the individual employer and the worker concerned in case of private or public employment, to delay access to the ordinary old-age pension, with a minimum of 216 daily contributions pursuant to Article 32 of Law no. 15 of 11 February 1983 for each additional year worked, with the following incentives:

- a) late retirement at 67 years of age with a final incentive on the ordinary old-age pension of 5%;
- b) late retirement at 68 years of age with a final incentive on the ordinary old-age pension of 10%;
- c) late retirement at 69 years of age with a final incentive on the ordinary old-age pension of 15%.

It shall be understood that, in order to obtain the incentives referred to in letters a) b) and c) above, the minimum contribution requirement for access to the old-age pension shall be satisfied at the time when the ordinary age requirement for access to said pension is fulfilled in accordance with the legislation in force.

3. For the purposes of calculating the contribution requirement, account shall also be taken of the periods during which the worker contributed exclusively to the separate fund referred to in Article 4 of Law no. 158 of 5 October 2011.

4. The incentive referred to in paragraph 2 shall not be granted to those who have availed themselves of the option provided for in Article 7, paragraphs 2 and 3 of Law no. 157 of 8 November 2005.

5. The disincentives and incentives referred to in paragraphs 1 and 2 above shall not apply to pensions calculated using the contribution-based method, such as, for example, voluntary pensions, separate fund, FONDISS and pensions paid pursuant to Article 15.

6. In the cases referred to in paragraph 2, letters a), b) and c), the maximum amount limit for the pension provided for in Article 14 shall not apply.

7. The incentives referred to in paragraph 2, letters a), b) and c) shall not apply to persons who have benefited from the partial early old-age pension referred to in Article 12 before fulfilling the age requirement for the ordinary old-age pension.

8. The measure referred to in paragraph 2 may also be applied, by way of derogation from Article 12 of Law no. 158 of 5 October 2011, to employees of the Public Administration and the Overall Public Sector, in compliance with the limits and with reference to the positions, cases and activities identified annually by Congress of State regulation adopted on the proposal of the Directorate General of Civil Service and the Executive Committee of the Social Security Institute (SSI), after consultation with the recognised Trade Unions.

Art. 12

(Partial early old-age pension - part-time retirement)

1. Partial and early access to the ordinary old-age pension shall be permitted to any employee in the event of an agreement between the individual employer and the employee concerned.

2. Access to the partial early old-age pension referred to in paragraph 1 shall be permitted a maximum of three years in advance of the age requirements for access to the ordinary old-age pension and in any case not before the age of 63, provided that the worker has reached at least 33 years of contributions at the time of the request.

3. The request for access to the partial early old-age pension shall be notified by employees to their employers no less than 3 months in advance, in order to allow the employers to organise the turnover. The employers shall notify the granting of the part-time pension to the SSI Office for Contributions so that the Office can start the procedure for the payment of the portion of the pension referred to in paragraph 5, indicating at the same time the working hours of the workers concerned.

4. Upon requesting access to the partial early old-age pension, the workers shall be entitled to a part-time pension consisting of a 50% reduction of the full-time working hours envisaged for a worker with the same qualification and seniority and, at the same time, their employers shall be required to pay them a wage reduced by the same percentage. The workers and the employers shall continue to be obliged to contribute for pension purposes only for the portion of the wage actually received by the workers following access to the partial early old-age pension.

5. A worker who requests partial early access to the old-age pension shall be entitled for the time of part-time retirement to 50% of the monthly pension amount accrued at the time of the request without the application of the disincentives referred to in Article 9, paragraph 1, letters a), b) and c) above. The partial pension referred to in this paragraph shall not be subject to the minimum pension supplement referred to in Article 18 of Law no. 158 of 5 October 2011.

6. Once the requirements for access to the ordinary old-age pension have been fulfilled and employment has ceased, the worker shall be entitled to receive an old-age pension calculated according to the ordinary rules, taking into account also the contributions paid for the entire period of the part-time retirement. Contributions paid during the part-time retirement shall be counted for the purposes of fulfilling the contribution requirements and for the amount of the pension, according to the ordinary rules established by the legislation in force, as well as by Article 18 of this Law. In this case, 100% of the maximum percentage referred to in Article 14 shall be calculated on the last monthly remuneration prior to the granting of the part-time pension.

7. The measure referred to in this Article may also be applied, by way of derogation from Article 12 of Law no. 158 of 5 October 2011, to employees of the Public Administration and the Overall Public Sector, in compliance with the limits and with reference to the positions, cases and activities identified annually by Congress of State regulation adopted on the proposal of the Directorate General of Civil Service and the Executive Committee of the Social Security Institute, after consultation with the recognised Trade Unions.

TITLE II PENSION CALCULATION

Art. 13

(Extension of the reference period for income calculation for the purpose of calculating the pension)

1. With effect from 1 January 2023, for all contribution periods accrued after that date, the number of years referred to in letters a) and b) of Article 14, paragraph 4) below shall be increased to 30 for the purpose of calculating the pension. The income received shall be indexed, for the purpose of calculating the pension, to the consumer prices recorded in the previous year for blue- and white-collar households as published by the IT, Data and Statistics Office.

Art. 14

(Change in the amount of benefits)

1. As from 1 January 2023, the pension resulting from the calculation referred to in this Article shall not exceed the ceiling amount of EUR 47,110.57. This amount shall be adjusted as of 1 January 2023 and shall be indexed to the consumer prices recorded in the previous year for blue- and white-collar households as published by the IT, Data and Statistics Office.

2. From 2023 to 2027, the annual revaluation of the ceiling amount referred to in paragraph 1 shall in any case not exceed 2.2 percentage points, unless the increase in the consumer price index for blue- and white-collar households in the preceding year as published by the IT, Data and Statistics Office registers a lower amount.

