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;
Hereby promulgate and order the publication of the following Ordinary Law, passed by the Great and General Council during its sitting of 27 March 2014:

Law no. 40 of 31 March 2014

REGULATIONS GOVERNING LICENCES TO PERFORM INDUSTRIAL, SERVICE, HANDICRAFT AND COMMERCIAL ACTIVITIES

TITLE I
GENERAL PROVISIONS

Art. 1
(Subject and purpose)

1. This Law shall regulate licences to perform 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.

Art. 2
(Licence)

1. For the purposes of this Law, anyone, whether a natural or legal person, performing an industrial, service, handicraft and commercial activities on San Marino territory shall be granted the status of economic operator and be authorised thereto by an ad-hoc licence issued by the Office of Industry, Handicraft and Trade.
2. Any economic operator may hold one or more licences provided that they are of various types, that is to say industrial, service, retail and wholesale licences. The activities covered by the licence shall be consistent with each other. However, the incompatibilities among economic activities envisaged by special laws shall not be prejudiced. Economic operators holding handicraft licences shall be granted a maximum of two licences.
3. Economic operators holding several licences shall have at least as many places of business as licences.

4. An ad-hoc delegated decree, to be issued by 60 days following the entry into force of this Law, shall identify the activities which may be performed in a single place of business and shall establish specific rules in case of wholesale licences combined with retail licences.

Art. 3
(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 perform 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 perform service activities, except for the activities indicated in paragraphs 3 or 4 of this Article.
3. Licences held by persons that professionally carry out a handicraft activity, thus bearing full liability for it, together with all costs and risks relating to its management and direction, and that mainly perform their work within the same business shall be considered as licences to perform handicraft activities.
4. Licences authorising holders to professionally carry out intermediary activities in the movement of objectively relevant goods, that is to say in the transfer of one or more goods from a party to another against the payment of money, as well as to perform ancillary activities and to provide related services connected with the marketing of goods, shall be considered as licences to perform commercial activities.

Art. 4
(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, without prejudice to the derogations provided for in special laws and in Annex B itself.
2. Fees shall always be paid in full.

Art. 5
(Categories exempt from the obligation to obtain a licence)

1. The provision referred to in Article 2 shall not apply to:
a) all farmers who seasonally sell their products from their farm and do not perform the business of buying or selling others' products.
b) all other activities regulated by specific provisions which do not require a licence in order to be performed.

TITLE II
ISSUANCE OF LICENCES

Art. 6
(Subjective requirements for obtaining an individual licence)

1. An individual licence may be granted to anyone who:
a) is resident in the Republic of San Marino;
b) has civil capacity;
c) has not been convicted, in the Republic of San Marino or abroad, by a criminal judgement having the force of *res judicata* and has not been punished with more than 2 years imprisonment for offences 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 invoices for inexistent operations, tax fraud, usury, fraudulent bankruptcy or money laundering committed over the last 15 years; or has not suffered convictions, including non-final ones, or has not been committed for trial in the framework of an ongoing criminal proceeding, for criminal conspiracy or terrorist financing; In assessing the person's criminal record, due regard shall be given to the reasons for extinction of the offence and for termination of the effects of criminal conviction, as well as to the rehabilitation of and the rules more favourable to the offender contained in the Criminal Code, in the laws implementing and supplementing the Criminal Code, in other laws and decrees of the Republic;

d) is not undergoing, when applying for the licence, any bankruptcy proceedings or equivalent proceedings in foreign jurisdictions, also as sole director of a company undergoing bankruptcy proceedings;
e) fulfils the other requirements laid down in special laws;
f) in the 24 months prior to the application for the licence, has not been a member or has had no representative powers under Article 52 of Law no. 47 of 23 February 2006 in a company the licence of which was revoked by the Congress of State. The fact of being a member or of having representative powers under Article 52 of Law no. 47 of 23 February 2006 and subsequent amendments shall be concurrent with the activities leading to the adoption of the decision on licence revocation. This provision shall not apply when, in the administrative appeal against the refusal to grant a licence following a revocation order, the member or director demonstrates that, by behaving diligently, he/she is not responsible for the decisions or activities of the company leading to the revocation of its licence;
g) in the 24 months prior to the application for the licence, did not hold any licence revoked by the Congress of State;
h) is not subject to any forced collection procedure applied by the Tax Collection Department of the Central Bank of the Republic of San Marino, under Title II of Law no. 70 of 25 May 2004, in order to recover claims held by the Public Administration or the entities of the overall public sector, which are not subject to legal disputes or agreements on payment by instalments to settle the outstanding debts;
i) is not employed, except for the situation referred to in Article 7 below, or self-employed;
l) has been granted a relevant authorisation by the Congress of State when he/she intends to perform an activity in the sectors referred to in Article 1, points 2, 8, 9, 11, 12, 14, 15, 16 and 17 of Delegated Decree no. 116/2007 and subsequent amendments.

Art. 7
(Part-time business activity)

1. With a view to promoting entrepreneurship of persons employed by third parties, it shall be possible to carry out a business activity on a part-time basis in accordance with the conditions set out in a delegated decree to be issued by 31 December 2014.

Art. 8
(Subjective requirements for legal persons to obtain a licence)

1. A licence may be granted to a legal person that:
a) is recorded in the Company Register in compliance with Law no. 47 of 23 February 2006 and subsequent amendments;
b) is not considered an unfit party under Article 1 of Law no. 47 of 23 February 2006 and subsequent amendments;
c) fulfils other requirements laid down in special laws.

Art. 9
(Objective requirements for licences registered in the name of natural persons and licences registered in the name of legal persons)

1. The subject of a licence shall be:
a) lawful;

b) possible;
c) specific;
d) consistent and
e) related to the actual activity to be performed.

2. Where the applicant is a legal person, the subject of the licence shall, partially or wholly, coincide with the corporate purpose and shall define the business activity only. The subject of the licence shall be described only by specifying the Ateco reference codes. The economic operator may perform the corporate purpose only partially, it being understood that the granting of licences is subject to the provisions of special laws.

3. With regard to paragraph 1, letter d) above, licences referring to a single class of Ateco codes shall be considered consistent by law. Such criterion shall also be extended to the assessment referred to in Article 2, paragraph 2. In the other cases, consistency shall be assessed by the Office of Industry, Handicraft and Trade on the basis of the business plan drafted by the economic operator.

