



# 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 Article 6 of Qualified Law no. 186/2005;*

*Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 20 November 2014:*

**LAW NO. 190 OF 25 NOVEMBER 2014**

### **RULES FOR CROSS-BORDER TRANSPORT OF EURO CASH BY ROAD**

#### **Art.1**

#### *(Definitions)*

1. For the purposes of this Law, the following definitions shall apply:
  - a) “Participating Member States” shall mean those Member States whose currency is the euro;
  - b) “Cross-border transport of euro cash by road” shall mean the professional transport, either for remuneration on behalf of third parties or carried out within a cash-in-transit (CIT) company, by a CIT vehicle by road of euro banknotes or coins from a participating Member State, for supplying euro banknotes or coins to, or collecting them from, one or more locations in one or more other participating Member States, and in the Member State of origin, without prejudice to the transport of a maximum of 20 % of non-euro cash in relation to the total value of cash transported in the same CIT vehicle, where the majority of euro cash deliveries/pick-ups made by a CIT vehicle during the same day is carried out on the territory of the host Member State, or, in the case of point-to-point transport, where the transport takes place between two different participating Member States;
  - c) “Cross-border CIT licence” shall mean a licence delivered by the granting authority of the Member State of origin which authorised the holder to carry out the cross-border transport of euro cash by road between participating Member States in accordance with the provisions of this Law;
  - d) “Granting Authority” shall mean the authority in the Member State of origin in charge of issuing the cross-border CIT licence;

- e) “Member State of origin” shall mean the participating Member State in whose territory the CIT company is established. The CIT company shall be considered to be established if it is actually pursuing an economic activity for an indefinite period, through a stable infrastructure from where the business of providing services is it actually carried out;
- f) “Host Member State” shall mean one or more participating Member States in which a CIT company provides the service of delivering/picking-up euro cash other than its Member State of origin;
- g) “Member State of transit” shall mean one or more participating Member States other than the Member State of origin which the CIT vehicle crosses in order either to reach the host Member State or to return to the Member State of origin;
- h) “daytime”, when referring to transport, shall mean transport carried out between 06.00 and 22.00;
- i) “CIT security staff” shall mean the employees instructed to drive the CIT vehicle in which the euro cash is being carried or to protect its contents;
- l) “CIT vehicle” shall mean a vehicle used for the professional transport of euro cash by road;
- m) “Vehicle of ordinary appearance” shall mean a CIT vehicle which has a normal appearance and does not bear any distinctive signs indicating that it belongs to a CIT company or that it is used for the purposes of transporting euro cash;
- n) “Point-to-point transport” shall mean transport from one secure location to another, without any intermediate stops;
- o) “Secured area” shall mean a delivery/pick-up point for euro cash located within a building and secured against unauthorised access in terms of equipment (anti-intrusion systems) and access procedures for persons;
- p) “Secure location” shall mean a location within a secured area, which is accessible to CIT vehicles and in which CIT vehicles can be loaded and unloaded in a secure manner;
- q) To “neutralise” a banknote shall mean to mutilate or damage it by staining or by other means as specified in Annex II;
- r) “Intelligent banknote neutralisation system” or “IBNS” shall mean a system that meets the following conditions:
  - 1) The banknote container continuously protects the banknotes by means of a euro cash neutralisation system, from a secured area to the euro cash delivery point or from the euro cash pick-up point to a secured area;
  - 2) The CIT security staff is not able to open the container outside the pre-programmed time periods and/or locations or to change the pre-programmed time periods and/or locations where the container can be opened once the euro cash transport operation has been initiated;
  - 3) The container is equipped with a mechanism for permanently neutralising the banknotes if any unauthorised attempt is made to open the container;
- s) “End-to-end IBNS” shall mean IBNS that is equipped for end-to end use, namely the banknotes remain inaccessible to CIT security staff at all times and are under continuous protection by the IBNS from secured area to secured area or, for cassettes for Automated Teller Machines (ATMs) or other types of cash dispensers, from a secured area to the interior of the ATMs or the other types of cash dispensers;
- t) “A1” and “B1”, when referring to the level of language skills, shall mean the levels established by the Council of Europe’s Common European Framework of Reference for Languages.

