



ECONOMIC DEVELOPMENT  
**AGENCY**  
CHAMBER OF COMMERCE  
Republic of San Marino

## **Doing business, working and living in San Marino: short guide**

# L'Agenzia ASE-CC

San Marino is characterised by a lively and heterogeneous economic fabric, which includes leading companies at international level. Investing in one's own business in San Marino and competing on international markets is favored by a streamlined and dynamic regulatory and institutional context.

This is an additional opportunity for rapidly growing companies in their sector.

## **Emanuel Colombini**

President of the Economic Development Agency - Chamber of Commerce  
Chairman Colombini Group

We are the institutional partner of entrepreneurs and investors in their development strategies. We accelerate the understanding of San Marino regulatory and institutional framework and promote the establishment of new companies, as well as their integration into the local business community. We work to create the most favourable environment for growth in international markets.

## **Denis Cecchetti**

Director General Economic Development Agency - Chamber of Commerce



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## **Joint-stock company with mixed public/private participation**

### **Public** (represented by):

- Ministry of Industry, Handicraft and Trade
- Ministry of Foreign Affairs

### **Private:**

- Entrepreneurial Associations
- Banks
- University of San Marino

**President** Emanuel Colombini

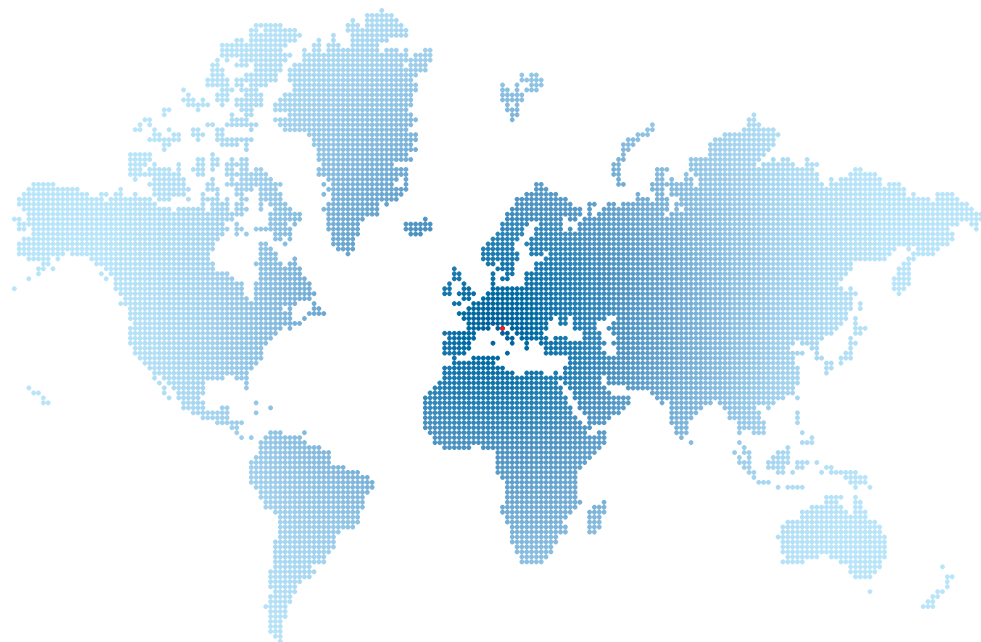
**Director General** Denis Cecchetti

**Director Chamber of Commerce** Evelina Guglielmi

**Director Internationalization** Laura Fabbri

# Republic of San Marino

## General Information



Surface area	<b>61.16 sq. km</b>
Inhabitants	<b>33,614 (August 2021)</b>
Form of Government	<b>Parliamentary Republic</b>
Heads of State	<b>2 Captains Regent</b>
Official language	<b>Italian</b>
Currency	<b>Euro</b>
Current law:	<b>Civil: written laws and <i>ius commune</i></b> <b>Criminal: criminal code and code of criminal procedure</b>

### 1. Relevant aspects

- Full integration into the international community
- Business friendly system
- Regulatory environment favourable to new businesses
- High standards of quality of life, absence of petty crime, proximity to places of artistic, cultural, and scenic interest

### 2. Legal system

The sources of law include:

- the **Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order no. 59 of 8 July 1974** and subsequent amendments and integrations (San Marino Constitution)
- **Laws** adopted by the Great and General Council (Parliament)
- **Decrees** adopted by the Congress of State (Government) and ratified by the Great and General Council.

**Customary law** and *ius commune* are applied in the absence of law provisions.

The bodies of the judicial power are established and regulated by the following laws:

- **Constitutional Law no. 144 of 30 October 2003** and subsequent amendments and integrations.
- **Qualified Law no. 2 of 16 September 2011** and subsequent amendments and integrations.

The Court includes the civil, criminal and administrative sections.

The bodies of judicial power include:

- **Law Commissioners** acting as Judges of First Instance
- **Judges of Appeal and Highest Judges of Appeal**
- The **Guarantors' Panel on the Constitutionality of Rules** has jurisdiction to decide on the constitutionality of rules.

### 3. International context

San Marino maintains **official relations with 151 countries** and is a **member of major International Organisations**, including the **UN** and the **Council of Europe**. Relations with the **EU** are based on a **Cooperation and Customs Union Agreement**, which has been in force since 2002. Under the new **Monetary Agreement** with the **EU**, which has been in force since 2012, San Marino is entitled to use the Euro as its official currency. San Marino was included in the **Single Euro Payments Area (SEPA)** in February 2014. Negotiations are underway with the **European Commission** with a view to concluding an Association Agreement that may allow greater integration in the Single Market and full equivalence of the citizens and enterprises of San Marino with the Member States.

San Marino has concluded numerous agreements, both international and bilateral.

Among economic, financial and tax agreements, particularly interesting are:

- **23 Double Taxation Agreements – DTAs** (Austria, Azerbaijan, Barbados, Belgium, Croatia, Cyprus, Georgia, Greece, Hungary, Italy, Liechtenstein, Luxembourg, Malaysia, Malta, Portugal, Qatar, Romania, Saint Kitts and Nevis, Serbia, Seychelles, Singapore, United Arab Emirates, Vietnam);
- **30 Tax Information Exchange Agreements (TIEAs)** according to the OECD Model (Organisation for Economic Co-operation and Development);
- **8 Investment Promotion and Protection Agreements** (Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cyprus, Croatia, Malaysia, Ukraine).

San Marino obtained the **highest OECD recognition (Compliant)** for international tax cooperation and has been recognised as a “**fully cooperative country for tax purposes**” by **ECOFIN**. Such decision was based on compliance with tax transparency and fair taxation criteria and with OECD measures.

In October 2015 San Marino signed with the **United States of America** the **FATCA Intergovernmental Agreement** (IGA-Model 2).

The **Republic joined the Council of Europe’s Group of States against Corruption (GRECO)** in August 2010. Since 1998 it has been a member of **Moneyval**, the Committee of Experts of the Council of Europe for the evaluation of measures to combat money laundering and terrorist financing. It is also

a **whitelist country**, having implemented **Directive 2005/60/EC**, **Directive 2015/849/EU** (the so-called IV AML Directive) and the **FATF methodology** (Financial Action Task Force), with constant revision of internal regulations in order to bring them into line with the relevant standards.

In 1945, the Republic of San Marino **adhered to the International Institute for the Unification of Private Law (UNIDROIT)**. Since 2015, San Marino law has provided that, if the parties expressly agree, contracts and contractual relations between San Marino and foreign entrepreneurs, or between foreign entrepreneurs are governed by the principles of international commercial contracts drawn up by the International Institute for the Unification of Private Law.

By virtue of its geographical position as an enclave of the Italian Republic, institutional, economic, social, and cultural relations with Italy have always been particularly important and strategic for San Marino.

The many bilateral agreements in force bear witness to the constant and excellent relations with Italy. Particularly significant are: the **Convention on Friendship and Good-Neighbourhood** of 31 March 1939 and subsequent amendments, which still underpins the intense bilateral cooperation; the **Convention against double taxation** of 21 March 2002 and its **amending Protocol** of 13 June 2012; the **Economic Cooperation Agreement** of 31 March 2009, which covers several sectors.

The Republic has also **implemented EU Regulation 2016/679 on the protection of personal data** by passing Law no. 171/2018.

## 4. San Marino – a diversified economy

approx. 5,000 businesses operating in various sectors

approx. 2,700 companies

approx. 20,000 employees

approx. 1,700 self-employed

### Breakdown of economic activities – August 2021

Industry sector	Economic activities Totale: 5,015	Number of employees Totale: 17,030
Agriculture	58	36
Manufacturing	502	6,726
Construction	392	912
Wholesale and retail trade	1,128	2,981
Accommodation and catering activities	202	1,163
Transportation and storage	110	485
Information and communication	198	873
Financial and insurance activities	77	598
Real estate activities	288	73
Professional, scientific activities	978	929
Education	47	91
Health and social work activities	141	248
Arts and entertainment	163	187
Rental, travel agencies business support services	180	734
Other service activities	540	474
Others	11	520

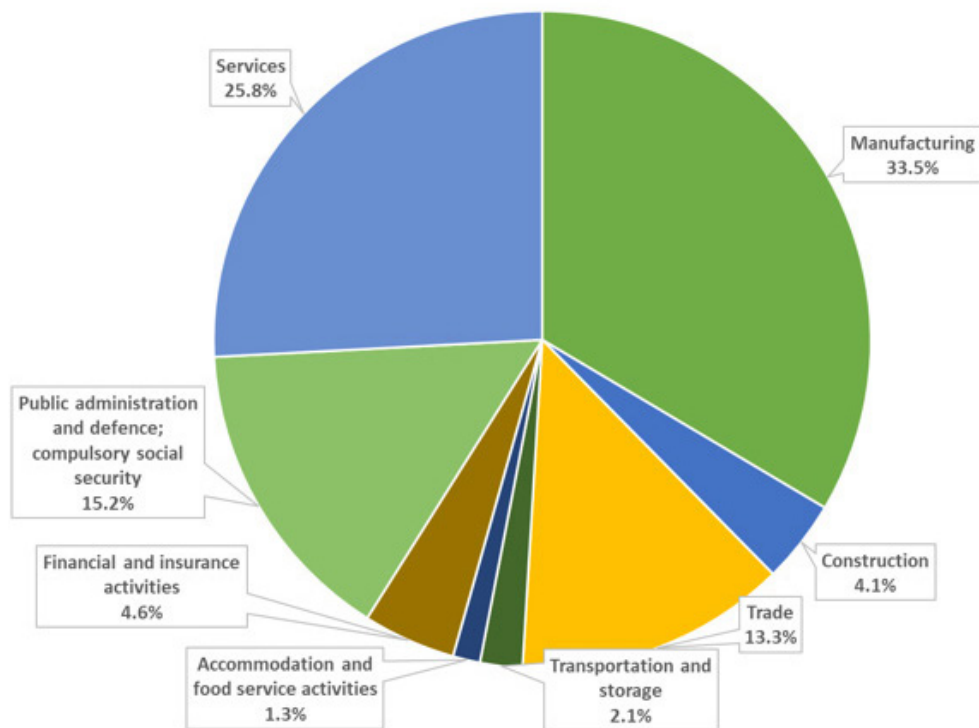
### Breakdown of manufacturing sector – August 2021