4. Applicants for licences shall:

a) have a place of business for their exclusive use, which complies with building regulations and is suitable for the activity to carry out. Applicants for a licence covering an activity that, given its nature, may be performed without a fixed place of business shall be exempted from the above obligation. In this latter case, the place of business to which communications shall be sent shall be the one specified in Article 24, paragraph 1 below. Applicants shall be the sole owners or the sole usufructuaries of the premises where the activity is performed, or they shall hold a lease or a property leasing agreement, or a gratuitous loan agreement, registered with the Registry Office. A gratuitous loan agreement shall be permitted only in case of individual licences and shall concern the licence holder's spouse or relative by consanguinity or affinity within the third degree. The lease or the property financial leasing agreement or the gratuitous loan agreement shall indicate the cadastral data, the floor, number and area covered by the premises, as well as an explicit statement by the lessor stating that the premises shall be exclusively used by the lessee.
   For the purposes of this Law, the expression "place of business" shall refer to the place where the business activity is carried out, that is to say the place specified in the application for licence or for transfer of the place of business or for setting up of a secondary place of business. Therefore, the registered office referred to in Article 8 of Law no. 47/2006 and subsequent amendments may not coincide with the place of business of the same company. In case only the registered office is transferred, Law no. 47/2006 and subsequent amendments shall apply;
b) have paid the licence issuance fees under Annex B;
c) have been authorised in compliance with special laws and with respect to the kind of activity to be performed. As regards hygiene and safety requirements to start production, it shall be sufficient to submit a relevant application to the competent Department of the Social Security Institute, together with all necessary documents. The authorisation to be granted to start production shall be obtained within 180 days following the issuance of the licence. The entrepreneur, however, shall also be held responsible during the period in which the authorisation has not yet been granted to start production;
d) hold 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 in special laws. In case the licence is registered in the name of a natural person, the above mentioned professional requirements shall be fulfilled by the licence holder, while in the case of a legal person they shall be met by those performing the tasks which require the special training or professional expertise. Where a person with the skills mentioned above must be recruited, he/she shall be employed within 10 working days following the issuance of the licence.

5. In relation to the requirement referred to in letter a) of the preceding paragraph, a professional regularly enrolled on the Register of Engineers and Architects or on the Panel of Surveyors, who has applied to the Town Planning Office for a planning permission relating to the premises intended to be used as the place of business and whose project has been approved, may state, prior to the conclusion of the procedure for the granting of the certificate of building compliance, that the building works conducted in the premises comply with the last approved plan including any instructions given by the Civil Protection. On the basis of such statement, the Office

of Industry, Handicraft and Trade shall issue the licence. If statements are found to be false or misleading, Article 11, paragraph 5 shall apply.
6. In relation to letter c) in preceding paragraph 4, where the activity covered by a licence may be started gradually and progressively, the authorities that are responsible for the granting of the authorisations envisaged by special laws may authorise the activity requested also partially, so that the entrepreneur can immediately operate. Such authorisation shall be subject to specific conditions. Failure to fulfil the conditions mentioned above shall entail the suspension or revocation of the authorisation granted by the competent authority which shall notify the Office of Industry, Handicraft and Trade of the adopted measure. The Office of Industry, Handicraft and Trade shall, then, take the appropriate actions.
7. The Registry Office shall report to the Office of Industry, Handicraft and Trade the contracts which do not comply with the provisions referred to in paragraph 4, letter a) concerning leases, or property leasing agreements, or gratuitous loan agreements, or which do not indicate the cadastral data, the floor, number and area covered by the premises, as well as an explicit statement by the lessor stating that the premises shall be exclusively used by the lessee. After receiving the report, the Office of Industry, Handicraft and Trade shall give the economic operator 10 working days to deposit with the Registry Office a contract complying with this Law.
8. Ateco codes adopted for the purposes of this Law shall be indicated in the Services Charter referred to in Article 36.

Art. 10
(General procedure for the granting of a licence)

1. Licences shall be issued upon prior submission of a specific application to the Office of Industry, Handicraft and Trade.
2. The content and means of submission of applications, under this Law, shall be defined in the Services Charter referred to in Article 36 below.
3. Besides specifying the activity to be effectively carried out, applicants shall specify the main activity and ancillary activities, indicating the relevant class of Ateco codes. For the purposes of proper statistical coding, there shall be a single main activity.
4. Licences shall be granted upon receipt of the relevant application by the Office of Industry, Handicraft and Trade if the application complies with the Services Charter. Applicants shall be entitled to request that the licence become effective at a later date, which, however, shall not exceed 30 days following the application. The application shall be given an identification number.

Art. 11
(Monitoring of the actual fulfilment of requirements for the issuance of licences and relevant sanctions)

1. The Office of Industry, Handicraft and Trade and the other offices involved in the procedure for the issuance of the licence shall be obliged to check, within 180 days following the submission of the licence application, whether all requirements referred to in Articles 6, 8 and 9 are fulfilled. The time-limit of 180 days shall be reduced to 30 days if the activity covered by the licence concerns sectors that present particular risks to health and public safety, that is to say the production, sale or distribution of food and beverages, wholesale or production of chemicals, health and welfare and the sector of weapons. By means of a decision, the Congress of State may include other sectors following a formal and reasoned request by the Directorate of the Office of Industry, Handicraft and Trade.
2. Licences shall be revoked for one or more of the following reasons:
a) errors in the application that cannot be corrected;
b) failure to meet the requirements to obtain the licence under Articles 6, 8 and 9, without prejudice to Article 12 hereunder.
3. In the event of a revocation under the preceding paragraph, where non-compliance with the objective requirements referred to in paragraph 9 above results from the checks carried out after the issuance of a licence, an administrative pecuniary sanction of € 2,000.00 shall be applied to each of the following cases:
a) lack of a place of business for exclusive use, which complies with building regulations and is suitable for the activity to carry out;

b) lack of a property deed, lease, property leasing agreement or gratuitous loan agreement registered with the Registry Office;
c) failure to pay the licence issuance fees under Annex B;
d) conduction of the activity without being granted the authorisations envisaged by special laws and with respect to the kind of activity performed;
e) conduction of the activity without having submitted to the competent Department of the Social Security Institute the application concerning the hygiene and safety requirements to start production, together with the necessary documents;
f) failure to hold any certificates, certificates of studies or certificates of course attendance to perform activities requiring special training or professional expertise, as specifically requested in Annex A to this Law and in special laws;
g) for individual licences, being employed or working as a professional, except for the case referred to in Article 7.

4. Where the economic operator carries out his/her business in such a way as to pose a serious risk in terms of health and safety at work, following a report by the competent Department of the Social Security Institute, the Office of Industry, Handicraft and Trade shall suspend *ex officio* the licence until the operator is granted the authorisation relative to hygiene and safety requirements to start production. If the operator has not obtained the aforesaid authorisation after 180 days following the granting of the licence, the licence shall be revoked.

