



REPUBLIC OF SAN MARINO

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

Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;

Hereby promulgate and order the publication of the following Qualified Law, approved by the Great and General Council during its sitting of 18 June 2015 with 40 votes in favour, 6 votes against and 1 not voting:

QUALIFIED LAW NO. 2 OF 18 JUNE 2015

INCOMPATIBILITY RULES FOR MEMBERSHIP IN SECRET ASSOCIATIONS

Art.1

(Prohibition of membership in secret associations)

1. Membership in secret associations, however named, even if established and operating abroad, shall be prohibited to Captains Regent, members of the Great and General Council (Parliament) and of the Congress of State (Government), Heads and members of Township Councils, Magistrates of the Single Court, members of the Court for Trusts and Fiduciary Relationships, members of the Guarantors' Panel on the Constitutionality of Rules, members of the Commission for the Control of Public Finance, members of San Marino diplomatic and consular corps, commanders and officers of military and police corps, directors and officials responsible for the Organisational Units of the Public Administration and Entities of the Overall Public Sector, management, representation and control bodies of the Central Bank, of the Financial Intelligence Agency (FIA), of State Entities and Corporations and of directly or indirectly State-owned companies.

Art. 2

(Definition of secret associations)

1. For the purposes of the preceding article, secret associations shall mean associations that, even within non-secret associations, hiding their existence, keeping their aims and/or activities secret or voluntarily making their members - affiliated also through an oath incompatible with the duty of exclusive allegiance to the Republic - unknown, either totally or partially, including to each other, carry out activities aimed at interfering with the functions exercised by constitutional bodies, the Public Administration, Public Entities, as well as essential public services, in order to favour their associates or partisan interests.

Art.3

(Prohibition to take a public office and removal therefrom)

1. Membership in one of the aforementioned associations referred to in article 2 above shall constitute in itself a breach of the oath of allegiance to the Republic or impossibility to validly swear an oath of allegiance to the Republic or otherwise impossibility to perform the functions entrusted in the exclusive interest of the Republic.
2. Membership in associations referred to in article 2 above shall entail removal from the office held or impossibility to take the public offices mentioned in article 1 above.

Art. 4

(Declaration of non-membership)

1. Anyone referred to in article 1 above shall be required to render, under their own civil and criminal liability, a declaration of non-membership, neither current nor past, in associations referred to in the preceding article 2 at the time of candidature, in case of elective offices, and when taking public office. This declaration shall be filed with the Institutional Secretariat.
2. False declarations rendered under the preceding paragraph shall be subject to the punishments envisaged in the criminal code in force.

Art. 5

(Transitional rule)

1. Anyone holding public offices referred to in article 1 above shall file the sworn declaration referred to in article 4 above within 150 days from the entry into force of this Law.

Art. 6

(Entry into force)

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

Done at Our Residence, on 18 June 2015/1714 since the Foundation of the Republic

THE CAPTAINS REGENT
Andrea Belluzzi – Roberto Venturini

THE MINISTER OF
INTERNAL AFFAIRS
Gian Carlo Venturini