Sector	N. of entreprises	Sector	N. of entreprises
Manufacture of food products	58	Manufacture of other non-metallic mineral products	14
Manufacture of beverages	6	Manufacture of basic metals	70
Manufacture of textiles	7	Manufacture of computer, electronic and optical products	16
Manufacture of wearing apparel	28	Manufacture of electrical equipment	26
Manufacture of leather and related products	7	Manufacture of basic metals	5
Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials	12	Manufacture of machinery and equipment n.e.c.	45
Manufacture of paper and paper products	10	Manufacture of motor vehicles, trailers and semi-trailers	5
Printing and reproduction of recorded media	22	Manufacture of other transport equipment	10
Manufacture of chemicals and chemical products	35	Manufacture of furniture	22
Manufacture of basic pharmaceutical products and pharmaceutical preparations	5	Other manufacturing	37
Manufacture of rubber and plastic products	20	Repair and installation of machinery and equipment	42

IT, Technology, Data and Statistics Office – July 2021

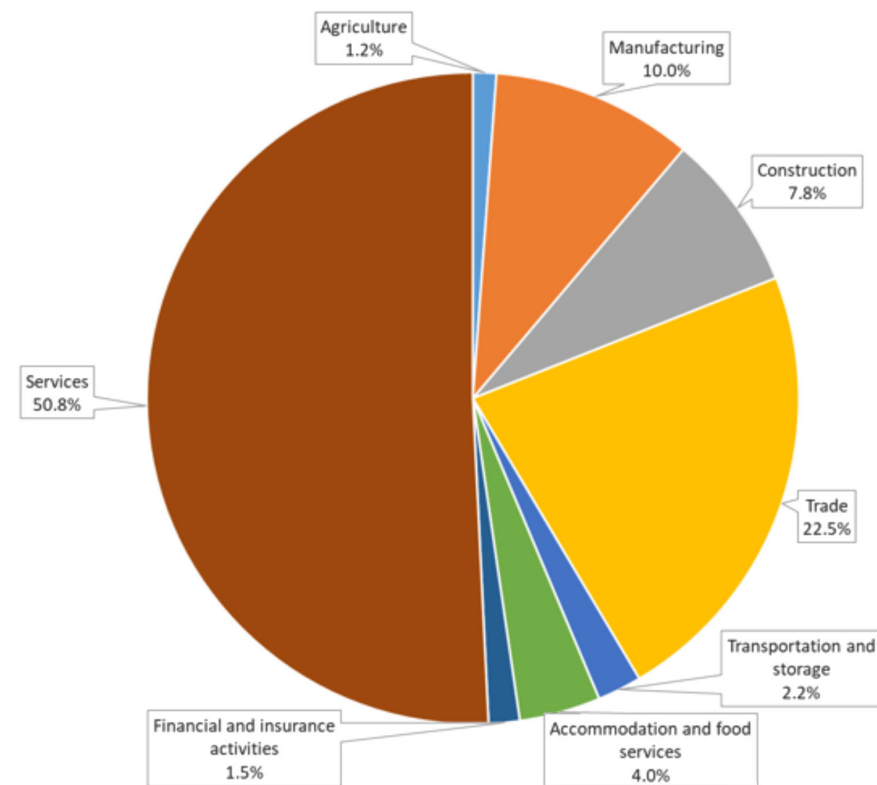
### Contribution of economic sectors to GDP

Nominal GDP (million €) year 2020: 1,345



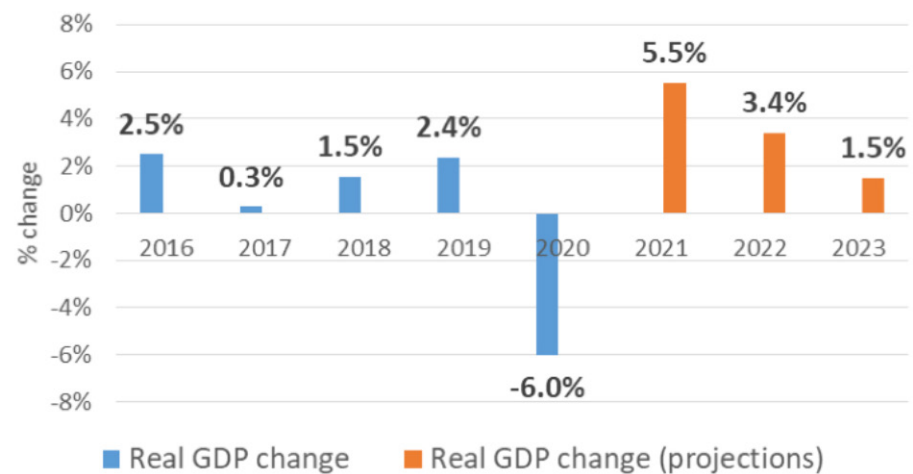
### Enterprises by economic sector

(August 2021)



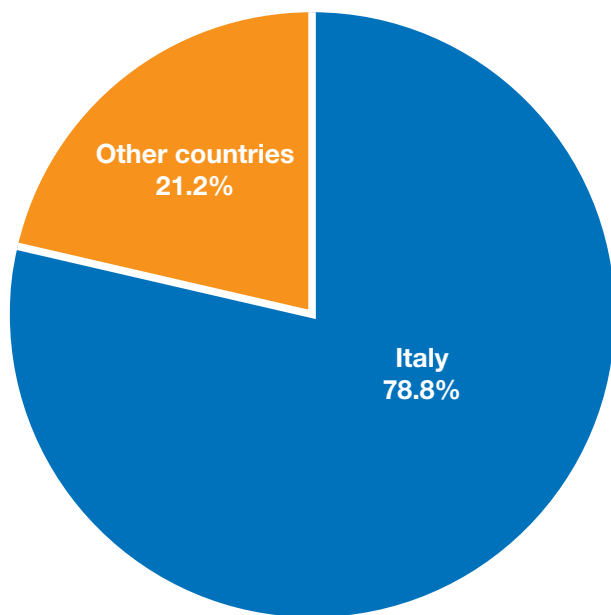
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## Real GDP growth

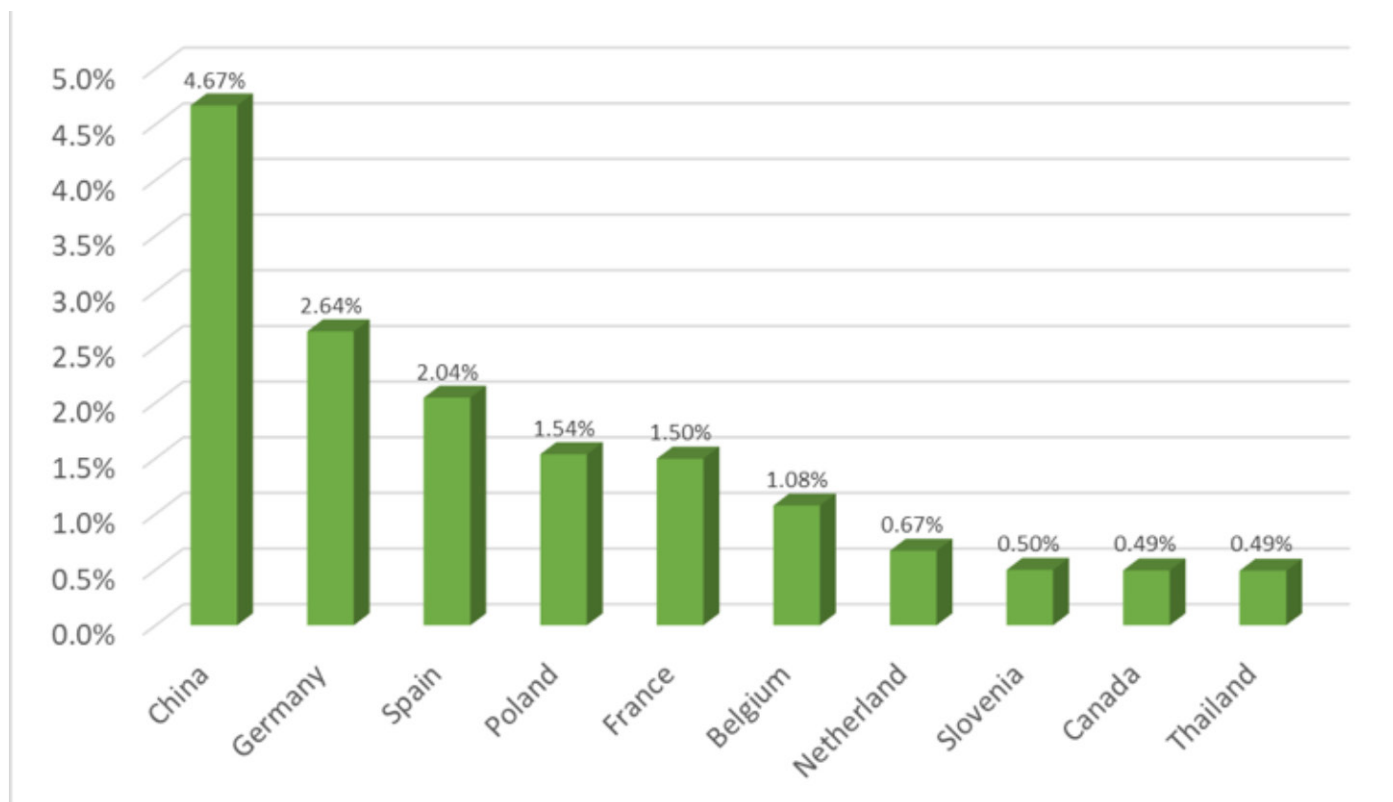


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### IMPORT 2020 Italy and other countries