5. In addition to the sanctions provided for in the preceding paragraphs and in compliance with Article 24 of Law no. 159/2011, according to which anyone making false or misleading statements shall be punished under existing criminal laws and shall no longer enjoy any obtained benefits, the Office of Industry, Handicraft and Trade shall report to the Judicial Authority any false or misleading statements identified when checking the requirements for the issuance of a licence, which have made to obtain the licence in lieu of the notarised documents under Article 13 of Law no. 159/2011 and of the contracts under Article 12 of Law no. 159/2011. Where a false or misleading statement is made by a professional under paragraph 6 of preceding Article 9, the Office of Industry, Handicraft and Trade shall also report to the Professional Association or Panel of which the professional is member.

Art. 12

(Lack of specification and consistency of the subject of a licence)

1. Where a licence holder is notified that the subject of his/her licence lacks specification or consistency under Article 9, he/she shall be summoned by the Director of the Office of Industry, Handicraft and Trade within 5 working days following the notification in order to provide clarifications on the specification or consistency of said subject of the licence. If, after the meeting, the Office of Industry, Handicraft and Trade continues to state that the subject of the licence is irregular and the licence holder continues to stand against that position, a panel composed of the Director of the Office for Control and Supervision over Economic Activities, an official of the Department of Economy designated by the Director of the Department of Economy, the licence holder and the Director of the Office of Industry, Handicraft and Trade shall be convened to review the case. If, after the review, the Director of the Office for Control and Supervision over Economic Activities and the official of the Department of Economy designated by the Director of said Department confirm the irregularity, the licence shall be suspended ex officio and the holder thereof, within 30 working days of suspension, shall revise the subject of the licence to make it specific and consistent.

Art. 13

(Authorisation to operate for foreign legal persons or non-resident natural persons)

1. Foreign legal persons or non-resident natural persons intending to carry out an economic activity in the Republic of San Marino for a period exceeding 180 days shall apply for an ad-hoc authorisation to the Office of Industry, Handicraft and Trade and shall also comply with the same rules applying to San Marino economic operators.

2. No authorisation shall be granted for activities:

a) of foreign legal persons whose members and/or administrative bodies are “Unfit Parties” as established by Law no. 47 of 23 February 2006 and subsequent amendments, or of foreign legal

persons the corporate structures of which cannot be known. This shall not apply to listed companies or to companies the shares of which are held by more than 20 different persons, without prejudice to the requirement not to be subject to any forced collection procedure applied by the Tax Collection Department of the Central Bank of the Republic of San Marino, under Title II of Law no. 70 of 25 May 2004, in order to recover claims held by the Public Administration or the entities of the overall public sector, unless they are subject to legal disputes or agreements on payment by instalments to settle the outstanding debts;

b) of a natural person who does not meet the requirements referred to in Article 6, except for letter a);
c) regulated by Law no. 130 of 26 July 2010 and subsequent amendments, unless authorised by the Review Committee referred to in Article 21 of the same Law and except for street trading;
d) regulated by Delegated Decree no. 116 of 13 December 2007 and subsequent amendments, unless an ad-hoc authorisation by the Congress of State is obtained;
e) regulated by Law no. 165 of 17 November 2005 and subsequent amendments, unless an ad-hoc authorisation by the Central Bank of the Republic of San Marino is obtained;
f) of a legal person with its registered office in the "countries under monitoring" as identified by the Financial Intelligence Agency;
g) of those that do not report to the Office of Industry, Handicraft and Trade the beneficial owners of shareholdings.

3. The content and means of submission of applications shall be defined in the Services Charter referred to in Article 36 below.

4. Applicants for the authorisation shall:

a) appoint a nominee in the Republic of San Marino entrusted with the same rights and duties as a sole Director, who shall have an address for service at the office of a professional. The nominee shall not be an "unfit person" in accordance with Law no. 47 of 23 February 2006 and subsequent amendments;
b) have a place of business under letter a), paragraph 4 of Article 9, except for building sites. In the event of a building site, applicants shall establish an address for service at the office of a professional;
c) have paid the licence issuance fees under Annex B;
c) have been authorised in compliance with special laws and with respect to the kind of activity intended to be performed.
e) hold any certificates, certificates of studies or certificates of course attendance to perform activities requiring special training or professional expertise, as specifically requested in Annex A to this Law and in special laws;
f) declare the main activity and the actual activity to be carried out, specifying the relevant class of Ateco codes.

5. Authorisations shall be granted upon receipt of the relevant application by the Office of Industry, Handicraft and Trade if the application complies with the Services Charter.

6. Authorisations shall last one year and they shall be renewed, if the requirements continue to be met, by paying the relevant fees.

7. The fees shall be paid in full irrespective of the date of granting of the authorisation.

8. Foreign legal persons or non-resident natural persons intending to carry out an economic activity in the Republic of San Marino for a period exceeding 15 days and less than 180 days shall be authorised thereto according to the terms and conditions established in an ad-hoc decision by the Congress of State. The time-limit of 180 days may be extended by the Congress of State where the attainment of the object of the authorisation requires longer time. In this case, paragraph 1 shall not apply.

Art. 14

(Monitoring of the actual fulfilment of requirements for the issuance of the authorisation referred to in Article 13 and relevant sanctions)

1. The Office of Industry, Handicraft and Trade and the other offices involved in the issuance of the authorisation referred to in preceding Article 13 shall perform controls pursuant to Article 11, paragraph 1.

2. The authorisation to operate mentioned in Article 13 shall be revoked on one or more of the following grounds:

a) errors in the application that cannot be corrected;
b) lack of the requirements for the issuance referred to in Article 13, paragraph 4, letters a), b), c) and d).

3. The sanctions referred to in Article 11, paragraphs 3, 4 and 5 shall also be applied.

4. Anyone not holding the authorisation referred to in Article 13 shall be subject to the sanctions referred to in Article 28, paragraph 1.

Art. 15

(Reporting obligations of the Office of Industry, Handicraft and Trade)

1. The Director of the Office of Industry, Handicraft and Trade shall report to the Financial Intelligence Agency any licence or authorisation referred to in Article 13 covering: a) the office of professional trustee under the legislation on trusts; b) assistance and advice concerning investment services; c) assistance and advice concerning administrative, tax, financial and commercial matters; d) credit brokerage; e) real estate brokerage; f) running of gambling houses and games of chance under Law no. 67 of 25 July 2000 and subsequent amendments; g) offer of games, betting or contests with prizes in money through the Internet and other electronic or telecommunication networks; h) custody and transport of cash, securities or values; i) management of auction houses or art galleries; j) trade in antiques; k) buying or selling of gold; l) manufacturing, mediation and trade in precious stones and metals, including export and import thereof; m) selling or rental of registered movable goods; n) car rental; o) rental of safety boxes. The above-mentioned list may be expanded by means of a regulation adopted by the Congress of State.