**Art. 2**  
(Exclusions)

1. The transport of euro banknotes and coins shall be excluded from the scope of this Law where it is:

- a) Carried out on the account of, and between, NCBs, or between banknote printing works and/or mints of participating Member States and the relevant NCBs; and
  - b) Escorted by the military or the police.
2. The exclusive transport of euro coins shall be excluded from the scope of this Law where it is:
- a) Carried out on the account of, and between, NCBs, or between mints of participating Member States and the relevant NCBs; and
  - b) Escorted by the military or the police or by private security staff in separate vehicles.

### **Art.3**

*(Place of departure, maximum duration and number of euro cash deliveries/pick-ups)*

- 1. Cross-border transport of euro cash provided in accordance with this Law shall be carried out during the daytime.
- 2. A CIT vehicle carrying out cross-border transport of euro cash shall start its journey from the Republic of San Marino and shall return to it on the same day.
- 3. There shall be no limit to the number of euro cash deliveries/pick-ups that a CIT vehicle may carry out in a host Member State during the same day.

### **Art.4**

*(Cross-border CIT licence)*

- 1. A San Marino company wishing to undertake cross-border transport of euro cash by road shall apply for a cross-border CIT licence from the Gendarmerie.
- 2. Cross-border CIT licences shall be granted only to private security patrol companies, pursuant to Law no. 148 of 26 October 2009 and subsequent amendments, whose licensed business is not limited to patrolling through electronic security systems.
- 3. The private security patrol company shall also have a valid civil liability insurance policy covering at least damage to the life and property of third parties, regardless of whether or not the cash carried is insured, and shall not have previously been subject to withdrawal of the cross-border CIT licence.
- 4. The cross-border CIT licence shall be granted for a period of 5 years.
- 5. The cross-border CIT licence shall be drawn up in accordance with the model and the physical characteristics defined in a circular issued by the Gendarmerie. CIT security staff in CIT vehicles engaged in the professional cross-border transport of euro cash by road shall, at all times, be able to show the inspection authorities the original or a certified copy of a valid cross-border CIT licence.

### **Art.5**

*(CIT security staff)*

- 1. All members of the CIT security staff shall have successfully followed at least 200 hours of ad hoc initial training, not including any training on the use of firearms.  
The minimum requirements for the ad hoc initial training shall be established by the Gendarmerie.
- 2. At least one member of the CIT security staff in the CIT vehicle shall have at least A1-level language skills in the languages used by the local authorities and the population in the relevant areas of the Member State of transit and of the host Member State.

The CIT vehicle shall, furthermore, be in constant radio contact, via the CIT company's control centre, with someone who has at least B1-level language skills in the languages used by the local authorities and the population in the relevant areas of the Member State of transit and of the host Member State, so as to ensure that effective communication with the national authorities is possible at all times.

**Art.6**  
*(Carrying of weapons)*

1. CIT security staff shall comply with the law of the Republic of San Marino, of the Member State of transit and of the host Member State as regards the carrying of weapons and the maximum permitted calibre.

**Art.7**  
*(CIT vehicle equipment)*

1. CIT vehicles shall be equipped with a global navigation system. The CIT company's control centre shall be able continuously and accurately to locate its vehicles.
2. CIT vehicles shall be equipped with appropriate communication tools to allow contact to be made at any time with the control centre of the CIT company operating the vehicles and with the Gendarmerie. The emergency numbers to contact the police authorities in the Member State of transit or in the host Member State shall be available in the vehicles.
3. CIT vehicles shall be equipped in a manner that allows the registration of the time and location of all euro cash deliveries/pick-ups in order to make it possible for the proportion of euro cash deliveries/pick-ups referred to in Article 1, letter b) to be checked at any time.

**Art.8**  
*(Role of the national police forces)*

1. Cash-transport operations shall be notified to the Gendarmerie in advance.
2. CIT vehicles shall be equipped with a device that allows them to be tracked at a remote distance by the Gendarmerie.

