



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 181 of 28 October 2021

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

Having regard to Article 71, paragraph 1 of Law no. 125 of 29 July 2014, as amended by Article 31 of Delegated Decree no. 153 of 13 October 2015;

Having regard to Congress of State Decision no. 12, adopted during its sitting of 24 August 2020;

Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;

Promulgate and send for publication the following Delegated Decree:

AMENDMENTS TO LAW NO. 125 OF 29 JULY 2014- LAW REFORMING CIVIL AVIATION AND SUBSEQUENT AMENDMENTS

Art. 1

1. Point d) of paragraph 2 of Article 6-bis of Law no. 125 of 2014 and subsequent amendments is repealed.

Art. 2

1. The following paragraph 2-bis shall be added to Article 6-bis of Law no. 125 of 29 July 2014:
“2-bis. The Executive Board, as Authority’s management body, has no powers nor influence on technical and safety oversight duties and obligations of the Authority, including the Authority's responsibility of promulgating laws, regulations, guidelines and amendments thereto.

Art. 3

1. Article 34 of Law no. 125 of 29 July 2014 and subsequent amendment has been modified as follows:

Art. 34
(Investigations of aircraft accidents)

1. The Director General adopts regulations concerning the conduct to be implemented in case of aircraft accidents.
2. With regard to accidents involving aircraft falling within the jurisdiction of the Republic of San Marino, the Director General will be supported by the Chief Operating Officer, according to article 7-bis, paragraph 1, letter j) of the Law no. 125 of 29 July 2014.
3. The Director General assigns powers of investigation to persons having proven technical expertise.
4. The accident investigation authority conducting the investigation must;
 - a) have free access to and control of the scene of the accident, the wreck and all relevant material / evidences, including flight recorders;
 - b) carry out without delay a detailed assessment of the relevant material / evidence and collect witness statements;
 - (c) ensure the protection of cockpit voice and image recordings and of their transcripts, and of records concerning the investigations of accidents and incidents, in order that they will not be made available for purposes other than accidents or incidents investigations, unless the designated competent authority determines that their disclosure or use could outweigh the probable negative impact that such action can cause to current or future investigations at a national and international level.
5. Any investigation conducted pursuant to this article shall be separated from any legal or administrative proceeding established to ensure the distribution of blames or responsibilities ".

Done at Our Residence, on 28 October 2021/1721 since the Foundation of the Republic.

THE CAPTAINS REGENT
Francesco Mussoni - Giacomo Simoncini

THE MINISTER OF
INTERNAL AFFAIRS
Elena Tonnini