Art. 16

(Main and actual activity)

1. The main activity of a business shall be determined by assessing the following elements:

a) the production, even though outsourced to third parties, of goods released for consumption in the name of the economic operator always considers the productive activity as the main activity;
b) the provision and production of services is a main activity when:
   - the amount of the services invoiced exceeds the value of the assets transferred, or
   - the main qualification of employees is essential to the provision of the services or
   - the service activity conducted is essential to the possible supply of goods;
c) the commercial activity is the main activity in all other cases where the amount of the goods traded prevails over what envisaged in preceding letter b).

2. Economic operators shall be required to notify the Office of Industry, Handicraft and Trade of any change in the main and actual activity by 30 June of each year.

3. Failure to notify pursuant to paragraph 2 shall give rise to an administrative sanction of € 200.00.

4. When the Office of Industry, Handicraft and Trade demonstrates during verifications that the economic operator has been mainly conducting, for at least two years, an activity which is different from the one notified, said Office, besides applying the sanction mentioned above, shall set a minimum time limit of 10 days within which the licence holder shall amend the subject of the licence on the basis of the actual activity. Where the economic operator does not comply with the time limit assigned, he/she shall be subject to an additional sanction of € 200.00. Where the operator fails to amend the subject of the licence as requested, Article 28, paragraph 2 shall apply.

5. The economic operator may challenge the decision by the Office of Industry, Handicraft and Trade imposing sanctions on him/her pursuant to paragraph 4 by requesting to convene the panel referred to in Article 12.

Art. 17
(Obligations relating to the place of business)

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 at any check.

Art. 18
(Secondary place of business)

1. Economic operators wishing to set up a secondary place of business shall submit a relevant application to the Office of Industry, Handicraft and Trade and shall have as many employees as their secondary places of business set up.
2. The requirement relating to employees shall not apply to coin-operated laundry businesses, coin operated machines and automatic car washes. This list of activities may by extended by a Regulation adopted by the Congress of State with regard to fully automated activities which do not require the presence of an operator for the provision of the good or service.
3. The requirements of the place of business shall be those specified in letters a) and c), paragraph 4 of Article 9.
4. The setting up of a secondary place of business shall be authorised upon receipt of the relevant application by the Office of Industry, Handicraft and Trade if the application complies with the Services Charter. Applicants shall be entitled to request that the secondary place of business be authorised at a later date, which, however, shall not exceed 30 days following the application. The application shall be given an identification number.
5. Following a relevant application for setting up a secondary place of business, the Office of Industry, Handicraft and Trade shall take the steps laid down in Article 10.
6. Should the economic operator no longer have the number of employees required to set up one or more secondary places of business, he or she shall restore such number within 90 working days from the interruption of the working relationship. Failure to meet this requirement shall entail the revocation of the authorisation to set up the main or the secondary place of business. In case of several secondary places of business, the licence holder shall specify the secondary place of business to close. In case of lack of communication, the last authorised secondary place of business shall be closed ex officio.
7. The Office of Industry, Handicraft and Trade and in the other offices involved in the procedure for the setting up of a secondary place of business shall perform controls under Article 11, paragraph 1.
8. If non-compliance with the requirements results from the controls referred to in the preceding paragraph, Article 11 shall apply.

Art. 19
(Transfer of the place of business)

1. Economic operators wishing to transfer their place of business shall submit a relevant application to the Office of Industry, Handicraft and Trade.
2. The requirements of the place of business shall be those specified in letters a) and c), paragraph 4 of Article 9 above.
3. The transfer of the place of business shall be authorised upon receipt of the relevant application by the Office of Industry, Handicraft and Trade if the application complies with the Services Charter. Applicants shall be entitled to request that the transfer become effective at a later date, which, however, shall not exceed 30 days following the application. The application shall be given an identification number.
4. Following a relevant application for setting up a secondary place of business, the Office of Industry, Handicraft and Trade shall take the steps laid down in preceding Article 10.

5. The Office of Industry, Handicraft and Trade and the other offices involved in the procedure for the transfer of the place of business shall perform controls under Article 11, paragraph 1.
6. If non-compliance with the requirements results from the controls referred to in the preceding paragraph, Article 11 shall apply.
7. The authorisation for the transfer of the place of business shall entail full effectiveness of the communications sent to the new place of business. However, communications shall also be sent to the registered office of legal persons if different from the place of business.

Art. 20
(Address for service)

1. Address for service shall be allowed at the offices of professionals which do not serve entirely or partly as a dwelling:
a) in case of activities supporting professionals, except for the activities referred to in Law no. 165/2005 and subsequent amendments, provided that the activity for which an address for service has been established is performed by a company in which the professional providing the address for service holds at least 25% of shares;
b) to establish the place of business of an economic operator whose licence has been suspended;
c) to establish the registered office of an economic operator when it does not coincide with the place of business;
d) in case of real estate activities without real estate brokerage on behalf of third parties performed by economic operators.
2. Holding companies only managing shareholdings may have an address for service at the premises of participated companies or at the offices of professionals mentioned in paragraph 1.
3. Holding companies shall be regulated by an ad-hoc delegated decree to be adopted within 120 days following the entry into force of this Law.

Art. 21
(Name of the economic activity)

1. The Register of names of economic activities shall be established at the Office of Industry, Handicraft and Trade.
2. Economic operators wishing to perform their activities with one or more names other than the one specified in the licence shall apply for registration of the name in the Register of names of economic activities or submit to the Office of Industry, Handicraft and Trade the agreement enabling the licence holder to use a registered trademark.
3. The registration referred to in the preceding paragraph shall be made by the Office of Industry, Handicraft and Trade only when the names notified were not previously registered by other persons, unless they refer to franchising. Under the Services Charter referred to in Article 36, names that could lead to false expectations in the market may not be registered.
4. The right to use a name may be transferred to another economic operator only if expressly indicated in the deed of sale of the business.
5. If a name other than the one indicated in the licence is used without being previously registered, an administrative sanction of € 400.00 shall be imposed.

Art. 22
(Assignment of the Economic Operator Number)

1. The economic operator number shall be assigned by the Office of Industry, Handicraft and Trade to legal persons registered in the Company Register. It shall also be assigned to natural persons who meet the requirement referred to in Article 6, paragraph 1, except for letters e) and i) and indicate the subject of their licence, which shall have the characteristics specified in paragraph 1 of Article 9. Natural persons shall also be granted the required authorisation by the Congress of State in case they pursue the activities referred to in letter l), paragraph 1 of Article 6. The economic operator number shall be assigned by the Office of Industry, Handicraft and Trade under the terms of Article 36 of the Services Charter.