3. Starting from the same date referred to in paragraph 1, as an amendment to the current legislation on the method of determining the amount of pension benefits for public and private employees, self-employed people and professionals, the monthly pension shall be equal, for each year of contribution, to 1.9% of remuneration for the portion equal to or less than 50% of the pension ceiling referred to in paragraph 1, and to 0.75% of remuneration above 50% of the pension ceiling and, excluding those who benefit from the provisions referred to in Article 17, letter a) of Law no. 156 of 20 December 1990, up to a value equal to the pension ceiling, as well as to 0.50% of the amount of remuneration exceeding the pension ceiling and up to a maximum income of EUR 150,000.

4. The average monthly remuneration or income shall be calculated, for all contributions paid after 1 January 2023, as follows:

- a) for employees, the annual remunerations recorded in the insurance positions pursuant to Article 13 shall be added together, after revaluing them in accordance with the changes in the annual cost-of-living index published by the IT, Data and Statistics Office between the calendar year to which the remuneration refers and the year preceding the granting of the pension, with the prohibition to exceed the maximum percentage of the pension with respect to the last monthly remuneration of individual recipients, or 95% of the average monthly remuneration of the last 5 years, if higher than the last monthly remuneration;
- b) for the self-employed and professionals, the annual incomes recorded pursuant to Article 13 shall be added together, after having revalued them in accordance with the changes in the annual cost-of-living index published by the IT, Data and Statistics Office between the calendar year to

which the incomes refer and the year preceding the granting of the pension, with the prohibition to exceed the maximum percentage of the pension with respect to the last annual income of individual recipients, or 95% of the average annual income of the last 5 years, if higher than the last annual income;

- c) the sum referred to in letter a) shall be divided by the number of the daily contributions referred to in Article 32, paragraph 3 of Law no. 15 of 11 February 1983, credited in the period considered as a basis for the calculation;
- d) the sum referred to in letter b) shall be divided by the number of the daily contributions referred to in Article 32, paragraph 3 of Law no. 15 of 11 February 1983, credited in the period considered as a basis for the calculation;
- e) the result referred to in letter c) or d) shall be multiplied by 16.615;
- f) the sum of the pro rata amounts calculated on the basis of the contributions credited in accordance with the legal provisions in force from time to time shall constitute the total amount of the pension accrued by the worker.

4. Whenever the pension legislation in force refers to the maximum annual remuneration or average income or other formula referring to the provisions of repealed Articles 32, paragraph 5, of Law no. 15 of 11 February 1983 and Decree no. 19 of 2 February 2005, the value to be taken as a reference shall be that of the pension ceiling referred to in paragraph 1 of this Article, adjusted from time to time to the consumer price index recorded in the previous year for blue- and white-collar households as published by the IT, Data and Statistics Office.

5. In the event that the worker has, in the previous ten years, undergone a collective redundancies procedure or has been recognised an incapacity for work certified by the Medical Commissions of the Social Security Institute (SSI) equal to or higher than 50%, and that following this the worker has changed his/her job, for the purposes of paragraph 3 above, the remuneration received before the job change, if more favourable, shall be considered when determining the amount of the pension to be paid.

Art. 15

(Option for full pension calculation using the contribution-based method)

1. From 1 January 2023, access to the contribution-based pension shall be granted to workers with a maximum of three years of imputed contributions, with a minimum age of 57. In this case, by way of derogation from the general rules, the pension shall be definitively calculated in full by using the pension calculation method valid for the SSI separate fund and the limit for maximum pension amount as resulting from the application of Article 14 above shall not apply.

2. Only workers whose pension resulting from the contribution-based calculation is equal to or higher than the minimum pension shall have access to this instrument.

3. The provisions of paragraph 2 above shall not apply to workers who have paid contributions while working under a convention. In such cases, the worker shall not be entitled to any supplement to the minimum pension.

Art. 16

(Amendments to Article 15 of Law no. 158 of 5 October 2011)

1. Article 15 of Law no. 158 of 5 October 2011 shall be replaced by the following:

“Art. 15

(Aggregation of ordinary pensions)

1. With effect from 1 January 2023, Article 33 of Law no. 15 of 11 February 1983 shall be repealed and replaced as follows:

“1. The survivors referred to in Article 15 of Law no. 15 of 11 February 1983 shall be entitled to a benefit to be calculated on the amount of the pension due to the retired or insured predecessor at the time of death, based on the following percentages:

Number of survivors	% without spouse	% with spouse
1	65	65
2	70	75
3	80	90
4	95	100
5 and more	100	100

2. Once the conditions set out in Article 16 of Law no. 158 of 5 October 2011 have been verified, a pension equal to at least the minimum envisaged by the provisions in force shall be granted.

3. By their own right, survivors shall be entitled to a pension through a single payment, regardless of the number of beneficiaries or family situation, without prejudice to what expressly provided for in Articles 34, paragraph 3, 35, paragraph 3 and 36, paragraph 2 of Law no. 15 of 11 February 1983.

4. Where a survivor entitled to an ordinary indirect or survivor's pension already receives an ordinary direct pension, and/or income of any kind and from any source, including income according to the cadastral register from real estate owned and not generating other income, excluding the share pertaining to the habitual abode, the percentages referred to in paragraph 1 shall be modified as follows:

- With total monthly incomes up to EUR 1,400.00, the percentage shall be reduced by 15 points;
- With total monthly incomes from EUR 1,400.01 to EUR 1,700.00, the percentage shall be reduced by 20 points on the part exceeding EUR 1,400.01;
- With total monthly incomes from EUR 1,700.01 to EUR 2,000.00, the percentage shall be reduced by 25 points on the part exceeding EUR 1,700.01;
- With total monthly incomes from EUR 2,000.01 to EUR 2,300.00, the percentage shall be reduced by 30 points on the part exceeding EUR 2,000.01;
- With total monthly incomes from EUR 2,300.01 to EUR 2,600.00, the percentage shall be reduced by 35 points on the part exceeding EUR 2,300.01;
- With total monthly incomes exceeding EUR 2,600.00, the percentage shall be reduced by 45 points on the part exceeding EUR 2,600.00;

5. The amounts set forth in the above table shall be annually revaluable under the same conditions outlined in Article 5 of Law no. 157 of 8 November 2005. ”.