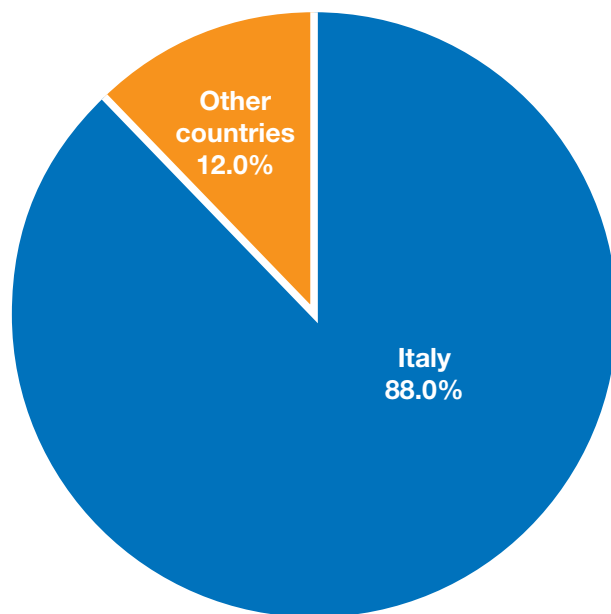


### IMPORT 2020 Main trade partners (excluding Italy)

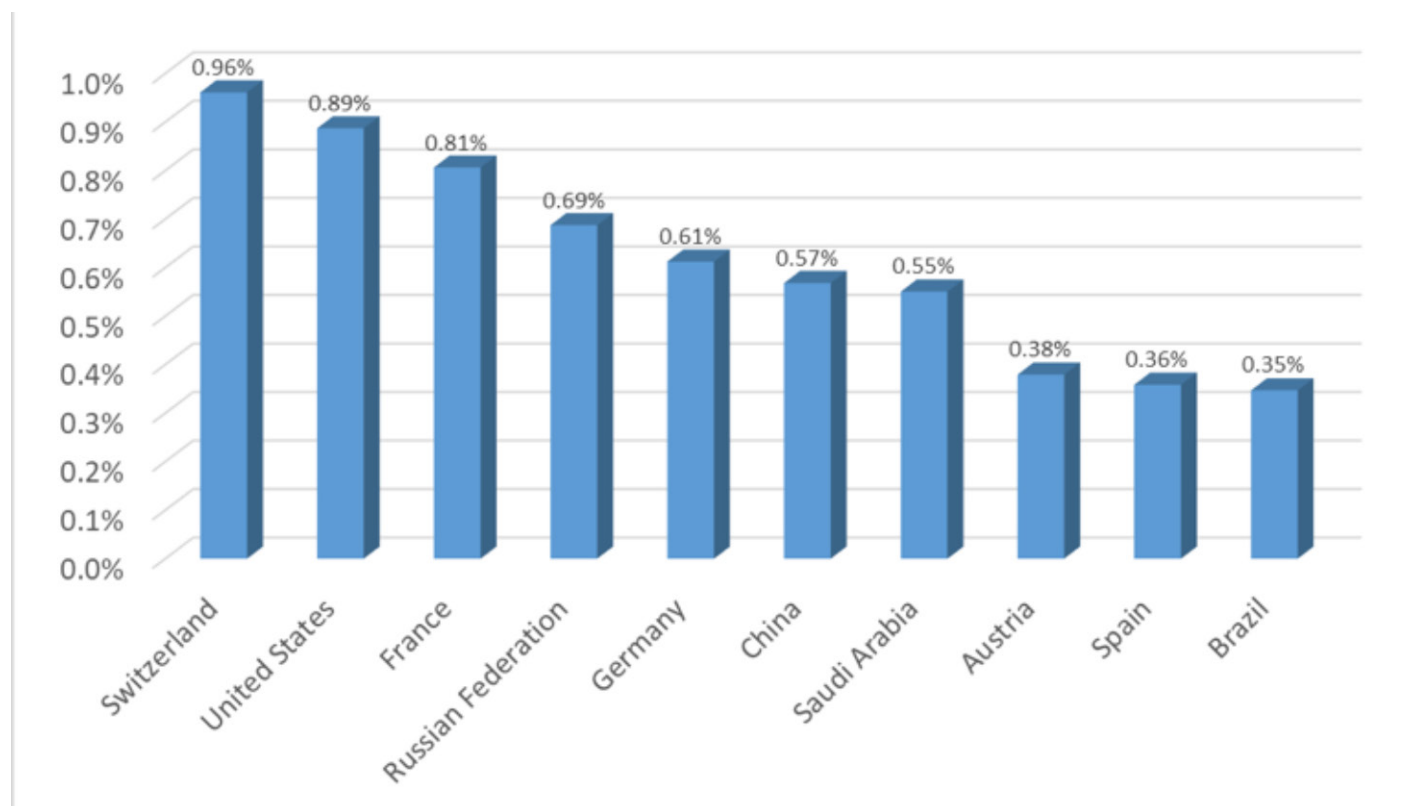


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## EXPORT 2020 Italy and other countries



## EXPORT 2020 Main trade partners (excluding Italy)



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## 5. Authorisations and conditions for setting up a company

San Marino law (Law no. 47/2006 and subsequent amendments and integrations) regulates companies based in the territory of the Republic. Such companies must be established by means of a notarial public deed in one of the following forms:

- a) partnerships:
  - unlimited partnerships
- b) **companies with share capital:**
  - limited liability companies
  - joint stock companies

For the establishment of companies with share capital the minimum capital required by law is:

- a) 25,500 Euro for limited liability companies
- b) 77,000 Euro for joint stock companies

The share capital must be fully subscribed at the time of incorporation of the company. 50% of such capital must be paid within 120 days from the registration of the company in the register of companies, while the remaining 50% within three years.

In case of a sole shareholder company, the whole share capital must be paid up within 120 days of its registration in the register of companies.

To establish a company, founders shall contact a San Marino notary, who will verify the requirements to be fulfilled by the future shareholders and will ask them to submit the necessary self-certification to demonstrate the absence of criminal charges. The same self-certification shall be submitted by those wishing to hold corporate offices. The self-certification can be compiled and submitted by both resident and non-resident individuals.

Both shareholders and directors may be foreign citizens.

Under the Company Law, the corporate purpose must be lawful, possible, determined.

### LICENCES

#### Simplified procedures and clear timing for obtaining a license

To start their activity, both partnerships and companies with share capital must first obtain the necessary licence from the competent public offices. The on-line issuance is immediate.

Self-certifications and statements replacing public documents to demonstrate the fulfilment of the requirements necessary for a license are checked by the competent offices within 180 days of issuance thereof. If the licensed activity covers areas that present risks to public health and security, checks are carried out within 30 days of the issuance of the license (for example, health care services and weapons).

### Requirements for obtaining a license

For individual activities and partnerships, residence in San Marino.

For companies with share capital, registration in San Marino register of companies.

Moreover:

- having a place of business in San Marino compliant with building regulations and suitable for the activity to be carried out, within 60 days from the start a business;
- having obtained the authorisations requested by special laws referring to the type of activity to be undertaken (for example, authorisation for industrial discharge, production and storage of food and drinks, etc.);
- having obtained certificates, education qualifications or having participated in training courses for the performance of activities that require specific training.

The purpose of the license will be indicated exclusively using **ATECO codes**.

### Activities requiring the Government's prior authorisation

Pursuant to **Delegated Decree no. 68 of 22 June 2018**, the Government's prior authorisation is required only for the following activities:

1. economic activities falling within the scope of the Agreement between the Republic of San Marino and the Italian Republic on the **Mutual Regulation of International Carriage**, done in San Marino on 7 May 1997 and ratified by Decree no. 73 of 21 July 1997 and subsequent amendments;
2. printing and production activities in the **philatelic and numismatic sector**;
3. construction activities in the **road** sector, concerning the construction of the **underlying networks relating to basic urban infrastructure**;
4. all economic activities in the sectors of **energy, water, gas, telecommunications, telephone traffic and telephone cards**;
5. economic activities of **disposal and treatment in the waste and ferrous waste** sectors;
6. economic activities in the **private security** sector, including through the use of technology, and **private investigation**;

7. **wholesale trade in precious metals**, excluding wholesale trade in watches;
8. activities in sectors where special laws provide for authorisation (e.g. health and weapons-related sectors).

In addition to those listed above, **foreign companies wishing to temporarily operate in San Marino for more than 180 days** need the Government's prior authorisation if their activities concern the following sectors:

1. economic activities of construction in the building sector;
2. economic activities of installation and implementation in the sectors of flooring, wall coverings, plasterboard walls, room finishes;
3. economic activities of installation and repair in the sectors of heating, air-conditioning, water and sanitation, water and gas distribution and use of electricity;
4. economic activities of purchase, management and sale in the real estate sector;
5. economic activities of rental with and/or without driver and marketing in the sector of vehicles, boats and aircraft;
6. economic activities of commission agents;
7. all economic activities of service for the personal hygiene and aesthetics;
8. economic service activities, of a non-financial nature, for debt collection;
9. economic activities connected with the provision of education and training courses designed to achieve legally recognised qualifications or preparatory to their achievement.

### Permanent Establishment

In accordance with Art. 13 of the Law on licenses no. 40/2014, **non-resident foreign companies and/or natural persons** wishing to carry out an economic activity in the Republic of San Marino for a **period exceeding 180 days** are assimilated to San Marino economic operators, by means of a **permanent establishment**. To this end, it is necessary to obtain an authorisation valid for one year, renewable upon payment of the corresponding fee. Foreign applicants are required to appoint an agent in the Republic of San Marino, who shall have the same rights and duties as a sole director and with an address for service at the office of a professional. In addition, the same law provisions applicable to San Marino economic operators shall apply. In case of **activities not exceeding 180 days, fixed-term licenses** are required.



### Health Authority

The **Health Authority** is the official body responsible for the authorisation, accreditation and quality of health, socio-health and socio-educational services. To this end, it issues the authorisation requested for the subsequent Government Decision necessary for the granting of the relevant license. The reference legislation is Law no. 69/2004.

### Registered residence

**Registered residence** may be granted to entrepreneurs, top managers and their family members, provided that specific requirements related to their business plan and investments made in San Marino are met.

### Real Estate Purchase

Foreign nationals may purchase a maximum of 2 real estate units. The purchase of property covered by a leasing contract is not permitted. Entities established under San Marino law may purchase a maximum of 10 real estate units, including properties covered by a leasing contract. The purchase of real estate units or parts thereof exceeding the maximum numbers above requires the prior authorisation of the competent institutional body.

### Rental/purchase costs of property for business purposes (as an indication)

- Industrial area in Serravalle: sale (€1,000/1,100 per sqm) rental (€60/70 per sqm).
- Industrial area in Gualdicciolo: sale (€850/950 per sqm) rental (€40/50 per sqm).
- Industrial area in Faetano: sale (€650/750 per sqm) rental (€30/40 per sqm).

### 2019 average costs for utilities

- Natural gas €20.84/m<sup>3</sup>
- Electricity €0.0705/kWh

## 6. Tax system

Focus on:

- A. DIRECT TAXES
- B. INDIRECT TAXES

### A. DIRECT TAXES

The legislation on direct taxation has a modern structure, characterised by a competitive tax rate both for individuals and businesses.

**Income tax is called “General Income Tax” (IGR).**

#### *A.1 IGR rate for businesses and self-employed*

**Ordinary IGR rate applicable to sole proprietorships and self-employed (as an alternative to the progressive income bracket taxation) and to companies is equal to 17%.**

**New business activities** run in the form of **sole proprietorship or self-employment**, whose owners have not carried out in San Marino, in the twelve months before the submission of the request, an economic activity similar to that for which access to the benefit is requested, **are entitled to a tax exemption equal to 50% of the ordinary taxation for the first 5 years of operation**, which reduces taxation to 8.5% of income.

**The above IGR reduction also applies to companies with share capital** whose shareholders have not run in San Marino, during the twelve months prior to the submission of the request, a business activity similar to that for which access to benefits is requested, when these:

- are newly established companies;
- hire at least one worker, including the director, even if not registered in the public employment lists, provided that he/she is hired on a full-time basis, within six months of the issuance of the license, and one additional worker is hired within twenty-four months of the issuance of the license.

Moreover, new business activities benefit from exemption from payment of the annual licence fee and from the renewal fee for the following three years of operation.

#### *A.2 Determination of the tax base in the context of business income*

The IGR rate is applied, in the context of business income, to the net taxable profit that arises, as a general rule, from the difference between revenues and costs related to the business activity and recorded for a given period on an accrual basis, except for certain types of relevant costs on a cash basis.

##### *A.2.1 Costs deductibility*

In determining the tax base of business income (whether from activities carried on as a sole proprietorship or as a company), costs are fully deductible, except for:

- advertising costs and sponsorships, which can be deducted up to 8% of operating income;
- data processing and market research costs, which can be deducted up to 10% of operating income;
- representation costs, which can be deducted up to 5% of operating income.

Such limitations may be removed in specific cases.

##### *A.2.2 Participation exemption regime (capital gains and dividends)*

Dividends received by companies or entities having legal personality, not residing in the territory of the Republic of San Marino, do not contribute to the formation of the income of the receiving company for 95% of their amount.

The exclusion referred to in the previous paragraph applies on the condition that the participation in such companies or entities has been held continuously for at least twelve months and it results from company records and from at least one financial statement.

Dividends received by resident companies are not taxed in their full amount.

There is no taxation on capital gains on the transfer of shareholdings in resident or non- resident companies if:

- the shareholdings are held continuously for 12 months before they are sold;
- the shareholdings are recorded as long-term investments in the first financial statements after their acquisition.

