



REPUBLIC OF SAN MARINO

DECREE-LAW NO. 44 OF 8 MARCH 2020

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

Having regard to the conditions of necessity and urgency referred to in Article 2, paragraph 2, letter b) of Constitutional Law no. 183 of 15 December 2005 and Article 12 of Qualified Law no. 184 of 15 December 2005, namely:

- *Taking into account that the World Health Organisation on 30 January 2020 declared the COVID-19 outbreak to be an international public health emergency;*
- *Having regard to the recommendations made to the international community by the World Health Organization regarding the need to take appropriate measures;*
- *Having acknowledged the evolution of the epidemiological situation, the particularly widespread nature of the epidemic and the increase in cases in the Republic of San Marino;*
- *considering the size of the epidemic, the potential involvement of several areas on the Italian territory and the provisions issued by the Italian Ministry of Health in agreement with the President of the Emilia-Romagna Region;*
- *in order to manage the COVID-19 epidemiological emergency by adopting measures to combat and reduce the spread of the aforementioned virus;*
- *considering that this risk situation, especially with reference to the need to carry out a complete action of forecasting and prevention, requires the immediate adoption of extraordinary and urgent measures, to adequately face any situations detrimental to San Marino community;*

Having regard to Order no. 3 of 1 March 2020;

Having regard to Decree-Law no. 43 of 5 March 2020;

Having regard to Congress of State Decision no. 1, adopted during its sitting of 8 March 2020;

Having regard to Article 5, paragraph 2 of Constitutional Law no. 185/2005 and to Article 9, paragraph 1, and Article 10, paragraph 2 of Qualified Law no. 186/2005;

Promulgate and order the publication of the following Decree-Law:

URGENT MEASURES TO REDUCE THE SPREAD OF COVID-19 (CORONAVIRUS)

Art. 1

(Urgent measures to reduce the spread of COVID-19 in the Republic)

1. In order to counter and reduce the spread of COVID-19 virus in the Republic of San Marino, the following measures shall be taken:

- a) natural persons shall avoid entering and leaving the territory of the Republic and moving within such territory, except for proven work needs, situations of necessity or health reasons or to return to their domicile, home or residence;
- b) anyone showing symptoms of respiratory infection and fever (over 37.50 C) are strongly recommended to stay at home and limit social contacts as much as possible, as well as to contact the appropriate number 0549.994001 established at the Social Security Institute (SSI).

All employers shall be required to provide their employees with adequate information on the safety measures to be taken to avoid infection and in case of symptoms.

Each employer is strongly recommended to assess the company's processes in order to implement the measures deemed necessary to mitigate the risks of contagion in proportion to the size of the company;

- c) No persons subject to quarantine or positive for the virus shall be allowed to move from their home or residence.

In such cases, absence from home shall be punished with an administrative pecuniary sanction ranging from € 500.00 (five hundred/00) to € 2,000.00 (two thousand/00), in addition to the initiation of criminal proceedings;

- d) Suspension of sporting events and competitions of any level and discipline organised in any place, whether public or private.

However, it shall be allowed to carry out the aforementioned events and competitions, as well as training sessions of competitive athletes, subject to parental authorisation in the case of minors, of national interest or participating in the Olympic Games or international events, inside sports facilities behind closed doors, i.e. outdoors without the presence of the public. In all such cases, the Associations, Organisers and Sports Clubs and Federations, through their medical staff, shall be required to carry out appropriate controls to reduce the spread of COVID-19 among athletes, trainers, managers and all accompanying persons who participate therein;

- e) It is recommended that public and private employers promote, during the period of application of this Decree-Law, the use by employees of the annual leaves, extraordinary leaves and recovery of overtime work hours provided for by the respective sector regulations, also by way of derogation from the rules relating to ordinary use of such leaves in force in the Overall Public Sector.