2. In any event, the amount of aggregated ordinary pensions shall not exceed the limit of the maximum pension amount as resulting from the application of Article 14 above.

3. The right to a survivor's pension shall also be extended to those who are linked to the deceased person by a legal bond that the legal system treats as equivalent to marriage in terms of individual right.

4. Article 15, letter c) of Law no. 15 of 11 February 1983 shall be amended as follows:

"c) marital status or registered partnership for at least two years, or non-marital cohabitation for at least 15 years, before the death of the predecessor and the accrual of the right to a pension, between persons with an age difference not exceeding 25 years and before the pensioner's 70th birthday, except in the case of children's birth, even subsequent, or death resulting from an accident at work and occupational disease;"

(Introduction of an exemption quota for deductions on social pensions)

1. Deductions on social pensions, supplementary welfare allowances, special supplementary allowances and carer's allowances shall not be applied in the case of other incomes of less than EUR 100.00 (one hundred/00) per year, revalued annually on the basis of the cost of living as published by the IT, Data and Statistics Office.

Art. 18
(Part-time work)

1. The pension provisions of Law no. 15 of 11 February 1983 and subsequent amendments shall also apply to part-time workers with respect to the rules applicable to them.

2. If the employment relationship is on a part-time basis with a daily working time of less than 6 hours, or less than 30 hours per week, the daily contributions shall be credited by considering each hour worked in a day as equal to 1/6 of contribution, as provided for by Article 9 of Law no. 15 of 11 February 1983. If the daily working time is 6 hours or more, the contribution paid shall be considered as a full daily contribution. The Office for Contributions shall be required to record on the provisional and final files the periods of part-time work performed by the employee for whom a formal written agreement has been concluded pursuant to the legislation in force.

3. When calculating the pension, if the Office establishes at the workers' request that they performed part-time work during the first three years of their child's or children's life, pursuant to Article 32 of Law no. 129 of 14 September 2022, during the years taken into account for the calculation of the pension, after 1 January 2023, for such periods the Office shall consider the full-time remuneration of a worker with the same qualification and seniority as the workers in question as the basis for the calculation of the pension, unless the remuneration is less than the de facto remuneration of the part-time workers.

4. At the time of calculating the pension, if the Office establishes that a worker has performed part-time work before 1 January 2023, during the years taken into account for the calculation of the pension, the provisions of Article 2 of Law no. 47 of 18 March 2008 shall apply for these periods.

5. At the time of calculating the pension, if the Office establishes that a worker has performed part-time work after 1 January 2023, during the years taken into account for the calculation of the pension, for those periods the Office shall consider the remuneration actually received by that part-time worker as the basis for calculation.

6. In the event referred to in paragraph 5, the full-time remuneration of a worker with the same qualification and seniority shall be taken into account as the basis for calculating the pension in the following cases:

- a) for a worker who has already concluded a part-time employment contract before 1 January 2023;
- b) following a trade union agreement for reductions in working hours caused by redundancies or a temporary company crisis, through which employees converted their full-time employment contract into a part-time employment contract;
- c) to assist a dependent family member with a severe disability certified by the SSI or the Italian national health service.

7. The maximum pension limit referred to in Article 14, paragraph 1 above shall be applied to the same remuneration of a full-time worker.

8. If it is not possible to find a comparative contractual remuneration, a conventional remuneration equal to the average contractual remuneration of a worker in the industry sector, as referred to in Article 54 of Law no. 15 of 11 February 1983 and Article 11, paragraph 1 of Law no. 47 of 18 March 2008, shall be considered for private sector employees.

9. For employees of the Overall Public Sector who have worked part-time in the course of their career, whenever reference is made to the full-time remuneration of an employee with the same

qualification and seniority, the full-time remuneration of an employee with the same qualification and seniority shall always be taken into account for the purpose of calculating the pension in the cases set out in the preceding paragraphs.

10. Part-time workers may pay voluntary contributions to cover the contribution gap with a full-time worker, as set out in Article 5 of Law no. 47 of 18 March 2008, by making an express request to the Economic Benefits Office no later than 28 February of the four years following the year in which they worked part-time.

Art.19

(Time limit of the equalisation)

1. By way of derogation from Article 5, paragraph 1 of Law no. 157 of 8 November 2005 and subsequent amendments, for the transitional period from 1 January 2023 to 31 December 2027 only, the annual revaluation of ordinary pension amounts shall be set at 2.20 percentage points, unless the increase in the consumer price index recorded in the previous year for blue- and white-collar households as published by the IT, Data and Statistics Office is lower.

Art.20

(Reduction of the minimum income)

1. People under the age of 40 and, in any case, before they turn 40, who start working for the first time as artisans, traders, professionals, entrepreneurs and representative agents, shall benefit from the following reduction of the minimum income for the first four financial years:

- by 50% for the first year;
- by 50% for the second year;
- by 50% for the third year;
- by 25% for the fourth year.

2. The self-employed who have started working less than three years before the entry into force of this Law and who meet the characteristics and requirements set forth in paragraph 1, shall be entitled to benefit from the reductions referred to in the same paragraph for the remaining periods.