### A.3 Carry forward of tax losses

**Tax losses referring to a given period may be carried forward to reduce taxable income** of the following three periods up to a limit of 80% of net profit. Losses related to the first three tax periods can be carried forward without any limit to subsequent tax years.

### A.4 Incentives in case of profits reinvested in the enterprise

In case of investments in capital goods or real estate, taxable income may be reduced from 40% to 90%.

More in detail, annual profits from business activities, regardless of their legal form and provided that they are recorded in the ordinary accounting system, shall not be taxed if they are used for investments in the same undertaking. The provisions apply to undertakings that, at the date on which the investment project is submitted, have at least five employees on permanent employment contracts or three employees on permanent employment contracts, provided that they are San Marino citizens or residents.

The following business projects shall be considered investment projects:

- 1) introduction of technological improvements related to existing products or production processes, acquisition of equipment or technology for the production of new products or production processes (minimum amount €50,000);
- 2) constructions or acquisitions (for a minimum amount of €300,000), renovations or extensions of buildings (for a minimum amount of €150,000) aimed at improving existing production processes or introducing new ones in the presence of company projects, which entail the employment of at least one permanent employee;
- 3) acquisition of equipment, machinery or technological processes aimed at achieving substantial energy or water savings or significant reductions in pollutants according to parameters, coefficients and modalities demonstrating the considerable and consistent energy savings and the lower pollutant load as established by specific sector regulations and with appropriate certification (minimum amount €20,000).

These investments can be made either through direct purchase or through a financial leasing contract.

Articles 10-15 of Delegated Decree no. 63/2014 provide for further specific incentives for interventions carried out by operators in the tourism sector (accommodation and catering) and related intermediation, as well as in the audio-visual industry.

### **Items not constituting taxable income**

- 60% of the annual profits reinvested in the interventions referred to in point 1
- 40% of the annual profits reinvested in the interventions referred to in point 2
- 90% of the annual profits reinvested in the interventions referred to in point 3
- In the event of a combination of the interventions referred to in points 1 and 2, the maximum percentage of non-taxable income is 70%
- Profits not constituting taxable income are tied up for five years after their formation and must be allocated to a special budget fund
- The above tax benefits are recognised up to the value of the investment within five years of the authorisation (within seven years if the total investment exceeds €7,000,000)

In general, it is prohibited to combine these benefits with forms of subsidised credit (Article 3 of Delegated Decree no. 72/2018).

For additional information: Law no. 166/2013 (as amended by Law no. 155/2017 and by Delegated Decree no. 108/2018).

### A.5 Withholding taxes on dividends, interests and royalties

- **Dividends** paid to individuals and non-resident persons are subject to a 5% withholding tax;
- **Royalties** paid to non-resident persons are subject to a 20% withholding tax;
- **Interests** paid on loans granted to individuals and non-resident persons are subject to a 13% withholding tax;
- A 4% withholding tax is levied on **interest and income from bonds issued by San Marino credit institutions or other financial intermediaries and from certificates of deposit with a maturity of more than 18 months**. This withholding tax does not apply to non-residents who have communicated their status as non-tax resident for the purposes of applying the above mentioned exemption.
- A 11% withholding tax is levied on **interests on current accounts and deposits**. This withholding tax is not applied to non-residents.
- A 5% withholding tax is levied on **interests and income from repurchase agreements and certificates of deposit with a maturity of less than 18 months**. This withholding tax does not apply to non-residents;

In case of dividends, interests and royalties paid to foreign individuals and companies, the terms of the relevant double taxation agreements (if existing) may apply.

## Double taxation agreements in force (August 2021)

Country	Share capital held > 0 =	Dividends	Interests	Royalties
<b>AUSTRIA</b>	PF-PG	15%	0%	0%
	PG	10%	0%	0%
<b>AZERBAIJAN</b>	PF-PG	10%	10%	10%
	PG	25%	5%	10%
<b>BARBADOS</b>	PF-PG	5%	5%	0%
	PG	10%	0%	5%
<b>BELGIUM</b>	PF-PG	15%	10%	5%
	PG	25%	0%	10%
	PG	10%	5%	10%
<b>CYPRUS</b>	PF-PG	0%	0%	0%
<b>CROATIA</b>	PF-PG	10%	10%	5%
	PG	25%	5%	10%
<b>GEORGIA</b>	PF-PG	0%	0%	0%
<b>GREECE</b>	PF	10%	10%	5%
	PG	25%	5%	10%
<b>HUNGARY</b>	PF	15%	0%	0%
	PG	25%	0%	0%
	PG		5%	0%
<b>ITALY</b>	PF-PG	15%	13%	10%
	PG	25%	5%	13%
<b>LIECHTENSTEIN</b>	PF-PG	5%	0%	0%
	PG	10%	0%	0%
<b>LUXEMBOURG</b>	PF-PG	15%	0%	0%
	PG	10%	0%	0%
<b>MALAYSIA</b>	PF-PG	15%	10%	10%

	PG	10%	5%	10%	10%
<b>MALTA</b>	PF-PG		10%	0%	0%
	PG	25%	5%	0%	0%
<b>PORTUGAL</b>	PF-PG		15%	10%	10%
	PG	25%	10%	10%	10%
<b>QATAR</b>	PF-PG		0%	0%	5%
<b>ROMANIA</b>	PF-PG		10%	3%	3%
	PG	50%	0%	3%	3%
	PG	10%	5%	3%	3%
<b>SAINT KITTS AND NEVIS</b>	PF-PG		10%	0%	0%
	PG	10%	7,5%	0%	0%
	PG	25%	5%	0%	0%
	PF		10%	10%	10%
<b>SERBIA</b>	PG	25%	5%	10%	10%
	PF-PG		0%	0%	0%
<b>SEYCHELLES</b>	PG	10%	5%	10%	0%
	PF-PG		12%	12%	8%
<b>SINGAPORE</b>	PF-PG		0%	0%	10%
<b>UNITED ARAB EMIRATES</b>	PF-PG		15%	15%	15%
<b>VIETNAM</b>	PF-PG	10%	15%	15%	15%
	PG		10%	10%	10%

Legend: **PF**=individuals; **PG**= legal entities

These are maximum rates. Where domestic legislation provides for lower standard rates, the latter apply.

#### A.6 Regulation governing depreciations and provisions

All tangible and intangible assets used for business and self-employment activities, as well as the multiannual expenditures may be depreciated on the basis of the maximum annual percentage rates shown in the following table:

TYPE OF ASSET	TYPE OF BUSINESS				
	Industrial	Handicraft	Commercial	Service	Agriculture
Asset subject to depreciation					
Light constructions	12	12	12	12	12
Machinery, equipment and accessories	18	18	15	15	15
Furniture and fittings	15	15	16	15	10
Miscellaneous and minor equipment	20	20	20	20	20
Electrical and electronic office machines	20	20	20	20	20
Vehicles	20	20	20	20	20
Buildings	3	3	3	3	3

#### A.7 Withholding taxes

All economic operators of San Marino who pay, even occasionally, fees in cash or in kind or in any other way for services of self-employment or similar to persons residing abroad (directors, auditors, or as a result of coordinated and continuous collaboration, use of trademarks, intellectual property, copyrights, industrial inventions and the like) must apply, at the time of payment, a withholding tax of 20%.

The withholding tax does not apply to reimbursements relating to documented travel, board and lodging expenses and documented expenses incurred in the name and on behalf of the client when the receipt or the invoice is in the name of the client.

#### A.8 IGR applicable to individuals

For **individuals**, the following income tax principles are applied in San Marino:

RESIDENTS	NON RESIDENTS
Tax applies to income wherever produced (worldwide principle)	Tax applies only to income generated in the territory of San Marino
TAXATION "ON A WORLDWIDE BASIS" With foreign tax credit	TAXATION "ON A TERRITORIAL BASIS"

San Marino tax legislation provides that, if foreign income is included in the formation of the total income of individuals, the taxes definitively paid on such income are deducted from the net tax due, up to the amount of tax corresponding to the ratio between foreign income and total income.

Tax rates and income brackets relating to the taxation of personal income:

Income brackets	Tax rate
up to €10,000.00	9%
from €10,000.01 to €18,000.00	13%
from €18,000.01 to €28,000.00	17%
from €28,000.01 to €38,000.00	21%
from €38,000.01 to €50,000.00	25%
from €50,000.01 to €65,000.00	28%
from €65,000.01 to €80,000.00	31%
Over €80,000.00	35%

## B. INDIRECT TAXES

The main indirect tax applicable in the Republic of San Marino is called **single-stage tax**.

As a rule, the single-stage tax is applied on goods and related services imported to San Marino.

The ordinary rate is equal to 17%.

Certain categories of goods (e.g., food, medicines, etc.) are subject to different rates depending on the reference product table (e.g., 2%, 6%).

The purchase of movable capital goods with a unit value higher than €500 is subject to a non-refundable 1% preferential rate.

A 7% rate is applied to the purchase vehicles used both for business and private use, with limitations on the number and engine capacity.

For second-hand goods, 50% of the relevant rate is applied.

The single-stage tax is refunded in case the goods are subsequently re-exported.



## 7. Subsidised credit

**Delegated Decree no. 72 of 25 June 2018** rearranged the legislation on loans granted at a subsidised rate to start new economic activities and for the requalification, diversification and consolidation of existing businesses.

Economic operators carrying out business activities in the **industrial sector, services, handicraft and trade, in any legal form**, are entitled to the benefits provided for in the above Delegated Decree.

The loans granted cannot be cumulated unless they are part of a single investment project and, with reference to the same investment, cannot be cumulated with other forms of subsidised credit with interest contribution from the State. The amount of the loan cannot in any case exceed the amount of the costs related to the implementation of the project.

The benefits cannot be cumulated with forms of subsidised credit provided for under other rules or with tax benefits related to direct taxation. The business can access subsidised credit even if it is already benefiting from tax incentives, provided that the investment refers to goods or projects other than those for which tax incentives have already been granted. Business projects are eligible for subsidised credit in case of new investments aimed at developing the business, repositioning it on the market, preserving its competitive capacity and maintaining (unless there are specific exceptions) or increasing the number of employees.

**Industrial businesses** must have at least two permanent employees in case of a company, or one permanent employee in case of sole proprietorship. Anyone who has applied for a licence and commits to hire at least one employee enrolled in the public employment lists, for an indefinite period of time and within 6 months of the issue of the licence, may also apply for the subsidised credit, under penalty of revocation of the subsidised credit granted and without prejudice to the obligation to return what has already been paid out. Within 6 months of obtaining the loan, any additional employment requirements to be met for obtaining the relevant type of benefit enjoyed must also be fulfilled.

The subsidised credit may be requested over a period of 2 years, for a maximum of 2 projects, and for a maximum amount of 1 million Euro for economic operators carrying out industrial activities and 500 thousand Euro for services, handicraft, or commercial activities. The maximum duration of the loan is 5 years and the interest contribution by the State is equal to 70% of the rate agreed with the banks.

Business projects may consist of: acquisitions of tangible capital goods (equipment and machinery); acquisitions of real estate or their extension; restructuring or modernisation aimed at improving production processes, safety at work or energy efficiency; acquisitions of intangible capital goods of industrial patent right, rights to use intellectual property; investments related to the typologies indicated above for projects, including partial ones, involving repositioning, requalification and/or change of the corporate purpose.

The Delegated Decree provides for the possibility of signing a **specific agreement with the Government** to obtain subsidised credit by way of derogation from the limits and conditions stated above, in the case of investment projects in property, land, equipment, machinery, tangible or intangible capital goods or other investments with the aim of developing the business and/or repositioning it on the market and/or promoting and improving its competitive capacity.