2. Until the licence is granted, the economic operator number shall not be used to provide services or sell goods. It shall be prohibited to use the economic operator number for operations that do not relate to the corporate purpose or, in case of natural persons, to the subject of the licence.
3. Paragraph 1 of Article 28 shall apply in case the economic operator number is used when prohibited.
4. In addition to the prohibitions referred to in preceding paragraph 2, economic operators intending to perform their activity in the sector of weapons and only holding the economic operator number shall not purchase goods, except for capital goods.
5. The assignee of an economic operator number who has not been granted a licence within 1 year of assignation of such number shall pay to the Tax Office the difference between the standard rate of import taxes and the amount already paid for the purchase of capital goods.
6. The assignment of the economic operator number shall not allow to carry out a business activity but only the activity which is preparatory to the conduction of the business activity itself.
7. This Article may be amended by a delegated decree.

Art. 23
(Voluntary suspension and reactivation)

1. A licence shall be suspended at the request of the licence holder when the Office of Industry, Handicraft and Trade receives the relevant application provided that the latter complies with the Services Charter.
2. Economic operators may suspend the exercise of their activity for up to 24 months, upon prior notification to the Office of Industry, Handicraft and Trade. In the notification of suspension, the operator may specify the date from which he/she intends to suspend the license after the submission of the application.
3. After twenty-four months the license shall officially cease to be effective, unless within thirty days from the date of its termination the economic operator reactivates the license by paying, in addition to the license fee, a surcharge of € 500.00.
4. Suspended licences shall be reactivated only after ascertaining that corporate taxes have been paid, in case of legal persons, or that unpaid licence fees, if any, have been paid and that the requirements for the granting of licences continue to be fulfilled.
5. The reactivation of the licence shall be substantial and demonstrated by verifying that the requirements for the issuance of the licence continue to be met. The licence shall not be further suspended until inspections are carried out in accordance with Article 29, paragraph 1, letter d).
6. Legal persons terminating a licence covering a reserved activity pursuant to Delegated Decree No. 116/2007 and subsequent amendments shall not be granted a new licence to perform the same reserved activity without prior authorisation from the Congress of State.

Art. 24
(Communications in case of suspended or terminated licences)

1. In case of a suspended licence, communications, if any, shall be sent:
a) for legal persons, to all intents and purposes, to the company's registered office, unless otherwise specified;
b) for resident natural persons, to their dwellings;
c) for non-residents, to the office of an accountant holding a university decree o a high school qualification, or of a lawyer and notary enrolled in the relevant professional register. Said office shall be formally chosen as the address for service at the time of application for the licence suspension.
2. In case of a terminated licence, communications, if any, shall be sent:
a) for legal persons, to all intents and purposes, to the registered office of the company, except where a company is in liquidation. In that case, the place to which communications must be sent shall be the address for service chosen by the liquidator;
b) for resident natural persons, to their dwellings;
c) for foreign legal persons, to the registered office in the foreign State or, in the case of natural persons, to their foreign residence address.

3. Communications shall always be made public.

Art. 25
(Renunciation)

1. Anyone wishing to renounce a licence shall submit a written application for renunciation to the Office of Industry, Handicraft and Trade. Said Office shall terminate the licence as soon as it receives the relevant application, provided that it complies with the provisions of the Services Charter, unless a date subsequent to the submission of the application for renunciation is specified.
2. In the event that a licence covering the activities provided for in Article 16, paragraph 6 of Law n.47/2006 and subsequent amendments is renounced, the relevant authorisation shall no longer be valid.

TITLE III
TRANSFER OF OPERATING LICENCES TO THIRD PARTIES

Art. 26
(Transfer of licences to natural or legal persons)

1. The ownership of a licence may be transferred, as a consequence of the sale of a business, to natural or legal persons who meet the same subjective and objective requirements as those necessary for the authorisation of the same licence.
2. The transfer of ownership of a licence shall be permitted in following cases:
a) transfer of ownership of a business inter vivos through a duly registered deed of sale or donation;
b) transfer of ownership of a 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) transfer of a business through a duly registered lease contract having a temporary validity; in this case, the transfer of 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 the Office of Industry, Handicraft and Trade, upon application of the interested party. Applicants shall prove that they meet the requirements set out in Articles 6 and 8 and, in the case of legal persons, they shall also have a corporate purpose consistent with the licence to be transferred. 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. 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 18 months from the death of the previous holder, under penalty of nullity of the licence. The licence and business shall be indicated in the declaration of inheritance.
5. The authorisation to transfer the ownership of a licence issued pursuant to this Law shall be granted when the Office of Industry, Handicraft and Trade receives the relevant application, provided that the latter complies with the Services Charter. Applicants shall be entitled to request that the transfer of ownership become effective at a later date, which, however, shall not exceed 30 days following the application. The application shall be given an identification number.
6. Following a relevant application for the transfer of a licence, the Office of Industry, Handicraft and Trade shall take the steps laid down in Article 10.
7. The Office of Industry, Handicraft and Trade and the other offices involved in the procedure for the transfer of a licence shall perform controls under Article 11, paragraph 1.
8. If non-compliance with the requirements results from the controls referred to in the preceding paragraph, Article 11 shall apply.

TITLE IV
CONTROL AND SANCTIONS

Art. 27
(Supervision over the correct enforcement of this Law and of the other laws relating to Industry, Services, Handicraft and Trade)

1. The Office of 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 of 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. The Director of the Office of Industry, Handicraft and Trade, within seventy-two hours from the adoption of measures authorising the seizure of goods or documents, shall deposit with the Court Registry a reasoned request for validation of the measure. The Law Commissioner shall give a ruling within the next ninety-six hours. These terms shall be established under penalty of nullity of the seizure.
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 of 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 of Industry, Handicraft and Trade and to support the investigations carried out directly by said Office;
b) the Office of Industry, Handicraft and Trade shall have the power to issue orders to ensure that industrial, service, handicraft and trade 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 of 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;
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 of Industry, Handicraft and Trade.
6. By 31 January of each year, the Director of the Office of Industry, Handicraft and Trade, together with the Director of the Office for Control and Supervision over Economic Activities, shall submit to the Minister of Industry, Handicraft and Trade a report on the outcome of the inspections carried out during the year.
7. The Office of Industry, Handicraft and Trade shall apply the administrative pecuniary sanctions and ancillary sanctions imposed in case of administrative offences referred to in this Law and in laws relating to industry, services, handicraft and trade.
8. The Office of Industry, Handicraft and Trade shall also rely on Police Corps to perform inspections.