3. Those who, at the time of the entry into force of this Law, already benefit from the provisions of Article 11, paragraphs 5 and 6 of Law no. 158 of 5 October 2011, shall continue to enjoy such benefits by way of derogation from this Article.

4. If the income is higher than the minimum, the reduction shall still be equal to half the minimum income.

5. It shall be understood that the contribution rate applied to 50% of the minimum income shall be the one in force from time to time, without any reduction, for the self-employed.

6. For the purpose of pension calculation, the periods of reduction of the minimum income referred to in paragraph 1 shall be counted, up to the minimum income, with a 50% reduction, and at 100% for the portion declared above the minimum income.

TITLE III

CONTRIBUTIONS, TAXATION OF PENSION BENEFITS, SOLIDARITY WITHHOLDING AND STATE INTERVENTION

Art. 21

(Increase in the contribution rates for employees)

1. The contribution rates to the mandatory Pension Fund for employees shall be increased as follows:
 - a) by 0.50% for each year up to an overall increase of 1.5% to be borne by employees, as of 1 January 2023;
 - b) by 0.50% for each year up to an overall increase of 1.5% to be borne by employers, as of 1 January 2023.
2. As of 1 January 2023, the contribution to the Diseases Fund to be borne by employers shall be reduced by 0.40%. As of 1 January 2024, the contribution to the Family Allowance Fund shall be reduced by 0.60%.
3. The contribution rates for employees to the FONDISS supplementary system, established by Law no. 191 of 6 December 2011, shall be increased as follows:
 - a) by 0.50% for each year up to an overall increase of 2% to be borne by employees and workers employed on project-based contracts, as of 1 January 2026;
 - b) by 0.50% for each year up to an overall increase of 1.0% to be borne by employers, as of 1 January 2026.
4. The contribution rates referred to in paragraphs 1 and 3 shall be progressively established as follows:

FIRST PILLAR	2023	2024	2025	2026	2027	2028	2029
To be borne by employees	5.90%	6.40%	6.90%	6.90%	6.90%	6.90%	6.90%
To be borne by employers	16.60%	17.10%	17.60%	17.60%	17.60%	17.60%	17.60%
Total	22.50%	23.50%	24.50%	24.50%	24.50%	24.50%	24.50%
FONDISS	2023	2024	2025	2026	2027	2028	2029
To be borne by employees	2.00%	2.00%	2.00%	2.50%	3.00%	3.50%	4.00%
To be borne by employers	2.00%	2.00%	2.00%	2.50%	3.00%	3.00%	3.00%
Total	4.00%	4.00%	4.00%	5.00%	6.00%	6.50%	7.00%

Art. 22

(Increase in the contribution rates for the self-employed)

1. As from 1 January 2023, the contribution rate to the mandatory Pension Fund, to be borne by employees compulsorily enrolled in the Self-Employed Pension Fund, shall be increased by 0.50% for each year up to an overall increase of 2.5%.
2. As from 1 January 2028, the contribution rate to the FONDISS supplementary pension system established by Law no. 191 of 6 December 2011, to be borne by employees compulsorily enrolled in the Self-Employed Pension Fund shall be increased by 0.50% for each year up to an overall increase of 1%.
3. As of 1 January 2023, the contribution to the Family Allowance Fund to be borne by artisans shall be decreased by 0.50% for each year until 2028. As from 1 January 2029, with a view to uniforming the contribution conditions among the various self-employed categories, the

contribution to the Family Allowance Fund to be borne by artisans shall be reduced to zero. Also family allowances and short-term sickness benefits shall be abolished for this category.

4. The contribution rates referred to in paragraphs 1, 2 and 3 shall be progressively established as follows:

Paragraph 1: FIRST PILLAR	2023	2024	2025	2026	2027
Traders	22.50%	23.00%	23.50%	24.00%	24.50%
Professionals	22.50%	23.00%	23.50%	24.00%	24.50%
Artisans	22.50%	23.00%	23.50%	24.00%	24.50%
Agents and brokers	22.50%	23.00%	23.50%	24.00%	24.50%
Entrepreneurs	22.50%	23.00%	23.50%	24.00%	24.50%

Paragraph 2: FONDISS	2026	2027	2028	2029
Traders	4.00%	4.00%	4.50%	5.00%
Professionals	4.00%	4.00%	4.50%	5.00%
Artisans	4.00%	4.00%	4.50%	5.00%
Agents and brokers	4.00%	4.00%	4.50%	5.00%
Entrepreneurs	4.00%	4.00%	4.50%	5.00%

Paragraph 3: Family allowances	2023	2024	2025	2026	2027	2028
Artisans	5.10%	4.60%	4.10%	3.60%	3.10%	0%

Art. 23

(Increase in the contribution rates to the Separate Fund)

1. As from 1 January 2023, the contribution rate to the first pillar Pension Fund to be borne by workers compulsorily enrolled in the Separate Fund referred to in Article 4 of Law no. 158 of 5 October 2011, shall be increased by 1.00% for each year up to an overall increase of 9.50%, if the contribution is not already otherwise recorded in the mandatory pension system.

2. As from 1 January 2023, the contribution rate to the first pillar Pension Fund to be borne by workers compulsorily enrolled in the Separate Fund referred to in Article 4 of Law no. 158 of 5 October 2011, shall be increased by 0.50% for each year up to an overall increase of 4.5%, if the contribution is already otherwise recorded in the mandatory pension system.

3. As from 1 January 2028, the contribution rate to the FONDISS supplementary system established by Law no. 191 of 6 December 2011, to be borne by workers compulsorily enrolled in the

Separate Fund referred to in Article 4 of Law no. 158 of 5 October 2011, shall be increased by 0.50% for each year up to an overall increase of 2%.