### **Innovation and Eureka projects**

In 2005 San Marino became a member of EUREKA and in 2006 passed the first law for the promotion of industrial research activities (Law no 19 of 27 January 2006) and the implementing delegated decrees for EUREKA research projects and national projects (respectively, Delegated Decrees no. 126 of 1 December 2006 and no. 44 of 10 March 2008).

### **Tax relief on income from intangible assets**

**Beneficiaries:** natural persons holding companies and legal entities under San Marino law.

**Objective scope:** industrial patents, designs and models, software protected by copyright.

#### **Application scope:**

- concession for the (indirect) exercise of the right to use intangible assets;
- direct use of intangible assets.

The qualified incomes of companies deriving from the use of intangible assets do not contribute to forming the total income (100% excluded).

The capital gains deriving from the sale of intangible assets **do not form part** of the corporate income, as they are entirely excluded from the generation of income, provided that at least 90% of the equivalent amount deriving from the sale of the aforementioned assets is reinvested in the maintenance or development of other intangible assets.

## 8. A regulatory and operational environment favourable to innovation

**San Marino Innovation - Istituto per l’Innovazione della Repubblica di San Marino SpA** is a private law company, with the State as sole shareholder. The company’s task is to create an ecosystem for the growth of innovation in the Republic, covering all aspects of innovation: research, training, cooperation among players, internationalisation of the offer, as well as attraction of investment capital in the form of both cash and technology implementation from leading companies in the sector.

San Marino Innovation is responsible for supporting technological innovation under Delegated Decree no. 101 of 13 June 2019 – Provisions on High-technology Enterprises.

**The programme includes 3 phases for a total duration of 12 years:**

- **First Level Technological Startup (SUT I)**  
Starting of the innovative process (startup). This is the implementation phase in which the idea is transformed into an organised business project. 3 years duration. (0% general income tax rate).
- **Second Level Technological Startup (SUT II)**  
Initial expansion phase (early growth). In this phase, the company has begun to expand with positive results in terms of turnover. 4 years duration. (4% general income tax rate).
- **Highly Technological Company (SAT)**  
Consolidation phase (sustained growth). In this phase, the company has achieved full commercial operation. 5 years duration. (8% general income tax rate).

### Phases

SUT I	SUT II	SAT
3 YEARS	4 YEARS	5 YEARS
0% general income tax rate	4% general income tax rate	8% general income tax rate
Exemption from payment of the licensing fee and subsequent annual fees	Exemption from payment of the licensing fee and subsequent annual fees	
70 euro registration tax	70 euro registration tax	
1 euro share capital	10,000 euro share capital	20,000 euro share capital
“co.co.pro.”* for max 4 collaborators renewable until 18 months	“co.co.pro.” for max 4 collaborators renewable until 18 months	
Occasional and accessory work, for a maximum of 120 days per year	Occasional and accessory work, for a maximum of 120 days per year	Occasional and accessory work, for a maximum of 120 days per year

\* Coordinated and continuous collaboration contracts based on projects

### Advantages

- Tax relief for a total period of 12 years.
- Reduction of the share capital.
- Possibility for foreign companies to create spin-offs in San Marino.
- Possibility of residence for directors and stay permits for all employees and family members.
- Liberalisation of coordinated and continuous collaboration contracts and of occasional and accessory work.
- Possibility to remunerate collaborators and employees with participation in the share capital.
- Exemption of capital gains deriving from the sale of participations.
- Possibility to create consortia specialised in research and development.
- Tax incentives for investments made by legal entities and individuals.
- Possibility to set up Incubators, Accelerators and certified Scientific and Technological Parks.
- possibility of obtaining the status of “Certified Partner”.

## To whom it is addressed

To anyone having an innovative idea:

- Individuals.
- Startups.
- Business spin-offs in the field of technological innovation or wishing to pool resources and skills to carry out research on certain technologies.
- Companies incorporated under San Marino law for less than 12 months.

## Requirements

The requirements for registration in the Register of high-technology enterprises are the following:

- Having obtained the certification attesting the highly innovative character of the enterprise by San Marino Innovation, which will carefully assess the innovative features of the product, service, technology, organisation or business model, assisted by mentors and experts.
- Being a company under San Marino law established in the form of a limited liability company.
- Holding an industrial or service license.

## How to apply

To obtain the certificate of high-technology enterprise, the project is subject to an initial evaluation, which will take into consideration the business plan, economic feasibility, financial sustainability, degree of technological innovation and substantiality of the proposal.

Once the certificate of high-technology enterprise is obtained, it is necessary to apply for registration in the Register of high-technology enterprises at the Economic Activities Office within 90 working days of the certification issue.

## BLOCKCHAIN IN SAN MARINO

Delegated Decree no. 86 of 23 May 2019 on Blockchain Technology Rules for Businesses introduces transparent, clear, and simple regulations, providing for specific rules for the different applications of Distributed Ledger Technology.

## Advantages and financial benefits

- **Transparency:** anti-money laundering controls ensuring maximum system protection.
- **Concreteness:** a solid and non-alterable legal framework. Operators can work smoothly in the presence of clear rules.
- **Regulatory certainty:** an ecosystem governed by clear and precise rules aiming to attract investors and achieve the transformations that blockchain technology offers to companies.

There are currently two applications covered by the Blockchain rules:

- utility tokens
- security tokens

At this early stage, it has been decided not to regulate the so-called cryptocurrencies (or payment tokens).

For tax and accounting purposes:

- Utility tokens are assimilated to foreign currencies. These are vouchers to purchase services or goods offered by the Blockchain Organisation.
- Security tokens are assimilated to shares, equity instruments or debt securities of the issuer. They are digital assets that represent, alternatively, depending on the underlying instrument, equity instruments of the issuer or debt securities of the issuer.

A General Income Tax exemption is provided for income obtained through transactions carried out with the tokens governed by the Delegated Decree.

## To whom it is addressed

Anyone dealing with the issue of utility and/or security tokens can operate and issue digital assets after being recognised as a Blockchain Entity by San Marino Innovation.

The Delegated Decree applies to Blockchain Entities, i.e. companies or other entities with independent legal personality using blockchain systems, which are resident:

- in the Republic of San Marino;
- in a member country of the European Union;
- in a non-EU country considered appropriate by the legislation in force in the Republic of San Marino.

## Rules for the initial offer

The rules for the initial offer of utility tokens are:

- Publication of Whitepaper and summary note to be delivered 20 days before the offer to the Institute.
- Obligation to advertise the token offer in a way that is clearly identifiable and containing accurate and non-misleading information.

In addition, in the case of public offer of security tokens, the Prospectus must be submitted to the Istituto per l'Innovazione della Repubblica di San Marino S.p.A. In case of non-public offer of security tokens, the "Enriched" Whitepaper and Summary Note (no prospectus) is required.

San Marino Innovation is the regulatory body of the sector: it has the power to impose specific requirements or request specific information to protect the user and the market.

## 9. Banking and financial system

The activities of the San Marino banking, financial and insurance system are regulated, in particular, by **Law no. 165 of 17 November 2005 and subsequent amendments** (Law on Companies and Banking, Financial and Insurance Services - "LISF"), as well as by the consequent implementing provisions (regulations and circulars) issued by the Central Bank of the Republic of San Marino by virtue of the regulatory powers assigned to it by the LISF, including the following:

- **Regulation no. 2006-03** on collective investment services;
- **Regulation no. 2007-07** on collection of savings and banking;
- **Regulation no. 2018-01** on life Insurance;
- **Regulation no. 2020-03** on independent financial advisers;
- **Regulation no. 2020-04** on payment services and electronic money issuance.

The Central Bank of the Republic of San Marino - CBSM, established by **Law no. 96 of 29 June 2005** (*Statute of the Central Bank*), is the single Supervisory Authority of the San Marino banking, financial and insurance sector. In particular, the Central Bank of the Republic of San Marino supervises the parties authorised to carry out in the Republic of San Marino the reserved activities listed in the LISF, as well as financial promoters, independent financial advisers and insurance intermediaries.



Pursuant to its Statute, CBSM also performs other functions, including:

- i) management, regulation and supervision of the payments system;
- ii) institutional contact point for International Organizations, central banks, foreign financial supervisory authorities and the like;
- iii) processing and publication of statistics on the parties it supervises and on their activities;
- iv) management of Treasury and Tax-Collecting services on behalf of the State as well as Public Entities and Autonomous State Corporations;
- v) repository of the financial assets of the State as well as of the Entities and Corporations of the Overall Public Sector;
- vi) State's agent in the management of public debt securities.

The Financial Intelligence Agency, the Financial Intelligence Unit (FIU) of the Republic of San Marino, is also established at the CBSM. Pursuant to **Law no. 92 of 17 June 2008 and subsequent amendments** (Provisions on preventing and combating money laundering and terrorist financing), the FIU performs the role of central anti-money laundering authority autonomously and independently.

San Marino institutions guarantee a regulatory framework and an oversight structure in line with the best standards and are committed to the **progressive integration of the banking and financial system of San Marino into the international capital market**, through the signing of a significant number of conventions against double taxation and economic cooperation agreements and for the exchange of information with other countries, as well as within the framework of **the negotiations for an Association Agreement with the European Union**. Among other things, this Association Agreement is aimed at the participation of San Marino and its economic and financial operators in the Single European Market.

The progressive extension of reference markets is favoured also by the positive assessments on San Marino made by all major supranational bodies (International Monetary Fund, OECD, Moneyval, European Union), which confirm the levels of excellence achieved in terms of transparency and increase the attractiveness of the San Marino jurisdiction.

Other strengths include **integration in the Euro currency area, as well as participation in the Single Euro Payments Area (SEPA) and international payment systems**.

The current **Monetary Agreement between the European Union and the Republic of San Marino**, signed in 2012, recognises San Marino's right to use

the Euro as its national currency and to mint a certain quantity of Euro coins with its own national side. Pursuant to the above Agreement, the institutions of San Marino and the CBSM, the latter in performing of the aforementioned regulatory powers, are also dedicated to the **constant adjustment and alignment of the domestic system with a significant part of the so-called *acquis* of the European Union** relating to the following five macro-areas:

- Prevention of money laundering;
- Prevention of fraud and currency counterfeiting;
- Provisions on euro banknotes and coins;
- Banking and financial legislation;
- Legislation on the collection of statistical data.

As far as payment systems are concerned, all San Marino banks operate in international payment systems by using their own BIC (*Bank Identifier Code*) assigned by Swift (*Society for Worldwide Interbank Financial Telecommunication*). They also operate in a national payment system managed, regulated and supervised by the CBSM, allowing, among other things, the channelling of domestic payment instruments in line with SEPA rules and using the IBAN (*International Bank Account Number*) standard.

Moreover, the CBSM, as well as the supervised banks, avail themselves of a network of correspondents, which can order and receive transactions directly to and from abroad with the same standards used at international level. International interbank communication is guaranteed by the use of the Swift network.

The CBSM and San Marino banks have also joined:

- the Trans-European Automated Real-Time Gross Settlement Express Transfer System, responsible for the settlement of transactions in real time;
- the Italian BI-Comp (Bank of Italy-Compensation) clearing system;
- from its start-up date (1 February 2014), the Single Euro Payments Area for the payment instruments SCT (SEPA Credit Transfer) and SDD (SEPA Direct Debit), as well as the Additional Optional Service SEDA (SEPA Compliant Electronic Database Alignment).