Art. 28

(Sanctions)

1. Anyone carrying out industrial, service, handicraft and trade activities without a licence shall be subject to an administrative sanction proportional to the current value of the goods or services being the subject of the activities carried out without the licence. The minimum sanction shall be € 1000.00.
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 25% of the current value of the goods or services being the subject of the activities carried out outside the scope of their licence. The minimum sanction shall be € 500.00.
3. Anyone carrying out industrial, service, handicraft and trade activities while having their licence suspended shall be punished with the administrative sanction referred to in paragraph 2 above.
4. In all cases mentioned in the preceding paragraphs, the Director of the Office of 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. The order shall be immediately enforceable notwithstanding appeals. The Director of the Office of Industry, Handicraft and Trade, within seventy-two hours from the adoption of measures authorising the seizure of goods or documents, shall deposit with the Court a reasoned request for validation of the measure. The Law Commissioner shall give a ruling within the next ninety-six hours. These terms shall be established under penalty of nullity of the seizure.
5. When the industrial, service, handicraft or trade activity is carried out without a license, the goods owned by those who have performed the activity shall always be seized in addition to the application of the administrative sanction. If goods are not owned by the agent or the infringement relates to services, as well as when the industrial, handicraft or trade activity is carried out in relation to goods other than those covered by the licence, seizure shall be replaced by an extraordinary pecuniary sanction equal to the current value of the property or services being the subject of 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. Seizure shall continue to be applied until payment of the sanctions imposed.
6. Anyone who, through advertising whatever its form, declares to be able to carry out an activity which falls outside the scope of their licence shall be subject to an administrative sanction of € 500.00, while, if they do not hold any licence, they shall be subject to an administrative sanction of € 1,000.00.
7. An administrative sanction of € 1,500.00 shall be imposed when the following cases are detected after the completion of the controls referred to in Article 11:
a) lack of a document of title, or a lease or a property leasing agreement, or a gratuitous loan agreement, recorded by the Registry Office and relating to the place of business of the licence;
b) loss of the authorisations provided for by special laws in relation to the type of activity performed; where the loss of the requirements involves the revocation of authorisations by the competent authorities, also the licence shall be suspended;
c) failure to hold certificates, or certificates of studies or certificates of course attendance to perform activities requiring special training or professional expertise, as specifically requested in Annex A to this Law and by special laws. If the economic operator does not solve such shortcomings within thirty days of notification of the sanction, the licence shall be suspended.
8. The preceding paragraph shall not apply to suspended licences.
9. Any other non-compliance with this Law, regulations concerning industry, services, handicraft and trade, as well as with instructions given by the Office of Industry, Handicraft and Trade, shall entail an administrative pecuniary sanction from € 300,00 to € 5.000,00 on account of the seriousness of the infringement.

Art. 29
(Ex officio 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 payment of the

amount due. 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) lack of a place of business for exclusive use, which complies with building regulations and is suitable for the activity to carry out;

c) where it is found that the place of business has been deprived of the tools necessary for the regular conduct of the economic activity;

d) in the event that the Civil Police are not able to conduct an inspection at the place of business of the economic operator, within six months from the date of issue of the licence, in the presence of the director of the company or of the licence holder in the case of an individual licence, due to the unjustified absence of said director or licence holder. If, after further thirty days of the suspension order, the above-mentioned inspection cannot be carried out, the licence shall be revoked;

e) thirty days after the loss of the subjective requirements referred to in Articles 6 and 8;

f) where the economic operator has not obtained, within 180 days from the issue of the licence, the authorisation relating to compliance with hygiene and safety requirements to start production. In this case, the licence shall be suspended until granting of the authorisation. In any case, if the economic operator fails to fulfil the aforesaid requirements after 180 days from receipt of the notification of the order of the licence suspension, the licence shall be revoked;

g) in other cases provided for by this Law or by special laws.

2. 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. The cases damaging the prestige and interests of the State shall include distortions in the exchange of goods or services with other countries. Where the cases damaging the prestige and interests of the Republic are identified within 12 months from termination of a licence by a natural or legal person and refer to the period prior to the termination of the licence, the Congress of State, setting out the reasons that would have led to the revocation of the licence, shall adopt a relevant measure solely for the purpose of identifying the person concerned as an unfit person and placing the company into voluntary or compulsory liquidation. The revocation shall oblige the company concerned to undergo voluntary liquidation, with no possibility of *in bonis* remedy, within ninety days from the revocation. In case the company fails to comply within the specified time-limits, the Law Commissioner shall place the company into compulsory liquidation. If the addressee of the revocation measure is a company, the latter shall not dispose of property or transfer debts until it is placed in compulsory liquidation, under penalty of seizure of the company's property. In case the above-mentioned property is perishable foodstuffs, the sale thereof may be authorised by the Director of the Office of Industry, Handicraft and Trade. Seizure shall be validated in accordance with Article 28, paragraph 4.

3. If the addressee of the measure of suspension or revocation of the licence is an economic operator holding a licence for car rental, such economic operator shall deposit, within ten working days of receipt of the notification of the measure of suspension or revocation, the registration certificate(s) of the means intended for car rental and relevant plate at the Vehicle Registration Office. If the operator fails to comply with the envisaged terms, he/she shall be subject to an administrative sanction of € 1000.00 for every undelivered vehicle registration certificate and plate.

4. The suspension of the licence shall not be enforced against the economic operator before the measure of suspension has been notified in accordance with the prescribed terms.

5. In the event that a licence covering the activities provided for in Article 16, paragraph 6 of Law n.47/2006 and subsequent amendments is revoked, the relevant authorisation shall no longer be valid.

Art. 30

(Repeated violations and enforcement of pecuniary sanctions)

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

2. For the purposes of this Law, anyone who, during the three years prior to the last violation, has committed the same administrative violation shall be considered a repeat offender. In such a case, the voluntary settlement provided for in Article 33 of Law n. 68 of 28 June 1989 shall not be allowed.
3. Anyone who, under the same terms set out in paragraph 1, commits a further administrative violation, shall also be subject to the ancillary 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 Office of Industry, Handicraft and Trade may order the seizure of any movable assets in the place of business, except for the property that the business proves not to be in possession of. The Director of the Office of Industry, Handicraft and Trade, within seventy-two hours from the adoption of measures authorising the seizure of goods or documents, shall deposit with the Court Registry a reasoned request for validation of the measure. The Law Commissioner shall give a ruling within the next ninety-six hours. These terms shall be established under penalty of nullity of the seizure.
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.

Art. 31
(Approval of goods for economic operators with suspended or revoked licences)

1. Economic operators whose licence has been suspended shall be required, within 15 working 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, as well as a list of goods stocked. Only goods contained in such lists may be introduced into the territory or be resold. The aforesaid deadline is three working days in case of revocation of the licence.
2. Goods brought into the Republic of San Marino which are not included in the lists referred to in the preceding paragraph shall be subject to seizure.
3. The seizure procedures referred to in this Article and in Articles 27, 28 and 29 shall be governed by delegated decree.

