



# REPUBLIC OF SAN MARINO

**DELEGATED DECREE no. 58 of 6 May 2016**

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

*Having regard to Law no. 188 of 5 December 2011 and in particular to Article 80 thereof;  
Having regard to Article 4, paragraph 3 and to Article 34 of Law no. 189 of 22 December 2015;  
Having regard to Article 19, paragraph 7 of Law no. 108 of 31 July 2009;  
Having regard to Congress of State Decision no. 2, adopted during its sitting of 19 April 2016;  
Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;  
Promulgate and order the publication of the following Delegated Decree:*

## **AMENDMENTS TO ANNEX A TO LAW NO. 188 OF 5 DECEMBER 2011 AND SUBSEQUENT AMENDMENTS “REFORM OF THE STRUCTURE AND ORGANISATIONAL MODEL OF THE PUBLIC ADMINISTRATION”**

### **Art. 1**

1. This Delegated Decree shall amend Annex A to Law no. 188 of 5 December 2011 and subsequent amendments with a view to:
  - a) Entrusting, in accordance with Article 6, paragraph 8 and Article 7, paragraph 2 of Law no. 188/2011, the Office for Tourism Organisational Unit (OU) referred to in Article 48 of Annex A to Law no. 188/2011 and subsequent amendments, with the following functions:
    - 1) Organisation and administration of the State car parks previously entrusted to the Autonomous State Car Parks Management Service (GAPS), established by Congress of State Decision no. 73 of 28 March 1994, which shall therefore be discontinued;
    - 2) Management and ordinary maintenance of Multieventi Sport Domus, in accordance with Article 4, paragraph 3 of Law no. 189 of 22 December 2015;
  - b) Revision of the provisions concerning the Directors of the Cadastral Office Organisational Unit and the Cultural Institutes Organisational Unit.
2. The relevant articles of Annex A to Law no. 188/2011 and subsequent amendments shall be amended in accordance with Annex 1 to this Delegated Decree.

## **Art. 2**

1. Staff assignments resulting from changes in the functions and organisational structure of the Office for Tourism Organisational Unit referred to in Article 1 shall be made in accordance with the provisions of the second sentence of Article 78, paragraph 1 of Law no. 188/2011. Such assignments shall not entail any changes in the level, qualification or any other regulatory or salary aspect of the staff concerned.
2. The Director of the Office for Tourism Organisational Unit shall organise the OU in accordance with the new functional structure introduced by this Delegated Decree, in accordance with Article 6, paragraph 4 and Article 10, paragraph 7 of Law no. 188/2011.

## **Art. 3**

1. The employees of the company Sinpar S.p.A., currently assigned to the discontinued GAPS service by virtue of the current agreements between the State and the Congress of State, on the one hand, and the company Sinpar S.p.A., on the other hand, shall maintain their current legal status with reference to the regulatory and contractual conditions. In accordance with the provisions of Article 7, paragraph 4 of Law no. 188/2011, the Office for Tourism Organisational Unit shall exercise control and supervision over said employees with regard to the performance of their tasks and duties.
2. However, the operating conditions directly deriving from the agreements in force between the State and the Congress of State, on the one hand, and the company Sinpar S.p.A., on the other, shall remain unaffected.
3. By Congress of State Regulation adopted upon proposal of the Director of the Office for Tourism Organisational Unit, the following shall be established in relation to the parking areas managed by the Organisational Unit:
  - a) Parking conditions and parking fees;
  - b) The sanction in case of evaded parking fees;
  - c) The charges for the forced removal, immobilisation, transport and custody of vehicles due to a violation of parking conditions.
4. The sanctions and charges referred to in paragraph 3, letters b) and c), also with reference to sanctions applied by the discontinued GAPS service prior to the date of entry into force of this Delegated Decree, shall constitute a credit due to the State to be collected in accordance with the provisions of Delegated Decree no. 131 of 7 August 2014 and Law no. 70 of 25 May 2004. Sanctions relating to a vehicle registered in a foreign State and owned by a person who cannot be found in the territory of the Republic of San Marino shall be collected through a judicial action brought in the offender's country, if this is economically advantageous and also with reference to sanctions applied by the discontinued GAPS service prior to the date of entry into force of this Delegated Decree.
5. If the failure to pay the sanction referred to in paragraph 3, letter b) is repeated for a total number of at least three uncollected sanctions relating to the parking of the same vehicle, and the vehicle is again parked in the parking areas managed by the Office for Tourism Organisational Unit, the vehicle shall be forcibly removed and shall be returned only after collection of all suspended sanctions and following the reimbursement of transport and custody costs. Alternatively, if there is no danger or hindrance to traffic, the vehicle shall be immobilised with a special tool and allowed to circulate again only after all suspended sanctions have been collected and the service has been paid for. The provisions of the preceding sentence of this paragraph shall also apply with respect to sanctions not collected before the date of entry into force of this Delegated Decree.
6. Similarly to the provisions of paragraph 5, vehicles parked in the parking areas managed by the Office for Tourism Organisational Unit shall also be forcibly removed if they cause potential danger or hindrance to traffic, or if they are parked completely outside the parking areas delimited by appropriate signs.