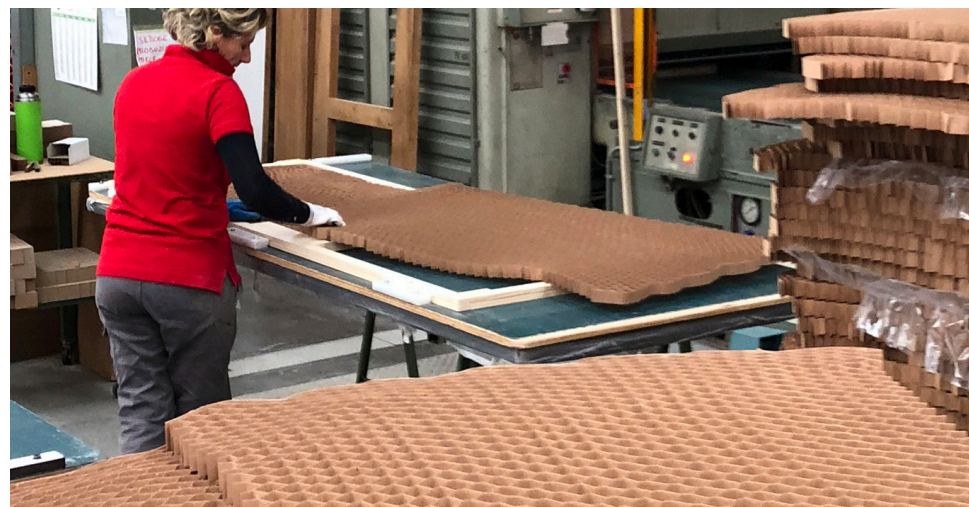
The CBSM also maintains and manages relations with supranational financial institutions, central banks, banking financial intermediaries and other entities consistent with its purpose and functions.

Currently, **the San Marino banking, financial and insurance system** consists of **11 authorised parties** including: 4 banks, 3 management companies, 1 financial-fiduciary company, 1 payment institution and 2 insurance companies. The banking, financial and insurance industry of San Marino can be an ideal partner for developing international collaborations and starting up innovative

entrepreneurial projects, thanks to its special features, namely its small size and its position at international level, thanks to its status of member of the main International Organizations and its diplomatic and consular network. In particular, with reference to the financial sector, San Marino has been a full member of the International Monetary Fund (IMF) since 23 September 1992. It has also been a member of the International Bank for Reconstruction and Development (IBRD) since 21 September 2000, as well as of the European Bank for Reconstruction and Development (EBRD) since 7 June 2019.

In a context of a level playing field, the banking, financial and insurance industry is looking with increasing attention at an ever-greater interaction with foreign banking/financial groups and entities and at the opening of its own reference market. At the same time, the operators of this industry have expanded and diversified their offer, by designing new products and services to integrate the traditional retail and private banking activities, with increasing attention to the green economy, new payment services, online transactions and *fintech*, thus encouraging technological innovation. At the same time, the operators have maintained direct and privileged relations with their customers as they have always done.

Finally, in the light of the very recent regulatory innovations (in particular Delegated Decree no. 87 of 10 May 2021), **San Marino banking system** will also be able to approach the sector of virtual assets, being able to provide customers, following specific authorisation from the Central Bank, with **custody and/or administration services for virtual assets** or instruments that allow control over virtual assets.



## 10. Imports and exports

### A. Imports from the EU

Goods purchased by San Marino importers in European Union countries other than Italy and imported into the Republic of San Marino (pursuant to Decree no. 50 dated 24.03.1993) must reach San Marino accompanied by community transit customs documents T2 or T2L and be immediately submitted to authorised forwarders, to carry out customs import formalities.

T2 is a computer document issued by a customs office called “Departure Office” and intended for another customs office called “Destination Office”. Each T2 is assigned a unique reference number “MRN”, the same throughout the European Union and identifiable within the entire community area.

Authorised forwarders, once contacted by the importer, check the conformity of the incoming transit documents, besides checking the incoming information flow produced by the departure customs office in the NCTS (New Community Transit System).

The NCTS system directly attributes a channel or gate to the information flow, which determines the consequent physical or documentary control of the goods. In case of physical control of the goods, this operation is performed by the **Tax Office** or by the **Fortress Guard**, together with the **authorised forwarder**.

After performing the necessary controls, the forwarder can clear the goods entry, allowing the importer to freely dispose of the goods, and will consequently process and finalise the information flow in the NCTS system, so as to correctly complete all customs formalities.

### B. Exports to the EU

Goods intended for export towards the countries of the European Union other than Italy must be submitted to **authorised forwarders** to carry out export customs formalities.

The authorised forwarders issue the transit document T2 (NCTS) and any certificates required for the country of destination, generating in the NCTS system an information departure flow for the customs of the community country of destination.

A channel or gate will be attributed directly by the NCTS system to the generated flow, and this will determine the consequent physical or documentary control of the goods. In the case of physical control of the goods, this will be performed by the **Tax Office** or by the **Fortress Guard** together with the **authorised forwarder**.

After making the required controls, the forwarder can clear the goods export and allow the importer to freely dispose of the goods. After reaching the destination, the goods exported from San Marino must be submitted by the recipient to the competent customs authorities in order to comply with import procedures.

The export procedure only terminates after the issuing of a due bill of entry into the destination country. The flow generated by San Marino customs office will be entered by the customs office of destination into the system.

### C. Imports from non-EU countries

Goods purchased by San Marino importers from countries not belonging to the European Union and intended for import into the Republic of San Marino must carry out customs import formalities, (pursuant to Decree no. 50 dated 24.03.1993) at authorised Italian customs offices certified for the Republic of San Marino, i.e.:

- LIVORNO
- GENOA
- TRIESTE
- MILAN II
- ORIO AL SERIO
- ROME II
- BOLOGNA
- RAVENNA
- FORLÌ
- RIMINI
- ANCONA
- GIOIA TAURO
- LA SPEZIA
- TARANTO
- VENICE

which, once having carried out free circulation procedures on behalf of the Republic of San Marino, will issue community transit document T2 NCTS, which will accompany the goods to San Marino. Upon arrival of the goods, the San Marino importer immediately contacts the goods control and inspection body, namely the **Fortress Guard**. After making the necessary inspections, the Fortress Guard, in order to correctly execute customs import formalities, regulates the entry of the goods and enters the incoming flow in the NCTS system.

The importer can only freely dispose of the goods after receiving a regular goods entry visa from the Fortress Guard.

#### **D. Exports to non-EU countries**

The goods intended for export towards the countries not belonging to the European Union must be submitted to **authorised forwarders** to carry out customs export formalities.

The authorised forwarder will issue the transit document T2 (NCTS) and any certificates required for the country of destination, generating in the NCTS system a departure flow directed towards an Italian customs office only (pursuant to Decree no. 50 dated 24.03.1993).

The NCTS system will directly attribute to the generated flow a channel or gate, and this will determine the consequent physical or documentary control of the goods.

In case of the physical control of the goods, this will be performed by the **Tax Office** or by the **Fortress Guard**, together with the **authorised forwarder**.

After making the required controls, the forwarder can clear the goods export and allow the importer to freely dispose of the goods. Once the goods exported from San Marino reach the indicated Italian customs office, they will have to be submitted to the competent customs authorities in order to regulate export.

Export is only considered concluded when the customs office of destination enters the flow generated from the San Marino customs office into the system, thereby proving that the goods have left the territory of the European Union.

#### **E. Customs duties - Custom Union Treaty**

Following the agreement concluded with the EU, the abolition of customs duties on trade within the European Community also applies to San Marino. With regard to imports from non-EU countries, customs duties are the same established by EU countries.

## **11. Protection of industrial property**

The Republic of San Marino promotes the use of industrial property rights and is characterised by favourable conditions for the development of industrial research and innovations.

The **Patents and Trademarks Office of the Republic of San Marino** offers businesses the services necessary for the registration of trademarks and the granting of patents and industrial designs.

As a member of the **World Intellectual Property Organization (WIPO)** and the **European Patent Organisation (EPO)**, in San Marino it is possible to:

- register national and international trademarks;
- extend San Marino national trademarks overseas through the Madrid Agreement, with the possibility of claiming priority;
- register national and international patents;
- extend national patents overseas through the PCT;
- validate the European EPO patent on the territory of the Republic of San Marino;
- register national and international designs.

## **12. Work in San Marino**

the population of the Republic of San Marino boasts a **high schooling and training rate** and can offer the professional skills required by the various businesses operating in the country.

Investment in human capital is favoured by work contracts that include training and re-training and by **instruments providing for incentives** available to economic operators. This contributes to the enhancement of knowledge and human skills, by favouring higher production efficiency.

The services matching labour demand and supply are offered by a public office and are available on-line.

**National collective agreements** define the basic elements and contents of the individual labour contract.

The instruments available **to reduce labour cost** offer flexibility to businesses and help to improve their competitiveness.

**Labour cost is competitive** thanks to a lower incidence of taxes and social security contributions compared to neighbouring countries. Social security contributions paid by businesses vary depending on the legal form and sector of the business.

The **various forms of contracts** allow businesses to employ workers in a flexible way according to their needs and are particularly favourable to the employer, also considering the economic incentives envisaged by the legislation in this field. Indeed, there are **several incentives to support employment, training and acquisition of skills** aimed at the employment or re-employment in the business of certain categories of workers.

#### **Festivities in the San Marino calendar:**

- 1 January* New Year's Eve
- 6 January* Epiphany
- 5 February* Feast of Saint Agatha, co-patron saint of the Republic
- 25 March* Anniversary of the Arengo
- 1 April* Captains Regent Investiture
- Easter*
- Easter Monday*
- 1 May* Labour Day
- Corpus Domini* (a Thursday in May or June)
- 28 July* Feast to celebrate the fall of totalitarianisms
- 15 August* Feast of the Assumption
- 3 September* Feast of San Marino, Patron and Founder of the Republic
- 1 October* Captains Regent Investiture
- 1 November* Feast of All Saints
- 2 November* Commemoration of the Dead
- 8 December* Feast of the Immaculate Conception
- 25 December* Christmas
- 26 December* St. Stephen's Day

#### **a) Labour costs:**

- paid by the employer: 33% approx. of the gross salary of each employee (for illness, pregnancy, family allowances, social safety nets);
- paid by the employee: 8% approx. of gross salary.

#### **Labour costs – Precision mechanics sector**

**(as an example and reference)**

	gross salary	net salary	contributions	monthly cost for the business	annual cost with 13th month salary and severance pay
<b>3rd category</b>	1.894,54	1.662,87	542,03	2.436,57	33.569,92
<b>5th category</b>	2.166,94	1.884,75	602,41	2.769,35	38.168,48

#### **Labour costs – Service sector**

**(as an example and reference)**

	gross salary	net salary	contributions	monthly cost for the business	costo annuale con 13ma e lic.
<b>5th category</b>	2.001,53	1.750,41	572,64	2.574,17	35.465,71

#### **b) Cross-border workers**

The income from employment produced by cross-border workers (Italian residents who work in San Marino) is taxed both in the place where the work is carried out (at the rates of the San Marino tax system) and in the place of residence of the employee (Italy). A foreign tax credit is granted in Italy to avoid (or at least mitigate) double taxation in the State of residence of the worker. Italy also grants an exemption on employment income generated in San Marino, the amount of which is decided by Italy.

In terms of social protection, cross-border workers are subject to the same protection as other categories of workers and therefore pay social security contributions in the State in which they work and receive a separate pension for each State in which they have been insured for a period of at least one year.



### 13. Employment incentives

#### a) Increase in the average number of employees

Employers who **increase the average number of employees**, provided that at least 50% of them reside in San Marino, are entitled to a **tax credit on the general income tax** equal to:

- 5 % of the income tax for each newly hired worker, for businesses with a total workforce greater than or equal to 5;
- 10% of the income tax for each newly hired worker, for businesses with less than 5 employees.