4. Article 4, paragraph 1, letter c), paragraph 3 of Law no. 158 of 5 October 2011 shall be amended as follows:

“3. Those otherwise insured in the Separate Fund shall pay contributions to be calculated on the entire income received for each enrolment. The minimum income of the second position shall not, in any case, be less than two-thirds of the minimum income provided for in this Law for the self-employed, in relation to the period of activity carried out;”.

5. When the insured otherwise enrolled in the mandatory Pension Fund are granted the pension, the income resulting from enrolment in the Separate Fund shall be added to the first-pillar pension to take into account the prohibition to exceed 100% of the maximum percentage of the pension in relation to the last annual income of each recipient. The income resulting from enrolment in the Separate Fund shall also be added to the first pillar pension when calculating the supplement to the minimum pension.

FIRST PILLAR	2023	2024	2025	2026	2027	2028	2029	2030	2031
Separate Fund only	16.00%	17.00%	18.00%	19.00%	20.00%	21.00%	22.00%	23.00%	24.50%
Also Separate Fund	15.50%	16.00%	16.50%	17.00%	17.50%	18.00%	18.50%	19.00%	19.50%
FONDISS		2028	2029	2030	2031				
Separate Fund		4.50%	5.00%	5.50%	6.00%				

Art. 24

(Amendments to the rules for calculating voluntary pensions)

1. The voluntary pension referred to in Law no. 15 of 11 February 1983 shall be calculated according to the contribution-based method by multiplying the individual amount of contributions paid, at the time of retirement, by the conversion ratio defined in the table used to calculate the pension income of the Separate Fund, to be updated by the *ad hoc* delegated decree referred to in Article 28 below.

2. If the income at the time of retirement is less than or equal to the special supplement referred to in Law no. 38 of 25 February 1998 and subsequent amendments and integrations, no pension benefit shall be paid, but the paid-in capital shall be returned.

3. Anyone reaching the age to access old-age pension as referred to in Article 11, paragraph 6 above, who can prove that they have paid at least 216 daily contributions to the pension system, shall be entitled to receive the pension.

4. In order to calculate portions of a year in relation to the age of the insured at the time of retirement, the conversion ratio shall be adjusted by an increase equal to the product of one-twelfth of the difference between the conversion ratio of the age immediately above and the ratio of the age immediately below that of the insured and the number of months.

5. Entitlement to voluntary pension shall be set at 66 years of age, starting from the requests for retirement submitted after 1 January 2023 and in continuity with Article 8 above. For this reason, Article 31, letter a) of Law no. 15 of 11 February 1983 shall be amended as follows:

“a) Age requirement for access to the ordinary old-age pension;”.

Art. 25

(Review of the solidarity withholding)

1. From the entry into force of this Law, the percentage of the solidarity withholding on pensions being paid, as referred to in Article 24 of Law no. 158 of 5 October 2011 and subsequent amendments and integrations, shall be reviewed as follows:

- for a total pension amount ranging from EUR 1,500.01 to EUR 1,750.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 1,500.01 shall be 2.00%;
- for a total pension amount ranging from EUR 1,750.01 to EUR 2,000.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 1,750.01 shall be 3.50%;
- for a total pension amount ranging from EUR 2,000.01 to EUR 2,500.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 2,000.01 shall be 4.50%;
- for a total pension amount ranging from EUR 2,500.01 to EUR 3,000.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 2,500.01 shall be 6.00%;
- for a total pension amount ranging from EUR 3,000.01 to EUR 3,500.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 3,000.01 shall be 7.50%;
- for a total pension amount ranging from EUR 3,500.01 to EUR 4,000.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 3,500.01 shall be 9.00%;
- for a total pension amount ranging from EUR 4,000.01 to EUR 4,500.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 4,000.01 shall be 17.50%;
- for a total pension amount ranging from EUR 4,500.01 to EUR 5,000.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 4,500.01 shall be 23.00%;
- for a total pension amount ranging from EUR 5,000.01 to EUR 5,500.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 5,000.01 shall be 28.50%;
- for a total pension amount ranging from EUR 5,500.01 to EUR 6,000.00, pertaining to a single pensioner also deriving from aggregated pensions, the rate on the part exceeding EUR 5,500.01 shall be 34.00%;
- for a total pension amount exceeding EUR 6,000.01 pertaining to a single pensioner also deriving from aggregated pensions, the rate on the exceeding part shall be 40.00%;

2. The solidarity withholding referred to in this Article shall be withheld directly by the Social Security Institute when pension benefits are paid and shall be allocated to individual pension funds, according to the technical deficit recorded and to the sustainability needs of those funds.

3. After the approval of the indicator of the economic condition for the equity of households (ICEE) in San Marino, the Congress of State shall revise, after consultation with social and economic partners, the rates in paragraph 1 above following the application of the ICEE brackets.

4. The amount of the solidarity withholding referred to in paragraph 1 shall be reduced by:

- 25% for pensioners who have paid more than 11 and less than or equal to 20 annual contributions during their working life after 1 January 2012;
- 50% for pensioners who have paid more than 20 and less than or equal to 31 annual contributions during their working life after 1 January 2012;
- 75% for pensioners who have paid more than 31 annual contributions during their working life after 1 January 2012.

For the purposes of the benefit referred to in this paragraph, portions of a year shall also be taken into account.

5. The solidarity withholding referred to in paragraph 1 shall fully apply to those who retire before 1 January 2023, while it shall not be applied to those who retire after 1 January 2053.

Art. 26

(Taxation of pension benefits paid from the Separate Fund)

1. With regard to the Separate Fund and to the payment of the principal at the time of retirement, the amount paid shall be subject to a final separate taxation at a rate of 5%. The amounts paid as income from pension shall be subject to the ordinary rates, after aggregation with any other pension income received.