Also in this case, the vehicle shall only be returned once any suspended sanctions have been collected and the transport and custody costs have been paid.

**Art. 4**

1. Salaried employees currently working at Multieventi Sport Domus shall remain in service at this facility and shall maintain their current legal and regulatory status.

*Done at Our Residence, on 6 May 2016/1715 since the Foundation of the Republic.*

THE CAPTAINS REGENT  
*Gian Nicola Berti - Massimo Andrea Ugolini*

THE MINISTER OF  
INTERNAL AFFAIRS  
*Gian Carlo Venturini*

## ANNEX 1 to Delegated Decree no. 58 of 6 May 2016

### Art. 1

1. Article 31, paragraph 3, letter b) of Annex A to Law no. 188/2011 shall be replaced as follows:  
“b) Position-based remuneration: Parameter 2 referred to in Article 4, paragraph 3, letter b) of Delegated Decree no. 21 of 6 March 2013, amending the provisions of Annex 1 to the aforementioned Delegated Decree no. 21/2013”.

### Art. 2

1. Article 44, paragraph 3, letter b) of Annex A to Law no. 188/2011, as already replaced by Article 7 of Annex 1 to Delegated Decree no. 119 of 24 July 2014, shall be replaced as follows:  
“b) Position-based remuneration: Parameter 3 referred to in Article 4, paragraph 3, letter c) of Delegated Decree no. 21 of 6 March 2013”.

### Art. 3

1. Article 48 of Annex A to Law no. 188/2011, as already replaced by Article 8 of Annex 1 to Delegated Decree no. 119 of 24 July 2014, shall be replaced as follows:

“Art. 48  
(Office for Tourism)

1. **Mission**

Ensuring the development of tourism as a fundamental resource of the community, promoting the enhancement of tourist resources and the qualification of operators, services and facilities, implementing tourism promotion plans, by coordinating the organisation of events and initiatives.

2. **Functions**

- a) *On the basis of the directives contained in the Plans, supervising tourist promotion and territorial tourism marketing, by implementing the relevant operational plans;*
- b) *Drawing up the tourism communication and image plan through the creation of editorial and multimedia tools, advertising vehicles or other media deemed appropriate;*
- c) *Promoting and coordinating studies on the development and enhancement of the hotel and hospitality industry;*
- d) *Identifying and organising promotional initiatives, congresses and other events and entrusting their implementation, where deemed appropriate, to the Convention & Visitors Bureau, to the tourist sector's professional associations or to other entities;*
- e) *Designing and organising events, including those linked to institutional celebrations;*
- f) *Organising, promoting and coordinating training initiatives in the field of tourism, also in cooperation with organisations working in this area;*
- g) *Controlling, collecting and publishing the fares of accommodation facilities, monitoring their activity and classifying them;*
- h) *Promoting and coordinating market studies and assessments to identify the general objectives and possible actions in the tourism sector;*
- i) *Verifying compliance with the relevant regulations in force and applying the administrative pecuniary sanctions they provide for;*

- j) *Preparing the tests to obtain the qualifications for the exercise of tourism professions and issuing the relevant qualifications;*
- k) *Providing tourist information and, in collaboration with the competent bodies and institutions, collecting, processing and publishing statistical data;*
- l) *Promoting the tourism and conference offer also through participation in fairs, exhibitions, conferences and other thematic events abroad;*
- m) *Managing communication, information and the possible dispatch of information material relating to the activities of the Organisational Unit, also through the support of new information technologies;*
- n) *Managing the State car parks from an organisational and administrative point of view, in order to achieve the best possible effectiveness of this service in full compliance with the criteria of cost-effectiveness, transparency and efficiency;*
- o) *Managing and organising all aspects of the ordinary maintenance of Multieventi Sport Domus, as a facility intended for the organisation of tourist events, by ensuring its perfect efficiency and good functioning;*
- p) *Performing any other activity or task related to the above-mentioned activities or provided for by the legislation in force.*

### 3. Director

- a) **Qualification:** Master's degrees in humanities, economics or languages, with a preference for degrees in tourism subjects. Other degrees shall also be valid, provided that they are accompanied by additional recognised qualifications relevant to the OU's functions;
- b) **Position-based remuneration:** Parameter 2 referred to in Article 4, paragraph 3, letter b) of Delegated Decree no. 21 of 6 March 2013;
- c) **Special requirements:** knowledge of English; experience in the tourism sector, whether public or private, in a position of responsibility, shall be a preferential requirement;
- d) **Special provisions**

### 4. Organisational Unit

- a) **Special requirements:** knowledge of English and any other language related to the specific activities carried out in the OU;
- b) **Coordination and guidance provisions.**”.