This tax credit cannot exceed 25% of the total tax due.

#### b) Employment incentives in case of recruitment from public employment lists

The legislation in force provides for incentives, which increase over time, on the remuneration of workers recruited from the public employment lists that:

- 1° year: Social Safety Nets Fund refunds 2% of the remuneration to the employer;
- 2° year: Social Safety Nets Fund refunds 4% of the remuneration to the employer
- 3° year: Social Safety Nets Fund refunds 6% of the remuneration to the employer
- 4° year: Social Safety Nets Fund refunds 8% of the remuneration to the employer.

These incentives are halved if the employment is on a temporary basis.

In addition, a 20% exemption on social security contribution is provided for three years.

#### c) Apprenticeship

is reserved to:

1. young people aged between 16 (end of compulsory schooling) and 30;
2. first-time job-seekers enrolled for at least 3 months;
3. unemployed people who change job on the basis of their qualifications.

Employment contract on a permanent basis with duration of apprenticeship depending on the employment level, i.e.:

- 6 months for the second level under the collective labour agreement (with possible extension of the duration);
- 12 months for the third level under the collective labour agreement (with possible extension of the duration);

- 24 months for the fourth level under the collective labour agreement (with possible extension of the duration).

During the apprenticeship the employer pays:

- for the first six months 70% of remuneration;
- for the following six months 75% of remuneration;
- for the second year 80% of remuneration;
- for the third year 90% of remuneration.

There is a further **permanent 50% contribution reduction**, which may become **100% reduction if the employer hires a worker who has attended a course at the Professional Training Centre.**

#### d) Incentives concerning sheltered categories and women

These incentives are provided when the business hires workers from the following sheltered categories and women:

- a) first-job seekers or unemployed people enrolled, without interruptions, for at least three months, increased to 12 months in case of a worker who voluntarily resigned from the previous job, without considering any ancillary/occasional work, and who does not benefit from social safety nets;
- b) unemployed persons aged 50 or more;
- c) unemployed persons with a certified disability of 40% or more;
- d) women returning to work after the period of compulsory abstention provided for by law for maternity or adoption, until the child turns three;
- e) women enrolled in part-time public employment lists who are hired for a new job for less than 25 hours per week.

For the above categories, the incentives for **permanent employment** are as follows:

- 1° year: Social Safety Nets Fund refunds 17% of the remuneration;
- 2° year: Social Safety Nets Fund refunds 19% of the remuneration;
- 3° year: Social Safety Nets Fund refunds 21% of the remuneration;
- 4° year: Social Safety Nets Fund refunds 23% of the remuneration.

The incentives for **fixed-term employment** are as follows:

- 1° year: Social Safety Nets Fund refunds 12% of the remuneration;
- 2° year: Social Safety Nets Fund refunds 14% of the remuneration;
- 3° year: Social Safety Nets Fund refunds 16% of the remuneration;
- 4° year: Social Safety Nets Fund refunds 18% of the remuneration.

## 14. Safety and waste management costs

### a) Safety costs

San Marino legislation on safety at work (Law no. 31 of 18 February 1998 and subsequent implementing decrees), harmonised with the **Single Law on health and safety at work** (Decree-Law of 9 April 2008), establishes the fundamental principles regarding the protection of the worker and the environment surrounding the workplace.

**Law no. 31/98** gathers a large number of rules and introduces the concept of **risk assessment in the workplace.**

The legislation in force envisages, among other things:

- the drafting and updating of the “Risk Assessment Document”;
- the appointment and training of the “Prevention and Protection Service” and of the person responsible for the Service;
- the appointment and training of the Firefighting and First Aid Emergency Team;
- the appointment of any other necessary operators (occupational physician, workers’ safety representative, etc.);
- the organisation of the “Emergency and evacuation plan”;
- the need for training and information, for all workers, on risks and on the emergency plan, upon recruitment and periodically;
- the drafting of the “Intervention file for activities with a higher fire risk” (Delegated Decree no. 146 of 6 August 2010).

### b) Waste management costs

The Republic of San Marino may use infrastructures in the territory (composting plant, wastepaper recovery, aggregates crushing plants, aggregates landfills) or, if it is necessary, it may turn to plants and operators, which are not present in the Republic. In the latter case, it is mandatory to identify authorised entities based in Italy and, in particular, in the neighbouring or nearby regions (Emilia-Romagna, Marche and Lombardy).

The costs for cross-border administrative procedures are specified in the following legislation:

- Delegated Decree no. 44 of 27 April 2012 and subsequent amendments and integrations (Environmental Code)
- EC Regulation 1013/2006 of the European Parliament and of the Council (June 2006);
- Italian Ministerial Decree no. 370 of 1998 (financial guarantee for cross-border waste transport).

### c) Costs related to the management of toxic/pollutant/hazardous substances

San Marino legislation establishes that producers of special hazardous waste are obliged to provide, at their own care and expense, for an adequate and separate disposal of such waste in compliance with the regulations in force.

Special hazardous waste cannot in any case be assimilated with urban waste (Art. 19 of Delegated Decree no. 44/2012 and subsequent amendments and integrations) and therefore it is forbidden to place such waste in containers or accumulation points intended to receive urban or special waste assimilated with urban waste.

## 15. Civil aviation, maritime navigation and homologation authority

### CIVIL AVIATION

The **Civil Aviation Authority**, through the **San Marino Aircraft Registry**, is a world leader in terms of customer services for commercial and private air transport.

San Marino is an **ICAO member** and has a simplified and innovative legal framework, which, in accordance with the OECD Understanding and the Cape Town Convention, guarantees transparency in terms of ownership and operation of aircraft by foreign nationals or companies through:

- protection guaranteed to aircraft owners, low-risk operations and facilitated repossession;
- airframe/engine registration;
- efficient and cost-effective services for aircraft awaiting commercial re-entry;
- exemption from the payment of the single-stage tax (indirect tax on imports).

A team of experts provides a service based on trust and confidence for all aspects related to aircraft ownership, control and tax management. The registration process is efficient and fast: once the technical checks and document review have been completed, the entire T7 registration process is completed in 1-3 working days.

The aircraft approvals (TCDS) issued by the following authorities are recognised without the need for the aircraft to undergo any modifications:

- American (Federal Aviation Administration);
- Canadian (Transport Canada);
- European (EASA);
- Brazilian (ANAC).

Aircraft registered in San Marino can be serviced at maintenance facilities certified by EASA, FAA, Transport Canada, Singapore, UAE, Hong Kong, KSA. Flight licences issued by any country are accepted and validated as long as they comply with the ICAO Annex 1 standard.

### MARITIME NAVIGATION

The **Maritime Authority**, through the **San Marino Ship Register**, intends to play a leading role in the field of commercial and pleasure navigation and aims at becoming an attractive jurisdiction by offering the following advantages to ship-owners and operators:

- registration service available 7 days a week;
- good value for money;
- personalised customer service;
- innovation through state-of-the-art technology.

Qualifying elements of the Ship Register's activity:

- safety of navigation through the highest standards of compliance with national and international regulations;
- reliability through continuous regulatory updates;
- sustainability through promotion of environmental protection and technological innovation in the maritime sector;
- utmost competitiveness of the service, offering advantageous rates tailored to different target customers;
- transparency thanks to full compliance with national and international tax regulations, and cooperation, where necessary, with the competent authorities;
- full efficiency in ship registration and crew endorsements;
- digital access to technical documentation and flag information;
- best solution to customer needs;
- 24-hour total support to guarantee quality customer service along with fast response times;
- continuous development of a global network of partners and associates to be closer to customers and local markets.

## HOMOLOGATION

The **Homologation Authority**, through its designated “**ATS Automotive Technical Service**” plays a leading role in the homologation of vehicles, systems, components and technical units, offering manufacturers the possibility to homologate according to UNECE standards. It also issues ATP certificates for vehicles transporting perishable goods and professional training certificates for drivers of vehicles transporting dangerous goods, as well as product and manufacturer certifications in ADR field of activity.

The Code attributed to the Republic of San Marino is “**E57**”, which identifies all components, systems, technical entities and vehicles in general which, after passing the prescribed tests established by the UNECE Regulations, obtain the **Homologation Certificate**.

The Homologation Authority has been operational since 2015, the year in which the Republic of San Marino acceded to the 1958, 1997 and 1998 UNECE Agreements on vehicles, components and periodic inspections.

In 2017 it also acceded to the **ATP Agreement (Accord Transport Perissable)** and in 2018 to the **ADR Agreement** (European Agreement for the International Transport of Dangerous Goods by Road).

The homologation of vehicles, systems, components, and technical units of vehicles is compulsory in order to place them on the market. Each country that issues homologation certificates is identified by a code that subsequently makes it possible to register the above-mentioned products in the international community.

Quality, safety, efficiency and speed of execution are just some of the characteristics that are still associated with the homologation code “E57”. On account of these characteristics, many internationally renowned manufacturers in the automotive field are relying on the service provided by ATS, in partnership with the Homologation Authority of the Republic of San Marino.

A further feature of the Homologation Authority, which contributes day after day to increasing the trust of customers and their entire distribution network, and which makes it possible to issue the Homologation Certificate very quickly, concerns the constant development of the proprietary Web Based Software “AO APP”.

## 16. The court for trusts and fiduciary relations

The Court for Trusts and Fiduciary Relations of the Republic of San Marino is a **unique institution in the world** and is competent for all cases and disputes concerning legal relationships deriving from entrustment or confidence such as trust, fiduciary agreement and similar institutes. A **peculiar aspect** of the San Marino Court is that it exercises jurisdiction over the legal relationships mentioned above, **irrespective of the legal system regulating them** (Art. 1 of Constitutional Law no. 1 of 26 January 2012).

### The judges

The Court is composed of lawyers of recognised international standing in the field of trusts. This guarantees **highly qualified** judgement and assistance. The prestige of the Court is also recognised beyond the borders of the Republic. The fact that the judges come from different countries enables the Court to deal with proceedings not only in Italian but in any other language known to the members of the Court, including **English, Spanish, German and French**. The case law of the Court has repeatedly been the focus of the international press and conferences held in various European countries.

### Special aspects

In addition to the prestige of the judges, great points of strength are also the **low costs** and the **speed with which judgments are pronounced** before the Court, an aspect recently **appreciated by the European Court of Human Rights in Strasbourg**. From the time of filing the writ of summons or the application for interim measures, it takes between four and six months for the final measure to be published. Furthermore, before lodging any formal document, the person concerned may obtain from the Court’s Secretariat an estimate of the costs resulting from the lodging of the appeal.

### Trust legislation

The institution of trust is governed by Law no. 42 of 1 March 2010 and by subsequent amendments and integrations (Law no. 123 of 5 August 2019). There is also a constant commitment to updating the legislation, as demonstrated by the recent establishment of the “Commission for the modification of the legislation on trusts” (Congress of State Decision no. 3 of 5 June 2019) on the study of international best practices, in order to make the San Marino trust increasingly competitive and responsive to the needs of users and the evolution of the institution at the international level.

## Fundamental principles

The set of fundamental principles of Law no. 42 of 1 March 2010 **differentiates San Marino trust from both the English and international models.**

Among the principles of greatest interest worth mentioning are the **principle of destination** and the **principle providing that the trust fund is separate from the personal assets of the trustee** and those relating to other persons or other trusts. As for the first principle, San Marino law recognises the **primacy of the settlor's will**. Indeed, the latter is free to determine the rules of operation of the trust and the destination of the assets, subject to compliance with the few mandatory law provisions that cannot be derogated from.