Art. 27

(Contribution modalities of the chief operating officer and the working partner)

1. The chief operating officer and the working partner in companies with share capital, as referred to in the employment legislation, shall be required to pay contributions amounting to 24.50%, according to the provisions of Article 23 above. Contributions shall be calculated on the declared remuneration and, if it is lower than the minimum income for the self-employed, on that minimum, as established by Article 5 of Law no. 158 of 5 October 2011.

2. The contribution referred to in paragraph 1 shall be allocated, for accounting purposes, to the Separate Fund referred to in Article 4 of Law no. 158 of 5 October 2011. The pension shall be calculated as provided for in Article 6 of Law no. 158 of 5 October 2011.

3. The persons referred to in paragraph 1 shall also be required to pay a contribution of 6% to the supplementary fund referred to in Law no. 191 of 6 December 2011 (FONDISS), as established in Article 23 above.

Art. 28

(Separate Fund)

1. The Congress of State shall adopt, within six months following the entry into force of this Law, an *ad hoc* text to reorganise and refine the contribution model of the Separate Fund.

2. The text referred to in the preceding paragraph shall be supplemented by the updated tables used to calculate the income from contribution-based pension benefits, such as Separate Fund, voluntary pensions, contribution-based pensions referred to in Article 15 above and FONDISS.

Art. 29

(Increase in contributions to the supplementary pension system for first jobs)

1. Workers under the age of 35 may opt, on a voluntary basis, for the first 36 months of work, and in any case before reaching the age of 35, with equal pension contributions, for an increase in the percentage paid into the supplementary fund referred to in Law no. 191 of 6 December 2011 (FONDISS) against a reduction in the percentage paid into the Pension Fund (First Pillar) provided for in Article 1 of Law no. 15 of 11 February 1983. Workers opting for this possibility shall send a request to the Fondiss Administrative Offices, which shall forward it to the Office for Contributions. This option shall only apply to the first job, i.e. to workers who have worked less than 12 continuous months or less than 24 months if not continuous throughout their professional life. No occasional nor seasonal work shall be taken into account for this purpose.

2. With regard to employees, the increases and reductions of contributions as indicated in paragraph 1 shall be as follows:

- a) the share to be paid by the employer shall be reduced by 5 percentage points in the First Pillar, while that paid in FONDISS shall be increased by 5 percentage points;
- b) the share to be paid by the employee in the First Pillar shall be reduced by 2 percentage points, while that paid in FONDISS shall be increased by 2 percentage points.

With reference to female employees, if the incentive referred to in this Article is combined with that provided for in Article 2, paragraph 3 of Delegated Decree no. 105 of 15 July 2022, the percentage referred to in letter b) shall correspond to the entire remaining share.

3. The payments referred to in the preceding paragraphs shall be made only in relation to ordinary work, excluding periods covered by imputed contributions.

4. For the self-employed, professionals or sole proprietors, the reduction of contributions in the First Pillar and the increase of contributions in FONDISS shall be equal to 7%. For these workers, the same rules as in paragraph 1 concerning age and time requirements shall apply. For the self-employed concerned by the measure provided for in this Article who are simultaneously benefiting from the reduction of the minimum income pursuant to Article 20, the 7% reduction and increase of contributions shall only apply to the contributions relating to the part of declared income exceeding minimum income.

Art. 30

(Social security contributions for partnerships among professionals)

1. The social security contributions referred to in Articles 22 and 23 above shall also be paid by the professionals referred to in Article 11, paragraph 2 of Law no. 222 of 23 December 2020. Article 11, paragraph 2 of Law no. 222 of 23 December 2020 shall be modified as follows:

"2. The activities of professionals acting as partners in partnerships among professionals shall produce income from self-employment and shall be subject to the provisions of Article 27 of Law no. 166 of 16 December 2013 and subsequent amendments, as well as to the applicable welfare and social security regulations, excluding the receipt of dividends. Partners who do not apply for an Economic Operator Code and do not work as self-employed within the meaning of this paragraph, or as employees within the meaning of paragraph 3, shall not be allowed to work as professionals".

Art. 31

(Contribution rates of retired workers)

1. The retired workers referred to in Article 35 shall pay, as of 1 January 2023, a solidarity contribution rate amounting to 33% to be allocated to the mandatory Pension Fund. The contribution shall be borne both by the employer (21%) and by the employee (12%). At the same time the obligation to pay contributions to FONDISS under Article 15 of Law no. 191 of 6 December 2011 shall cease.

2. By way of derogation from the general rules on the Separate Fund set forth in Law no. 158 of 5 October 2011, the contribution rate referred to in paragraph 1 shall also be paid in full for emoluments and attendance fees (or the like) received by pensioners who are directors or managing directors, sole directors, partners or members of the Board of Directors in companies with share capital.

3. The contribution referred to in paragraph 1, within the terms set forth in paragraph 2 above, shall also be paid with respect to benefits of any kind and nature granted to corporate executives who are pensioners, excluding reimbursement of documented expenses incurred for work purposes. The amount of such benefits shall be determined by the granting company, which shall apply a withholding tax and shall act as withholding agent under its own responsibility.

4. For retired workers performing their activity outside the territory of the Republic of San Marino, a withholding shall be applied to the amount of the pension to be paid. The rate of such withholding shall be equal to 15% of the amount of the pension paid to the retired worker by the Social Security Institute.

5. The solidarity contribution shall be allocated to individual pension funds on the basis of the technical deficit recorded and according to their sustainability needs.