Employees of the Overall Public Sector whose service is not considered strategic according to a Congress of State decision, shall be allowed, upon proposal of the General Directorate of Civil Service, to take unpaid leaves for the duration of the emergency. Where technically possible by virtue of the various types of work, working activities may be carried out from home, with reference to any subordinate employment relationship, subject to agreement between the employer and the worker, and after transmission of the agreement to employers' associations and trade unions, the Office for Economic Activities, Vocational Training Centre and Office for Active Labour Policies and the Office for Control Activities, exclusively during the period related to this health emergency. Anyone working from home in this emergency situation shall not have access to the wage supplementation fund as provided for by Article 11 of Law no. 73 of 31 March 2010 and subsequent amendments;

- f) Suspension of all organised events, congresses, meetings, assemblies, as well as events in public or private places, including social, cultural, recreational, sporting and religious events and fairs, even if held in closed places but open to the public, such as, for example, major events, cinemas, theatres, pubs, dance schools, amusement arcades, betting and bingo halls, discos and similar establishments;

All activities shall be suspended in the above places. Violation of the suspensions provided for in this letter shall be punished with an administrative pecuniary sanction of € 2,000.00 (two thousand/00) and the suspension of the operating licence for 30 (thirty) days;

- g) In all possible cases, remote meetings shall be held, with particular reference to health and socio-health bodies, public utility services and coordination groups in the context of the COVID-19 emergency; in any case, the safety distance between persons of at least one metre referred to in Annex 1, letter d) shall be maintained and mass gatherings shall be avoided.

The above provisions shall also apply to all shareholders' meetings, meetings of the boards of directors and of managers of all legal persons and entities, also by way of derogation from the provisions of the laws in force and/or of the articles of association;

- h) With regard to social-educational services for early childhood, school and university education and vocational training, the following measures shall be adopted:
- 1) Suspension of the social-educational services for early childhood, either public or private, and all educational activities of kindergartens. With reference to kindergartens, the end of the school year shall be postponed following a decree to be issued by the Minister of Education and Culture, taking into account the actual period of suspension and, in any case, to no later than 30 June 2020;
 - 2) without prejudice to point 1) above, teaching activities in schools of all levels and in the Vocational Training Centre in the presence of teachers shall be suspended. Suspension of vocational courses, master and university courses, courses of San Marino Music Institute, courses of the University of San Marino (including for the elderly); remote educational, teaching, curricular or training activities shall in any case be allowed, taking into particular account the specific needs of students with disabilities;
 - 3) In order to avoid social contacts, any other form of alternative aggregation shall be excluded;
 - 4) Suspension of the meetings of collegial bodies where this implies the presence of people;
- i) Schools of all levels, the Vocational Training Centre, the University of San Marino and San Marino Music Institute, once their ordinary functions have been resumed, shall ensure, where deemed necessary and in any case identifying the relevant modalities, that training activities, curricular activities or any other test or verification, even intermediate, that are functional to the completion of the educational or training process be made up;
- l) the absence of students shall not be taken into account for the purposes of admission to final exams and of the relevant judgement;
- m) the competent bodies of the Administration, without prejudice to what is indicated in this Decree-Law, shall agree with the Trade Unions on further methods and terms for dealing with absence from work of teaching and non-teaching staff, taking into account the reduction in services rendered and, consequently, the need for staff on duty;
- n) School managers of elementary, junior high and high schools, as well as the Director of the Vocational Training Centre, where possible and throughout the suspension of teaching activities in the presence of teachers in schools, shall apply remote teaching methods, also taking into account the specific needs of students with disabilities. These modalities shall be defined and verified within the competent Education Department Council, to be convened in the presence of the Director of the Vocational Training Centre;
- o) By way of derogation from the legislation in force in this field, the amendments to the school calendar referred to in letter h), number 1), as well as any further amendments to the 2019/2020 school calendar and the 2020/2021 school calendar shall be proposed by the Minister of Education and Culture, without the need for the opinion of the Education Council;
- p) Suspension of educational trips, exchange or twinning initiatives, guided tours and educational excursions, however named, planned by educational institutions of all levels. All work trips abroad by employees of the Overall Public Administration shall also be suspended if it is not essential for health, diplomatic reasons or service needs that cannot be postponed;
- q) Without prejudice to the provisions of letters h) and i) above, readmission to social-educational services for early childhood and to schools of all levels shall require the submission of a medical certificate only if the child has suffered from infectious diseases subject to compulsory notification during the period of suspension of teaching activities.