As for the second principle, **the trustee is not liable for the obligations undertaken in relation to his professional activity with its own assets**, but only with the assets of the trust fund.

The Republic of San Marino has also chosen to introduce a **special tax regime** for trusts governed by San Marino law and administered by at least one trustee authorised to exercise the activity in the Republic of San Marino (Law no. 38 of 17 March 2005).

## Professional trustee

The **professional trustee** is subject to specific regulations. In this regard, worth noting is the attention paid by the law to the continuous professional updating of those exercising the office of professional trustee, following the authorisation received from the Central Bank of the Republic of San Marino. These must, on pain of loss of authorisation, attend at least one annual 20-hour **refresher course**.

## The trustee's relationship with the Court for Trusts and Fiduciary Relations

Attention should be paid to the relationship that the San Marino trustee may have with the Court for Trusts and Fiduciary Relations. Indeed, the trustee, pursuant to Art. 53 of Law no. 42/2010, may apply to the Court:

- a) to be authorised to carry out some useful action which is not included among his powers;
- b) for confirmation of an act already carried out, or to request the judge to introduce changes to the trust instrument which have become necessary or desirable;
- c) when he is uncertain as to whether to carry out an act within his powers.

A **relationship of collaboration** is therefore established between the Court and the trustee, which is useful for the best possible management of the trust, also on account of the internationally recognised authority and prestige of the Judges of the Court of San Marino.

## 17. Environment

In the environmental field, many effective regulatory instruments and policies to protect the environment allow a prudent and rational use of natural resources. Despite its limited territorial dimension, San Marino boasts a **great variety of natural environments and microhabitats together with a rich heritage of biological, geological and landscape diversity**. This represents a valuable ecological and environmental resource.

The main types of incentives are summarised below.

### Interest rate subsidy in favour of economic operators

Article 31 of Delegated Decree no. 51/2017 provides for interest rate subsidies to meet the needs of economic operators who intend to increase the energy efficiency of their infrastructures. This contribution is granted in case of intervention(s) leading to the reduction of energy consumption through the installation of photovoltaic, wind, solar thermal, geothermal, co-generation systems, including the replacement of old lighting devices with new ones with LED technology or that produce equivalent innovative energy savings, such as light modulators or programmable lighting systems. Incentives are also granted in case of water consumption reduction measures and purchase and installation of equipment and devices designed to reduce waste and pollutant emissions. These incentives can be accessed by economic operators meeting the requirements of Art. 4 of Delegated Decree no. 93/2013 and agricultural companies and cooperatives.

### Non-refundable contributions

Art. 7, paragraph 2 of Delegated Decree no. 51/2017 provides non-refundable contributions from a minimum of €4,000.00 to a maximum of €30,000.00 for energy requalification of existing building units. To this end, energy efficiency interventions must meet the requirements established for each of the three different incentive brackets.

These incentives may be accessed by individuals or legal entities owning the building units subject to the intervention or holders of finance lease contracts or members of housing cooperatives. The reference office is the **Energy Desk**.

## Non-refundable contributions for RES installations

Art. 10, paragraph 2 of Delegated Decree no. 51/2017 introduces non-refundable contributions up to a maximum of €3,000.00 in case of RES installations that ensure 100% of the electricity consumption of the existing building unit. These incentives can be accessed by natural and legal persons, if they own or hold surface rights on the real estate (for at least 15 years) where the RES system is to be installed, members of housing cooperatives and tenants of real estate leasing contracts if they are respectively assignees or tenants of a real estate where the RES system is to be installed. The reference office is the **Energy Desk**.

## Incentives by means of tax deductions

Art. 18, paragraph 2 of Delegated Decree no. 51/2017 provides for incentives by means of tax deduction in case of building and plant-related interventions of energy requalification on existing building units. Such deductions apply to 50% of the expenses incurred up to a maximum total expenditure €10,000 to be divided into 10 years, with a maximum of €500 per tax period.

These incentives can be accessed by natural and legal persons owning real estate units or holders of financial lease contracts or members of housing cooperatives. The reference office is the **Energy Desk**.

## Deductible liabilities

Article 19 bis of Delegated Decree no. 51/2017 provides that the expenses related to the interventions referred to in paragraphs 1, 2, 3, 4, 5 and 6 can be treated as deductible liabilities. Such incentives are destined to anyone having built a new building whose energy efficiency level is higher than that prescribed by Law no. 48/2014. The reference office is the **Energy Desk**.

## 18. National health system

The national health system guarantees **free, high quality general and specialist medical and surgical care for all residents**.

The synergy between the strategic geographical position and the excellent quality of the diagnosis, treatment and surgery sectors means that patients can find the most suitable solutions for their own well-being. The **Health Authority**, which is responsible for the authorisation and control of health facilities (care homes, outpatient clinics, biobanks, cell factories, etc.) in compliance with EU regulations on the subject, ensures rapid verification and authorisation.

The country is well suited to welcome investors in the health sector, with a view to investing in quality of life.

## 19. Culture

San Marino boasts numerous **monuments and museums**, both institutional and private, which are of considerable cultural importance and feature the history, archaeology, and art of the Republic. Equally rich is the cultural offer, with a busy agenda of events in a unique setting: music festivals, historical re-enactments, exhibitions, sporting events, international competitions and institutional ceremonies that evoke the century-old history of the Republic.

As far as **education** is concerned, all **school** orders are present in the country. The diplomas awarded (linguistic, classical, scientific, and economic high school and first two years of Industrial Technical Institute) are fully equivalent to European qualifications, thus ensuring access to university education in any country.

**School inclusion, education to sustainable development, awareness in the use of digital technologies** are interdisciplinary themes testifying to the quality of school.

The **University of the Republic of San Marino**, a **small university of excellence**, plays an important role in supporting commercial activities, innovation projects and training programmes in San Marino.

The educational offer is wide, from bachelor and master degrees to postgraduate degrees, from higher education to a PhD.

## 20. Residing in San Marino

Ten years after registration in the register of residents, all residence types become permanent.

### a) Residence for economic reasons - Development Law no. 115/2017

Residence for economic reasons is granted to foreigner citizens who open a company in San Marino or take over an existing one.

The applicant shall:

- hold at least 51% of the company;
- hire from 1 to 3 resident workers on an open-ended contract, depending on whether the sectors in question are to be encouraged or not;
- pay an annual contribution for healthcare and social security benefits equal to €350 per capita;
- at the time of the application, make a secured bank deposit of €75,000, to be increased to €150,000 within two years of obtaining the residence (replaceable with purchase of real estate with a lien in favour of the State). Such bank deposit may be replaced by bank or insurance guarantee issued by a San Marino supervised party.

Residence may be extended to the spouse/cohabiting partner and to dependent or disabled children under the age of 25.

The maximum annual number of this type of residence that can be granted is 50.

### b) Residence for economic reasons with simplified procedure - Development Law no. 71/2013

Residence under a simplified procedure is granted to a foreigner who makes one or more investments in the territory of the Republic of San Marino to start a new business and/or to take over an existing one in order to relaunch and/or consolidate its development.

The application can be submitted:

- for the entrepreneur or entrepreneurs;
- for a determined number of executives and/or high-level technical and professional staff;
- for a certain number of researchers needed to start specific business projects in the field of research and development;
- for the cohabiting family members of the persons referred to in letters (a), (b) and (c) above, as shown in the family status certificate.

### The requirements to be met are the following:

- hiring of at least 5 employees on open-ended and full time contracts from the public employment lists;
- purchase of a real estate already existing at the time of completion of the transaction for a minimum value of €300,000, or bank or insurance guarantee issued by a San Marino supervised party;
- health insurance policy for each residence applicant for a value of €30,000 for the first 24 months.

### Business sectors to be encouraged in case of residence for economic reasons:

- production of technologically advanced goods or services;
- green economy;
- hospitality and tourism;
- entertainment and leisure;
- trade;
- arts and culture;
- traditional productions with low environmental impact;
- healthcare and pharmaceuticals;
- management, marketing, international relations, training and research.

### c) Residence under Law no. 118/2010 and subsequent amendments and integration

The Permanent Parliamentary Commission for Foreign Affairs, on the proposal of the Government and subject to the mandatory opinion of the Gendarmerie, has the power to grant registered residence to foreigners who invest or have already invested in the territory, including through subsidiaries, in productive activities by undertaking to employ a certain number of workers, buy industrial plants, submit a business plan or invest in research activities or in sectors of particular interest to San Marino.

### d) Elective residence - Law no. 94/2017

Elective residence is granted to foreigner citizens who satisfy the following conditions:

- a) purchase of a building or part of a building to be used for residential purposes of the applicant or of his family for a price of not less than €500,000; alternatively, purchase of unfinished building or building to be renovated for which, for the purposes of the amount above, in addition to the purchase price, the costs of completion or renovation may be considered for an amount not exceeding €150,000;

or:

b) a 10-year non-interest bearing and secured deposit of no less than €600,000 in securities issued by the State of San Marino or in a fund specifically created by the State;

- payment of a first application fee equal to €1,000;
- payment of a one-off fee for the applicant amounting to €10,000 in case of non-interest bearing and secured deposit;
- payment of a one-off fee for each family member (cohabiting child up to 25 years or with disabilities), spouse or cohabiting partner equal to €20,000;
- Applicants are required to bear the full cost of healthcare by means of a private insurance policy covering all risks.

The maximum annual number of elective residencies to be granted is 50.

#### e) Atypical residence with preferential tax treatment - Law no. 223/2020

Atypical residence with preferential tax regime is granted to foreigners who:

- have never been tax residents in the Republic of San Marino;
- produce income abroad.

With regard to income produced abroad, a 7% replacement tax (net of withholding tax already paid abroad) is levied, with a minimum amount of 10,000 euros and a maximum of 100,000 euros for each tax year of residence.

The applicant is required to demonstrate to have concluded a preliminary contract or promise to purchase buildings or preliminary rental contract and to have sufficient economic resources, also for family members wishing to transfer residence to the Republic. The persons concerned must also bear the costs of health care.

The application for residence is examined within 60 days of submission.

Application fee: € 1,000.

The maximum annual number of this type of residence that can be granted is 100.

#### f) Atypical residence for pensioners - Law no. 223/2020

This residence is granted to pensioners from European Union countries, Switzerland and other countries identified in ad-hoc Congress of State Regulation, who:

- have an annual gross income of at least €50,000 euros or movable assets of at least €300,000, to be proved;
- have never previously resided in San Marino.

With regard to pension income, a 6% tax is levied, both in the event of a double taxation treaty between the country of origin and San Marino and in case of a withholding tax applied by the country of origin.

The applicant is required to demonstrate to have concluded a preliminary contract or promise to purchase buildings or preliminary rental contract and to have sufficient economic resources, also for family members wishing to transfer residence to the Republic. The persons concerned must also bear the costs of health care.

The application for residence is examined within 60 days of submission.

Application fee: €1,000.

The maximum annual number of this type of residence that can be granted is 500.



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Festivities in the San Marino calendar:	30	Web	www.agency.sm
Labour costs – Precision mechanics sector	30	E-mail	info@agency.sm
Labour costs – Service sector	30	Telephone number	(+39) 0549 980380
		International code	+378

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ECONOMIC DEVELOPMENT  
**AGENCY**  
CHAMBER OF COMMERCE  
Republic of San Marino

Web [www.agency.sm](http://www.agency.sm)

E-mail [info@agency.sm](mailto:info@agency.sm)

Telephone number **(+39) 0549 980380**

International code **+378**