Art. 32

(Adjustment of minimum incomes)

1. Article 11, paragraph 1 of Law no. 158 of 5 October 2011 shall be replaced by the following:

“1. From 1 January 2023, the minimum income for the macro-category of the self-employed referred to in Article 3 of this Law shall be adjusted on the basis of the consumer price index recorded in the previous year for blue- and white-collar households, as published by the IT, Data and Statistics Office, increased by 4%, until the value referred to in paragraph 4 is reached. When the individual categories of the self-employed reach the minimum income amount referred to in paragraph 4, the annual adjustment shall only be based on the consumer price index recorded in the previous year for blue- and white-collar households as published by the IT, Data and Statistics Office.”

2. The minimum incomes referred to in paragraph 1 shall also be adjusted for those enrolled in the Separate Fund in accordance with Article 5, paragraph 1 of Law no. 158 of 5 October 2011.

Art. 33

(State intervention for the sustainability of Pension Funds)

1. By way of derogation from the provisions of Article 5 of Law no. 15 of 11 February 1983, a fixed amount equal to EUR 17,500,000.00 (seventeen million five hundred thousand/00) for the years 2023 and 2024 shall be withdrawn from the Pension Funds starting from the entry into force of this Law, in order to guarantee the necessary financial resources in the Pension Funds to support the sustainability of this reform over the years. From 2025 up to 2032 included, this withdrawal shall be equal to EUR 20,000,000.00 (twenty million/00) per year and the State intervention with respect to each financial year for the above-mentioned period shall guarantee an annual balance between remaining contribution revenues and pension expenditures.

TITLE IV

OTHER WELFARE PROVISIONS

Art. 34

(Temporary State Contribution to the Employees Pension Fund)

1. Pending the full implementation of this pension reform, with temporary effect from 1 January

2023 to 31 December 2028, the reimbursement of the tax on imports of oil products referred to in letter b), paragraph 1 of Article 10 of Delegated Decree no. 130 of 15 September 2022 shall be equal to EUR 0.10 (ten euro cents) per litre instead of EUR 0.15 (fifteen euro cents) per litre, by way of derogation from the first sentence of paragraph 2 of the aforesaid Article.

2. An amount equal to the total reduction of the reimbursement referred to in the preceding paragraph shall be allocated for each financial year in a special expenditure chapter of the State Budget, to be established in 2023 budget law. This amount shall be transferred to the Social Security Institute for the financing of the Employees Pension Fund.

3. From 1 January 2023 to 31 December 2028, a sales price increase of EUR 0.10 (ten euro cents) per pack, package, carton or box shall be temporarily applied to all types of tobacco products.

4. An amount equal to the total increase referred to in paragraph 3, net of the premium paid to dealers, shall be allocated for each financial year to the expenditure chapter referred to in paragraph 2. Such amount shall be transferred to the Social Security Institute for the financing of the Employees Pension Fund.

Art. 35 *(Working pensioners)*

1. Without prejudice to the fulfilment of the access requirements to pension provided for by the current legislation, the aggregation of income from work and pension shall be allowed for retired workers identified only after adoption of ad-hoc labour legislation. If working abroad, retired workers shall register their working activities performed with the Economic Activities Office and specify the relevant remuneration. Failure to register these activities, whether performed in San Marino or abroad, shall result in the immediate termination of the pension payment in addition to any sanctions provided for by labour legislation, without prejudice to the payment of an amount equal to the social pension.

2. Only those receiving an old-age pension on account of the fulfilment of the minimum statutory age requirement shall enjoy the right of aggregation under this Article. This limit shall not apply to those who receive a contribution-based pension.

3. The regularisation of the employment relationship shall be governed by labour legislation. Working activities shall be permitted in the Public Administration and the Overall Public Sector after meeting the age requirements for old-age pension, by way of derogation from Article 11 of Law no. 158 of 5 October 2011. The job specifications in the Overall Public Sector shall be established annually, in compliance with the limits and with reference to the positions, cases and activities identified by Congress of State regulation, adopted on the proposal of the General Directorate of the Civil Service and the Executive Committee of the Social Security Institute, after consultation with trade unions.

4. Notwithstanding the provisions of this Article, any prohibitions to aggregate income from work and pension envisaged in the legislation shall remain unaffected.

5. With regard to the income from work received, the solidarity contribution referred to in Article 31 shall be paid in addition to statutory charges. The right to recalculate the pension at the end of the period during which the old-age pensioner has performed a working activity shall be excluded.

6. The provisions of Article 29, paragraph 4 of Law no. 139 of 6 November 2018, in the part concerning the impossibility to aggregate income from pension and from work, shall not apply to pensioners covered by this Article, starting from the date of entry into force of this Law.

7. This Article shall not apply to those who receive an ordinary seniority pension after the entry into force of this Law. As a transitional measure and by way of derogation from paragraph 2, workers who received an ordinary seniority pension prior to the approval of this Law, shall be covered by this Article only after meeting the age requirement for the ordinary seniority pension, as established from time to time.

8. The incentives referred to in Article 11, paragraph 2, letters a), b) and c) shall not be temporarily granted during the period in which pensioners perform a working activity and aggregate income from work and pension pursuant to this Article.

9. Workers who benefit or have benefited from the incentive referred to in Article 7, paragraphs 2 and 3 of Law no. 157 of 8 November 2005 shall not be entitled to aggregate income from work and pension pursuant to this Article. On the contrary, those who have benefited from the incentive referred to in Article 7 of Law no. 157 of 8 November 2005 before the entry into force of this Law, or who continue to benefit from it without interruption until 31 December 2023 at the latest, may benefit from the aggregation of income from work and pension.

10. The payment of the minimum pension supplement referred to in Article 18 of Law no. 158 of 5 October 2011 shall be suspended for the period during which pensioners perform a working activity and aggregate income from work and pension pursuant to this Article, if the sum of the pension received and the income from work is higher than the minimum pension. If, on the contrary, the sum of the pension, without the minimum pension supplement, and the income from work is lower than the minimum pension, the amount of the minimum supplemented pension shall be reduced by the amount corresponding to the accrued income. Verification and any adjustment shall be carried out every six months.