In order to prevent mass-gatherings in the paediatrics department, where possible parents shall request this certificate by e-mail or letter to the paediatrics department;

- r) The opening of places of worship is conditional on the adoption of organisational measures to avoid mass gatherings, taking into account the size and characteristics of the places, and to ensure that visitors can maintain a distance between them of at least one metre as per Annex 1, letter d). Civil and religious ceremonies, including funeral ceremonies, shall be suspended;
- s) Museums and other cultural institutions and places shall be closed;
- t) Restaurants and bars shall remain open, including home deliveries and catering activities, from 6.00 a.m. to 6.00 p.m., with the obligation for managers to ensure the possibility of maintaining a safe distance of at least one metre between persons, as referred to in Annex 1, letter d); in case of violation, a pecuniary administrative sanction of € 2,000.00 (two thousand/00) shall be applied, together with the suspension of the operating licence for 30 (thirty) days. Professional associations shall be required to inform of the obligation to display the hygiene measures set out in Annex 1 and the opening hours and conditions of the activities. As far as canteens and self-service restaurants are concerned, appropriate measures shall be taken to avoid mass gatherings and to ensure that a distance of at least one metre between users can be maintained during access. With regard to the canteen located at the State Hospital, access shall be limited to staff on duty at the SSI and in such a way as to prevent the simultaneous presence of health and administrative staff;
- u) Commercial activities other than those referred to in letter t) above shall be allowed, provided that the manager ensures access to the aforesaid places with restrictions or in any case to avoid mass gatherings, taking into account the size and characteristics of the premises open to the public, and to ensure that customers can maintain a distance of at least one metre between them, as per Annex 1, letter d). In the presence of structural or organisational conditions that do not allow to maintain the safe distance of at least one metre between customers, the above establishments shall be closed. Any violation of this provision shall be punished with the suspension of the operating licence for 30 days and with a pecuniary administrative sanction of € 2,000.00 (two thousand/00);
- v) Suspension of annual leaves for healthcare and technical staff considered indispensable by the SSI Management, as well as of the staff whose functions are necessary to manage the activities required by the Coordination Group for Health Emergencies;
- z) On public holidays and days before public holidays, medium and large-size shopping centres, as defined in Article 23 of Law no. 130 of 26 July 2010 and subsequent amendments, shall be closed, as well as shops inside shopping centres. On weekdays, the manager of the above mentioned establishments shall, in any case, ensure the possibility to maintain a safe distance of one metre between customers, as per Annex 1, letter d). In the presence of structural or organisational conditions that do not allow to maintain the safe distance of at least one metre between customers as per Annex 1, letter d), the above establishments shall be closed. Pharmacies, parapharmacies and food shops shall not be closed; however, the manager shall be required to ensure that the safe distance of one metre between customers is maintained, as per Annex 1, letter d). Outdoor markets shall also be suspended. Any violation of the provisions contained in this letter shall be punished with the suspension of the operating licence for 30 days and with a pecuniary administrative sanction of € 2,000.00 (two thousand/00);
- (aa) Suspension of the activities of gyms, sports centres, swimming pools, swimming centres, wellness centres, spas (except for the provision of services for basic healthcare), cultural centres, social centres and leisure centres;
- (bb) Suspension of driving exams, except those required for work purposes. In favour of candidates who have not been able to take the exams due to the above mentioned suspension, the terms of expiry of the relevant driving licenses shall be extended until the end of the emergency declared by Congress of State decision.

Until the end of the aforementioned emergency, the expiry of the renewal of driving licences shall also be extended;

