



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 200 of 14 December 2021

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

*Having regard to Article 5 of Law no. 183 of 29 October 2021;
Having regard to Congress of State Decision no. 19 adopted during its sitting of 29 November 2021;
Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;
Promulgate and order the publication of the following Delegated Decree:*

STRENGTHENING OF THE CONTROL POWERS AND ORGANISATIONAL CHART OF THE PUBLIC INSTITUTION FOR GAMING ACTIVITIES OF THE REPUBLIC OF SAN MARINO

Art. 1

(Amendment to Article 15 of Law no. 67 of 25 July 2000)

1. The following paragraph 15.9 *bis* shall be added to Article 15 of Law no. 67 of 25 July 2000:
"15.9 *bis* The Public Institution for Gaming Activities may refuse or suspend the authorisation for the occasional and non-permanent organisation or operation of a single game, prize contests, lottery, lotto, games of chance and skill or bet referred to in Article 4, if the applicant has been involved in any proceedings relating to the violation of applicable laws on games in the 365 days preceding the application for the authorisation. At the sole discretion of the Public Institution for Gaming Activities, the suspension shall not exceed 24 months from the date of submission of the application for authorisation. An appeal may be lodged against any refusal or suspension acts in the manner and within the time-limits provided for in Law no. 68 of 28 June 1989."

Art. 2

(Amendment to Law no. 143 of 27 December 2006)

1. The following Article 6-bis shall be added to Law no. 143 of 27 December 2006:

"Art. 6-bis

(Organisational chart of the Public Institution for Gaming Activities)

1. The Public Institution for Gaming Activities shall enjoy full organisational, managerial, negotiating and accounting autonomy in accordance with the law.
2. The Public Institution for Gaming Activities shall, by means of internal regulations, define the organisation of the administrative structure in compliance with the budget and on the basis of efficiency, effectiveness and cost-effectiveness criteria.

3. Without prejudice to the provisions of the preceding paragraphs, the organisation of the Public Institution for Gaming Activities shall include at least the following sections:
- a) administrative section;
 - b) control section;
 - c) legal section.”.

Art. 3

(Amendment to Law no. 143 of 27 December 2006)

1. The following Article 8-bis shall be added to Law no. 143 of 27 December 2006:

“Art. 8-bis

(Control Commissioner for the operation of gaming activities)

1. The Public Institution for Gaming Activities shall appoint one or more Control Commissioners for the operation of gaming activities. The Control Commissioner may be employed on a three-year private law contract, renewable for no more than two consecutive terms.
2. For two years after the termination of the contract, the Control Commissioner shall not carry out, in any capacity whatsoever, any activity that is in conflict of interest, even indirectly, with the tasks and functions of the Institution, and shall not collaborate with any companies having established relations with the Institution for whatever reason.
3. The Control Commissioner shall be subject to the Code of Conduct for Public Officials.
4. The characteristics and tasks of the Control Commissioner shall be established by means of a specific Regulation adopted by the Congress of State upon proposal of the Public Institution for Gaming Activities.”.

Art. 4

(Amendment to Article 8 of Law no. 143 of 27 December 2006)

1. Article 8 of Law no. 143 of 27 December 2006 shall be amended as follows:

“Art. 8

(Collaborations and staff)

1. The Public Institution for Gaming Activities may, by reasoned decision, resort to:
 - a) the services of professionals and consultants in the various gaming activities for the formulation of regulatory, management and control proposals;
 - b) the services of professionals with experience in the legal and administrative fields.
2. The staff necessary for the activities referred to in the above paragraph shall be hired by contract and approved by the Congress of State.”.

Art. 5

(Amendment to Article 2 of Delegated Decree no. 2 of 10 January 2007)

1. Article 2 of Delegated Decree no. 2 of 10 January 2007 shall be amended as follows:

"Art. 2

(Incompatibilities)

1. The position of member of the Governing Council of the Public Institution for Gaming Activities shall not be held by the following persons:

- a) members of the Great and General Council and of the Congress of State;
 - b) Magistrates;
 - c) members of the Police Corps;
 - d) spouses, blood relatives or relatives by affinity up to the third degree of the directors of the private law company, which is entrusted with the management of the premises and operating structures where the gaming activities are carried out pursuant to Article 5 of Law no. 143 of 27 December 2006;
 - e) persons who are in conflict of interest with the functions assigned by law to the Public Institution for Gaming Activities;
 - f) for three years, persons who served as members of the board of directors in entities supervised and/or controlled by the Public Institution for Gaming Activities;
 - g) for three years, persons who were engaged in activities, in any capacity whatsoever, with the Public Institution for Gaming Activities or with entities supervised and/or controlled by the Public Institution for Gaming Activities.
2. The position of member of the Governing Council of the Public Institution for Gaming Activities shall not be held by the following persons:
- a) anyone convicted by a judgement, even if not final, for intentional crimes committed in the last fifteen years;
 - b) anyone subject to insolvency proceedings, whether in progress or concluded for at least five years;
 - c) anyone subject to disqualification or sanctions issued by control authorities in relation to Gaming Activities in the last fifteen years.
3. The incompatibility of a member of the Governing Council shall determine his/her immediate removal from office; in this case, the Great and General Council shall appoint, in compliance with the criteria set forth in Article 6, paragraph 2 of this Law, a new member, who shall remain in office until the expiry of the term of office of the Governing Council."

Art. 6
(Final provision)

1. For matters not expressly provided for in this Delegated Decree, the provisions of Law no. 67/2000 and subsequent amendments shall remain in force.

Done at Our Residence, on 14 December 2021/1721 since the Foundation of the Republic

THE CAPTAINS REGENT
Francesco Mussoni – Giacomo Simoncini

THE MINISTER OF
INTERNAL AFFAIRS
Elena Tonnini