Art. 36

(Advance payments from FONDISS for training and professional requalification plans)

1. From the entry into force of this Law, all those enrolled in FONDISS may request one or more advance payments from such pension fund, within the statutory limit set forth in Article 17-bis of Law no. 191 of 6 December 2011, for training and professional requalification plans.

2. The minimum requirements for training and professional requalification plans shall be established by a special decision of the FONDISS Managing Committee, after obtaining the positive opinion of the Ministry responsible for labour policies.

Art. 37

(Abolition of the mandatory medical examination in case of irreversible impairment)

1. The mandatory medical examination to confirm entitlement to “privileged accident pension” and “privileged disease pension” shall be abolished if the impairment giving right to the pension is qualified as irreversible. For all other disability pensions, after the third assessment carried out by the C.A.S.I. (Commission for Individual Medical Examinations), pensioners shall be no longer required to undergo a medical examination.

Art. 38

(Strenuous work)

1. The Congress of State, by means of an ad-hoc delegation, shall undertake to draw up, after consultation with trade unions and employers' associations, within 12 months of the entry into force of this Law, a legal text entitling to an early old-age pension those who have performed strenuous work for at least 7 years in the last 10 years of their working career, or for at least half of their working career.

2. The legal text referred to in paragraph 1 shall indicate the categories and specifications of the so-called strenuous work.

3. Early retirement shall be granted only for ordinary old-age pensions with a reduction of the disincentives referred to in Article 11, paragraph 1 above.

Art. 39

(Enhanced and faster procedures for the collection of overdue contributions at San Marino Central Bank)

1. The Congress of State shall be delegated to adopt, within 180 days from the entry into force of this Law, on the proposal of the Minister of Finance and Budget, an ad-hoc decree to review the procedures for the collection of overdue amounts registered as non-payment of contributions, with the aim of speeding up any procedures that exist to date, including by providing for immediate confiscations to recover any non-payment of contributions.
2. The Congress of State shall be delegated to adopt, within 180 days on the proposal of the Minister of Finance and Budget, an ad-hoc decree to prevent the approval of legal measures without financial coverage, which would jeopardise the sustainability of pension funds.

Art. 40

(Suspension of pension payments in case of outstanding contributions)

1. To receive any pension, including from FONDISS, the self-employed shall have fully settled any outstanding contributions to the Social Security Institute.
2. In case of unsettled outstanding contributions, the self-employed shall receive a pension equal to the social pension until the outstanding contributions are settled.

Art. 41

(Stamp duty)

1. To clarify the current regulatory framework, as of 1 January 2023, the stamp duty on pensions paid by the Social Security Institute, including from FONDISS, pursuant to Article 11 of Delegated Decree no. 122 of 30 July 2015, shall be allocated to the relevant revenue chapters of the State Budget, in accordance with the legislation in force from time to time.

TITLE V

CODE OF THE PENSION AND SUPPLEMENTARY PENSION SYSTEM- REPEAL AND ENTRY INTO FORCE

Art. 42

(Code of the Pension and Supplementary Pension System)

1. The Congress of State shall issue, within 24 months from the date of entry into force of this Law, a delegated decree containing a coordinated code of the existing legal provisions on the pension system, after consultation with the registered trade unions and employers' associations pursuant to Law no. 59 of 9 May 2016.
2. Pending the issue of the code referred to in the preceding paragraph, within six months of the entry into force of this Law a coordinated collection of the regulations in force on the pension and supplementary pension system shall be set up.

Art. 43

(Monitoring Group on the pension reform)

1. A working group for the monitoring of the pension reform shall be established, consisting of one representative of each political force in the Great and General Council, one representative of each recognised professional association and trade union, the Minister of Health, or a delegate thereof, and the Minister of Finance and Budget, or a delegate thereof.

2. The working group referred to in paragraph 1 shall meet at least twice a year to review the impacts of the pension reform and the balance of the pension accounts. The working group may suggest to the government, through the two participating Ministers, any technical corrective action for a better balance of the funds.

3. The working group referred to in paragraph 1 shall have purely advisory functions. Its meeting shall not result in any attendance fees or remuneration, and no minimum number of participants shall be required in order to decide. It shall collaborate with the relevant SSI offices to collect data on the reform and on the performance of the pension funds.

4. The working group may facilitate and participate in the drafting of the legal texts referred to in Article 42.

Art. 44

(Repeal and entry into force)

1. With the entry into force of this Law, the following Articles shall be repealed:

- Article 32, paragraph 6 of Law no. 15 of 11 January 1983;
- Article 11 of Law no. 138 of 20 November 1987;
- Article 22 of Law no. 156 of 20 December 1990;
- Article 3, paragraphs 1 and 2, Article 6, paragraph 4 and Article 7, paragraphs 1 and 6 of Law no. 157 of 8 November 2005;
- Articles 2, 3 and 9, of Law no. 47 of 18 March 2008;
- Article 2, paragraphs 2 and 3, Article 11, paragraphs 5 and 6, Article 14 and Article 24, paragraph 1 of Law no. 158 of 5 October 2011;
- Articles 55 and 56 of Law no. 200 of 22 December 2011.

2. From the date of entry into force of this Law, all legislative provisions contrary to this Law shall also be considered tacitly repealed.

3. This Law shall enter into force on 1 January 2023, with the exception of Article 37, which shall enter into force on the seventh day following the publication of this Law.

Done at Our Residence, on 29 November 2022/1722 since the Foundation of the Republic.

THE CAPTAINS REGENT
Maria Luisa Berti – Manuel Ciavatta

THE MINISTER
OF INTERNAL AFFAIRS
Elena Tonnini