- cc) Anyone accompanying patients shall be prohibited to stay in the waiting rooms of the Emergency and Acceptance Departments and of the First Aid Department, unless otherwise specifically instructed by the competent healthcare personnel;
- dd) Access of relatives and visitors to public and private hospitality facilities, residential care institutions and residential facilities for the elderly, whether self-sufficient or not, shall be limited only to cases indicated by the health management of the facility, which shall be required to take the necessary measures to prevent any infection transmission. Staff without any employment contract with San Marino Social Security Institute shall be prohibited to stay in hospital wards outside visiting hours. No more than one visitor at the same time shall be allowed during visiting hours. Restrictions shall also be placed on visitors' access to the hospital areas, preferably one person per patient per day;
- ee) The media shall promote timely dissemination of information regarding the health and hygiene prevention measures envisaged and provided by the international and national authorities;
- ff) Obligation for San Marino accommodation facilities to register overnight stays in the application "web alloggiati" immediately upon check-in rather than within the 24 hours ordinarily envisaged;
- gg) The health provisions contained in this Decree for the reduction of the spread of the COVID-19 virus shall be applied to new inmates to San Marino prison, with particular reference to persons coming from areas at epidemiological risk, as identified by the World Health Organization, and from the areas indicated in Annex 2, until the end of the emergency;
- hh) Pending the adoption of further measures to counter the epidemiological emergency and contain its negative effects on the performance of the judicial activity of the Court of the Republic of San Marino, an extraordinary period of judicial holiday shall be ordered from 9 March to 6 April 2020, applicable to all cases, appeals and criminal, administrative and civil proceedings, including non-contentious and enforcement proceedings, pending or to be instituted, without prejudice to reasons of urgency and when it comes to deciding on bail, with the effects provided for by law, in particular, by Articles 2 and 29 of Law no. 55 of 17 June 1994. and subsequent amendments and by Article 15 of Law no. 102 of 1 July 2015. For the period during which the suspension referred to in the previous paragraph takes effect, the running of limitation periods and mandatory time limits for actions, appeals and challenges shall be suspended. If such periods and time limits expire in the meantime, they shall be extended to the working or legal day immediately following their expiry. The suspension shall also apply to the deadlines set out in Article 6 of Law no. 93 of 17 June 2008.

The activities of the Registry, office hours, the regulation of access to the Court and the counters shall be regulated, from 9 March to 6 April 2020, by virtue of the powers referred to in Article 2, paragraph 1, letter 10 of Law no. 55 of 17 June 1994 and subsequent amendments and Article 6 of Qualified Law no. 145 of 30 October 2003 and subsequent amendments and integrations, through instructions of the Court Director, in accordance with the general provisions adopted to counter the epidemiological emergency. All hearings and any other commitment, the date of which has already been set and falls between 9 March and 6 April 2020, shall be postponed ex officio, subject to the judge's assessment of the urgency. All activities which, by order of the judge, may be carried out by videoconference or, in any case, through the use of IT tools, shall not be suspended.

Art. 2*(Information and prevention measures in the Republic of San Marino)*

1. The following measures shall also apply:
 - a) Healthcare personnel shall comply with the appropriate prevention measures for the spread of respiratory infections provided for by the World Health Organization and shall apply the indications provided for the sanitisation and disinfection of premises envisaged by the Coordination Group for Health Emergencies;
 - b) In consideration of the risk factors identified, it is expressly recommended that all elderly persons and all persons suffering from chronic or multimorbid diseases or with congenital or acquired immune deficiency, avoid leaving their home or residence, except when strictly necessary, and in any case avoid crowded places where it is not possible to maintain a safe distance of at least one metre between persons, as referred to in Annex 1, letter d);
 - c) in the education services for early childhood and schools of all levels, University, Overall Public Administration offices and SSI offices, information on the hygiene and health prevention measures listed in Annex 1 shall be displayed in the areas open to the public or more crowded and transit areas;
 - d) The Heads of Township Councils and trade associations shall promote within shops the dissemination of information on the health and hygiene prevention measures referred to in Annex 1;
 - e) Disinfectants for hands shall be made freely available to staff, users and visitors in the premises open to the public pertaining to the Public Administration and, in particular, in the access areas to health service facilities, as well as in all premises open to the public;
 - f) Public transport companies, including long-distance, shall adopt extraordinary measures to sanitise vehicles;
 - g) Anyone having entered the Republic, from the fourteenth day before the date of publication of this Decree-Law, after having stayed in areas at epidemiological risk, as identified by the World Health Organization, and anyone having had close contact with confirmed cases of contagious infectious disease COVID-19, shall notify the Authorities thereof at the phone numbers 0549-888888 and 0549-994001.
2. On the basis of the notification referred to in letter g) of paragraph 1 above, the competent staff shall order the person concerned to stay at home, according to the following procedures:
 - a) They shall contact the person concerned by telephone and obtain information, as detailed and documented as possible, on the areas of stay and the route of the journey during the previous fourteen days, in order to properly assess the risk of exposure;
 - b) Having established the need to initiate health surveillance and fiduciary quarantine, they shall inform the person concerned in detail of the measures to be taken, explaining the relevant modalities and purposes, in order to ensure maximum compliance;
 - c) Having established the need to initiate health surveillance and fiduciary quarantine, the competent staff shall also inform the general practitioner or paediatrician assisting the person concerned, also for a possible illness certificate to be issued;
 - d) In case a certificate for absence from work is required and statement shall be issued to the SSI, the employer, the general practitioner and/or paediatrician indicating that the person concerned has been placed in quarantine for public health reasons, specifying the start and end date.
3. In addition, the healthcare staff shall:
 - a) Establish the absence of fever or other symptoms of the person to be placed in quarantine, as well as of any other cohabitants;