Art. 32
(Notification of administrative sanctions)

1. Administrative sanctions shall be notified by registered letter with acknowledgement of receipt or by the Civil Police as specified in the Services Charter.

Art. 33
(Appeals)

1. The administrative pecuniary sanctions provided for in this Law may be appealed against under Title IV of Law no. 68 of 28 June 1989, with the exception of administrative pecuniary sanctions of an amount exceeding EUR 10,000.00, which may be appealed against under Title II of the same Law.

TITLE V
FINAL AND TRANSITIONAL PROVISIONS

Art. 34
(Access to databases)

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

Art. 35
(Register of licences)

1. The Office of Industry, Handicraft and Trade shall keep a computerised public Register of Licences listing all licences issued and providing the name of the holder, the economic operator number, the statistical code, the place of business, the subject of the activity that be performed, the date of issuance, the status of the licence, the trade name, if any, and any other information deemed useful.
2. The computerised public register of licences shall be accessible to anyone against payment.

Art. 36
(The Services Charter)

1. The Office of Industry, Handicraft and Trade, in agreement with the Director of the Department of Economy, shall prepare the Services Charter of the same Office. Said document, besides providing a clear and comprehensive description of the services offered, shall indicate the procedures to be followed for the provision of the same by identifying those responsible for individual procedures, the relative timing, costs and forms. The Services Charter shall give an indication of all current legislation relating to the exercise of economic activities in the form of a business and its annexes shall contain the same texts in English.
2. The Services Charter shall be updated every time changes are introduced in the services provided or in the related procedures, and shall be published on the website of the Office of Industry, Handicraft and Trade. The revisions of the Services Charter shall be binding on third parties only after thirty days from their publication on the website above. The Services Charter shall give an indication of all current legislation relating to the exercise of economic activities in the form of a business.

Art. 37
(Annexes)

1. Annexes A and B may be modified by delegated decree.

Art. 38
(Certificate of revocation of the licence)

1. The Office of Industry, Handicraft and Trade shall issue a certificate to certify in relation to the last twenty-four months prior to the request of the certificate, whether:
a) a natural person was a member or had the representative powers referred to in Article 52 of Law no. 47 of 23 February 2006 in a company revoked following a measure of the Congress of State. The fact of being a member or being vested with representative powers referred to above shall be concomitant with the performance of the actions that led to the adoption of the decision to revoke the licence;
b) a legal person was a member at the time when the actions leading to the adoption of the decision to revoke the licence took place.
2. The certificate shall be issued within five working days from the request.
3. The certificate referred to in paragraph 1 may be replaced by corresponding statements with the forms referred to in Article 25 of Law no.159/2011 even by non-residents in the Republic of San Marino.

4. For the sole purpose of issuing the previous certificates, the Office of Industry, Handicraft and Trade shall require, only through the officials of the Central Bank of the Republic of San Marino, the information collected and held by the same pursuant to Article 2 of Law no. 98 of 7 June 2010 relating to San Marino companies or those whose licence was revoked by the Congress of State. Access to the above-mentioned information shall not constitute a breach of the obligations of confidentiality under Article 29 of Law no. 96 of 29 June 2005 and subsequent amendments.

Art. 39
(Final provisions)

1. As regards the documents produced and issued in administrative proceedings under this Law, the stamp duty shall consist in the payment of the document fees whose amount depends on the relevant proceedings. Such amounts shall be determined and updated by a delegated decree. Such fees shall be paid in the manner established in the decree mentioned above before or at the time of the application starting the proceedings, under penalty of inadmissibility.
2. From 30 June 2014, the communications to and from the Office of Industry, Handicraft and Trade shall be made by e-mail or through the State web portal, in accordance with the procedures laid down in the Services Charter referred to in Article 36.
3. Licences shall be displayed in each place of business of economic operators.
4. A decision of the Congress of State shall identify documents issued by foreign countries that are equivalent to articles of association, memorandum of association, Certificate of Status (Certificato di Vigenza) and other documents useful to allow foreign companies to operate or to participate in San Marino companies.

Art. 40
(Transitional rules)

1. An ad-hoc delegated decree shall be issued within 90 days of publication of this Law with a view to aligning the legislation on commercial activities referred to in Law no. 130 of 26 July 2010 and subsequent amendments with the provisions of this Law.
2. Addresses for service which do not fall within the types referred to in Article 18 shall cease to be effective by 31 December 2014. After that date, economic operators who are non-compliant shall be considered without a place of business for all intents and purposes.
3. The lease or property leasing agreement, or gratuitous loan agreement concluded before the entry into force of this Law shall be valid for the regular ownership of the place of business by the economic operator, even if they do not contain all data referred to in Article 9, paragraph 4, letter a). The information contained in the agreement shall, in any case, be such as to enable the clear identification of premises related to the agreement.
4. Businesses that, at the entry into force of this Law, have voluntarily suspended their licence may continue to have their licence suspended until 31 December 2014, also in the case the suspension lasts more than two years under Article 23.
5. The shares held by companies in whose names licences converted pursuant to Article 10, paragraph 3 of Delegated Decree no. 179 of 5 November 2010 are registered shall no longer be subject to the provisions of Law no. 130/2010 with respect to the requirement of ownership of the same shares by a person resident in the Republic of San Marino.
6. An ad-hoc delegated decree shall regulate the positions of licence holders who have not been able to proceed with the re-qualification or conversion referred to in Article 10, paragraphs 1 and 3 of Delegated Decree no. 179 of 5 November 2010, for lack of objective or subjective requirements.
7. Within sixty days after publication of this Law, the Office of Industry, Handicraft and Trade shall prepare and make available to the public, including through its website, the Services Charter referred to in Article 36.
8. Law no. 47/2006 and subsequent amendments shall be updated and supplemented by an ad-hoc delegated decree, in order to prevent legal loopholes relating to Law no. 47 of 23 February 2006 and subsequent amendments resulting from repealed provisions in Article 41 and to streamline and standardise the content of the regulatory texts, within ninety days from the publication of this Law.

9. Permanent establishments authorised under Article 11 of the Law n.129/2010 at the time of expiry of the authorisation shall apply for a new authorisation pursuant to Article 13.
10. A regulation by the Congress of State shall regulate operational modalities for the submission, through the State web portal, of applications, statements relating to statuses, personal qualities and facts also by way of derogation from the provisions of Law no. 159 of 5 October 2011, as well as for publications, issuance of circulars, incoming and outgoing communications to and from the Office of Industry, Handicraft and Trade.
11. By 30 June 2014, all licence holders shall notify the Office of Industry, Handicraft and Trade of an e-mail address for any communications by said Office. Failure to comply with the above mentioned deadline shall prevent licence holders from using the services provided by the Office of Industry, Handicraft and Trade through the State web portal, until this provision has been complied with.
12. As an alternative to the procedure referred to in Article 10, paragraph 1, until 31 December 2015, following a specific request of the person applying for the licence, the Office of Industry, Handicraft and Trade shall perform prior checks of the requirements referred to in this Article and in Articles 6, 8 and 9. Prior checks shall be carried out within ninety days from the filing of the application. Within the same deadline, according to the checks carried out, the Office of Industry, Handicraft and Trade shall inform the person concerned of the receivability or any irregularities of the application. In the latter case the Director of the Office of Industry, Handicraft and Trade shall grant a period not exceeding ninety working days from the communication of the irregularities for their correction. If such period expiries unsuccessfully, the application shall be rejected by means of a reasoned decision.