**Art.9**  
*(Rules to ensure the security of the cash delivery/pick-up locations)*

1. The Gendarmerie, by means of a circular, shall issue the provisions governing the behaviour of CIT security staff outside a CIT vehicle and the security of the locations where cash is delivered/picked up.

**Art.10**  
*(Removal of neutralised banknotes from circulation)*

1. CIT companies operating under this Law shall remove from circulation all banknotes that may have been neutralised that they encounter while carrying out their activities. They shall hand over those banknotes to the Central Bank of the Republic of San Marino and provide a written statement on the cause and nature of the neutralisation. If those banknotes are collected in a host Member State, the NCB of the host Member State shall be informed by the Central Bank of the Republic of San Marino.

**Art.11**  
*(Mutual information)*

1. The Gendarmerie shall keep a register of all the companies to which they have delivered a cross-border CIT licence and, through the Department of Foreign Affairs, shall inform the European Commission about its content. The register shall be updated, including in relation to any decision to suspend or withdraw a cross-border CIT licence.

**Art.12**  
*(Information prior to the start of cross-border transport)*

1. A company holding or having submitted an application for a cross-border CIT licence shall inform the Gendarmerie, at least 2 months before it begins its cross-border activity, of the Member States in which it will carry out CIT transport. The Gendarmerie shall subsequently immediately notify the Member States concerned that the cross-border activity is to start.

2. A company that intends to carry out cross-border cash transport shall provide in advance the relevant authority or authorities indicated by the host Member State with information on the type or types of transport it will use, the names of the persons who may carry out such transport and the type of any weapons carried.

**Art.13**  
*(Transport of banknotes in a fully-armoured CIT vehicle equipped with IBNS)*

1. Companies holding a cross-border CIT licence may only carry out cross-border transport of euro banknotes by road if they use a fully armoured CIT vehicle equipped with IBNS.

2. There shall be at least two CIT security staff per vehicle.

**Art.14**  
*(Transport of coins in a cabin-armoured CIT vehicle)*

1. Companies holding a cross-border CIT licence may carry out cross-border transport of euro coins by road using a cabin-armoured CIT vehicle carrying only coins, provided that the following conditions are met:

- a) the cabin of the vehicle is armoured to withstand at least gunfire from firearms in accordance with the specifications set out in an ad-hoc circular issued by the Gendarmerie;
- b) the vehicle bears very clear markings indicating that it is carrying only coins;
- c) the cabin of the vehicle is equipped with a bulletproof vest for each member of the CIT security staff on board, at least respecting the norm VPAM class 5, NIJ IIIA or an equivalent standard;
- d) There shall be at least two CIT security staff per vehicle.

2. Transport which includes both euro banknotes and coins shall be covered by the transport arrangements for the cross-border transport of euro banknotes.

3. The Gendarmerie, through the Department of Foreign Affairs, shall notify the European Commission of the transport arrangements which are applicable in accordance with this Article.

**Art.15**  
*(Penalties)*

1. Infringements of one or more requirements envisaged by this Law shall entail, depending on the nature or severity of the infringement, the suspension for a period ranging from 2 weeks to 2 months or the withdrawal of the cross-border CIT licence.

**Art.16**  
*(Final Provision)*

1. Companies holding a cross-border CIT licence issued in accordance with Regulation (EU) no. 1214/2011 of the European Parliament and of the Council of 16 November 2011 on the professional cross-border transport of euro cash by road between euro-area Member States shall be allowed to enter the Republic of San Marino provided that they operate in accordance with the provisions of this Law and notify the Gendarmerie of the start of their operations before entering the territory of San Marino.

**Art.17**  
*(Entry into force)*

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

*Done at Our Residence, on 25 November 2014/1714 since the Foundation of the Republic*

THE CAPTAINS REGENT  
*Gian Franco Terenzi – Guerrino Zanotti*

*Gian Carlo Venturini*  
MINISTER OF INTERNAL  
AFFAIRS