- b) Inform the person about the symptoms, characteristics of contagiousness, ways in which the disease is transmitted, measures to be implemented to protect any cohabitants in case any symptoms appear;
 - c) Inform the person about the need to measure body temperature twice a day (morning and evening).
4. In order to maximise the effectiveness of the health procedure, it is essential to inform about the meaning, modalities and aims of home quarantine in order to ensure maximum compliance with and application of the following measures:
- a) Staying in quarantine for fourteen days since the last exposure;
 - b) Prohibition of social contacts;
 - c) Prohibition to move and travel;
 - d) Obligation to remain contactable for surveillance purposes.
5. In case any symptoms appear, the person under surveillance shall:
- a) Immediately notify the competent healthcare staff at the number 0549-994001;
 - b) Wear the surgical mask provided at the start of the health procedure and stay away from the other cohabitants;
 - c) Stay in a room with the door closed and ensure adequate natural ventilation, waiting for the transfer to the hospital if necessary.
6. The competent healthcare professionals shall contact the person under surveillance daily to find out about his/her health conditions. In case of symptoms, the competent healthcare staff shall act according to the procedures for COVID-19 testing.
7. The application of the preventive health and hygiene measures set out in Annex 1 is recommended throughout the territory of the Republic.

Art. 3

(Requisition of real estate)

1. In the context of the COVID-19 emergency, the Extraordinary Commissioner for the Coordination of Health Emergencies shall instruct the Head of the Civil Protection to identify on the territory facilities suitable to host persons subject to precautionary "quarantine" whom, for different reasons, it could be difficult to monitor or restrain at home. Agreements may be concluded with private owners to obtain the immediate availability of such facilities.
2. The Civil Protection Coordination Unit, within the scope of its powers to issue orders pursuant to Article 3, paragraph 1, point 3) of Law no. 21 of 27 January 2006, and if the relevant conditions are met, shall requisition the facilities identified pursuant to paragraph 1 above for the time necessary. Owners shall receive adequate compensation according to modalities to be regulated through a subsequent provision.
3. It shall be possible, in any case, to conclude with the private owners concerned agreements aimed at obtaining the immediate availability of the aforementioned facilities.

Art. 4

(Monitoring of measures)

1. Police Corps shall monitor the implementation of the measures set out in this Decree-Law.

Art. 5
(Final provisions)

1. The provisions of this Decree-Law shall take effect, unless otherwise provided for in individual measures, from 12 p.m. on 9 March 2020 until 12 a.m. on 6 April 2020.
2. Personal data collected as part of the surveillance activities referred to in the previous articles, as well as within the activities of the Coordination Group for Health Emergencies, including police activities and any other related activities, shall be processed for reasons of public interest in the public health sector, pursuant to Article 9, paragraph 2, of Law no. 171 of 21 December 2018, in compliance with the provisions in force on the protection of personal data, including those relating to professional secrecy, and in relation to the current emergency situation.
3. Failure to comply with the measures provided for in this Decree-Law shall be punished in accordance with Article 259 of the Criminal Code, in addition to the administrative pecuniary sanctions referred to in the previous articles and unless the fact constitutes a more serious offence.
4. Decree-Law no. 43 of 5 March 2020 shall be repealed.

Done at Our Residence, on 8 March 2020/1719 since the Foundation of the Republic

THE CAPTAINS REGENT
Luca Boschi – Mariella Mularoni

THE MINISTER OF
INTERNAL AFFAIRS
Elena Tonnini