Art. 41
(Repealed rules)

1. The following shall be repealed:
- Law no. 108 of 31 October 1988;
- Decree-Law no. 179 of 5 November 2010 without prejudice to Article 40, paragraphs 5 and 6 of this Law;

Titles I, II, III, IV, VI and VIII of Law no. 129 of 23 July 2010 and Annexes A and B.
The rules hereby repealed shall not become effective again.
2. Any law provision which is not expressly referred to in this Law and is contrary to a provision herein contained shall be deemed repealed.

Art. 42
(Entry into force)

1. This Law shall enter into force on the 60th day following that of its legal publication.

Done at Our Residence, this 31 March 2014/1713 since the Foundation of the Republic

THE CAPTAINS REGENT
Gian Carlo Capicchioni - Anna Maria Muccioli

THE MINISTER
OF INTERNAL AFFAIRS
Gian Carlo Venturini

ANNEX A

Law No. 40 of 31 March 2014- Regulations governing licences to perform industrial, service, handicraft and commercial activities

Qualification or professional expertise requirements

1. For licensing in the following areas: "Installation and repair of equipment", i.e. installation and repair of lifts and hoists or of telegraph, telephone, radio-telephone and television sets or plants and equipment for heating, cooling, health and water, gas and water distribution, or plants using electricity; "Services for hygiene and cleaning", i.e. barber's, hairdresser's shops, services for personal hygiene and care and pet grooming, either one of the following requirements shall be met:

a) work experience, for a minimum period of three years, in the same activity covered by the requested licence;
b) professional or study certificate, issued by legally recognized institutions or bodies, related to the activity to be licenced;
c) conduction, on one's own behalf, of the activity for which a licence application has been submitted .

2. For licensing in the field of freight services on behalf of third parties and transport by public service vehicles a suitable driving licence shall be possessed.

3. For licensing in the field of "private auxiliary health services" i.e. physiotherapists, dental technicians, orthopaedic technicians, opticians, the following qualifications shall be held, respectively:

a) physiotherapists: university degree in rehabilitation therapy;
b) dental technicians: secondary school qualification as dental technician;
c) orthopaedic technicians: three-year course for orthopaedic technicians or technicians of devices to treat hernias, or university degree;
d) opticians: certificate for the performance of the auxiliary health professions as optician.

4. For licensing concerning the processing of precious stones for jewellery and the working of gold, platinum, silver and pewter by hands, as well as the manufacture of costume jewellery, silverware, jewellery and similar products and manufacture of mineral products in general, either one of the following requirements shall be met:

a) work experience, for a minimum period of three years, in the same activity covered by the requested licence;
b) qualification as a Master Goldsmith or attendance of a related course lasting not less than three years;
c) conduction, on one's own behalf, of the activity for which a licence application has been submitted.

5. For licensing of facilities for the preparation of fresh pasta and cooked food, bakeries or facilities for the production of confectionery, biscuits, dumplings, as well as of cereal milling and storage of agricultural products, processing and preserving of meat, processing and preserving of fruit, vegetables and other products, production of common and special wines and concentrated must, spirits and liqueurs, and production of soft drinks and water, relevant training or refreshing courses referred to in Delegated Decree No. 109 of 11 July 2005 shall be attended.

ANNEX B

Law No. 40 of 31 March 2014- Regulations governing licences to perform industrial, service, handicraft and commercial activities

Art. 1

All economic activities carried out in the form of a business shall be subject to a licence issuance fee and an annual licence fee in the amount fixed by this Annex.

Art. 2

The amount of the fees is established as follows:

Sole proprietorships:	Issuance fee	Renewal fee
-handicraft, commercial, industrial activities	€170.00	€80.00
Companies:		
- Banks	€4,000.00	€3,500.00
- Financial companies	€2,400.00	€2,400.00
- Insurance companies	€2,400.00	€2,400.00
- Limited liability companies, joint stock companies, unlimited partnerships and other companies	€1,700.00	€650.00
Associations and legal entities in general, excluding cooperatives referred to in Law No. 149 of 29 November 1991 as they are exempt	€170.00	€80.00
The authorisation referred to in paragraph 1 of Article 13	€1,700.00	€650.00
Permits for street vendors	€500.00	€500.00
Permits for a fixed period issued under Article 52 of Law of no. 7 of 17 February 1961 (for any individual measure):		
- permits for a period less than or equal to 15 days	€350.00	
- authorisations referred to in Article 13, paragraph 8 for a period between 15 and 30 days	€800.00	
- authorisations referred to in Article 13, paragraph 8 for a period between 30 and 180 days	€3,400.00	

Authorisations for the occasional conduction of commercial activities shall be subject to a fee of € 170.00.

A special fee of € 400.00 shall be paid by companies for licence processing and granting of the authorisation for incorporation. This fee to be paid at the time of submission of the application shall not be reimbursed even in case of rejection of the application.

For the purposes of this Annex, unlimited partnerships and one-person limited liability businesses in the craft sector referred to in Articles 7 and 8 of Law No. 10 of 25 January 1990 shall be treated as sole proprietorships in the craft sector.

The activation of a second, third or fourth licence by the same economic operator shall not require the payment of the licence fee, neither at the time of the granting nor annually.

The companies qualified as startups pursuant to Article 21 of Law no. 71 of 27 June 2013 shall be exempt from the payment of the licence fee for the first three years after its issuance.

Art. 3

The following actions require the payment of a fixed fee of € 170.00:
- transfer of the place of business;
- transfer of ownership;
- adoption of a trade name;
- change in, addition of the subject of the licence or the corporate purpose;
- change in the company name
- change in the surface of the premises;
- reactivation of a licence;
- any change to the licence document or operating licence requested by the holder.

Art. 4

Renewal fees shall be collected through the single tax bill referred to in Law no. 53 of 12 May 1989 and cannot be divided for periods of less than the year concerned.

The suspension of a licence prior to the date of elaboration of the tax bills referred to in the preceding paragraph shall imply the exemption from the payment of the fee for the entire period of suspension.