



CONGRESS OF STATE

Sitting of: 29 JUNE 2022

Decision no. 16

File no. 1.3.2/521/2022/xxx

Subject: Adoption of the Code of Conduct for Members of the Congress of State

THE CONGRESS OF STATE

Considering the Compliance Report of GRECO (Council of Europe's Group of States against Corruption) on the measures taken by the Republic of San Marino in order to implement the recommendations included in the Report on the Fourth Evaluation Round on San Marino, concerning the "Corruption prevention in respect of members of parliament, judges and prosecutors", adopted by GRECO on 17 June 2022 in Strasbourg;

considering also the Recommendations issued by GRECO on the occasion of the fifth evaluation round, which focuses on preventing corruption and promoting integrity in central Governments and Law Enforcement Agencies;

having regard to the Code of Conduct for Members of the Great and General Council, adopted by unanimous decision of the Bureau of the Great and General Council on 21 March 2022 pursuant to Article 55 paragraph 2 of Qualified Law no. 3 of 3 August 2018, and subsequent amendments, and adopted by the Great and General Council by decision

no.29 in its sitting of 21 March 2022;

in compliance with the Decision approved by the Great and General Council in its sitting of 21 March 2022, which mandates the Congress of State "to prepare a Code of Conduct for the Ministers, in line with the principles contained in the Code of Conduct of the Great and General Council, to be adopted by the Congress of State itself so that it can be applied at the same time as the Code of Conduct of the Great and General Council.";

considering, moreover, that Article 9 of the Code of Conduct for Members of the Great and General Council states that the Code "shall apply from 1 July 2022 and in any case simultaneously with the Code of Conduct for Members of the Congress of State.";

having regard to Constitutional Law no. 183 of 15 December 2005 "Constitutional Law on the Congress of State";

having regard to Qualified Law no. 184 of 15 December 2005 "Qualified Law on the Congress of State" and subsequent amendments;

having regard to Regulation no. 3 of 22 March 2017, "Rules of Procedure of the Congress of State";

having regard to Law no. 141 of 5 September 2014, "Code of Conduct for Public Officials";



CONGRESS OF STATE

Sitting of 29 June 2022

Decision no. 16

File no. 1.3.2/521/2022/XXX

considering also Article 42, paragraph 5 of Law no. 94 of 24 June 2022 "Adjustment to the budget of the State and of the Public Entities for the 2022 financial year and amendments to Law no. 207 of 22 December 2021";

Adopts

the Code of Conduct for Members of the Congress of State, with the relevant text hereunder:

CODE OF CONDUCT FOR MEMBERS OF THE CONGRESS OF STATE

Art.1

(Purpose and scope of application of the code of conduct)

1. This Code of Conduct, while outlining rules of conduct for members of the Congress of State, shall incorporate the duties and responsibilities set forth in Constitutional Law no. 183 of 15 December 2005, Qualified Law no. 184 of 15 December 2005, and subsequent amendments, the Rules of Procedure of the Congress of State, the solemn oath and other rules of the legal system.
2. This shall be without prejudice to any individual as well as collective responsibility to be enforced in the competent fora, in accordance with Article 8 of Constitutional Law no. 183 of 15 December 2005.
3. The provisions of this Code of Conduct shall apply to incumbent Members of the Congress of State (hereinafter referred to as Ministers) and, in the cases specifically mentioned, to former Ministers.

Art. 2

(General principles)

1. The Ministers shall exercise the functions assigned to them with diligence, responsibility and a high sense of duty. They shall devote themselves fully to the fulfilment of their mandate in the general and exclusive interest of the Republic.
2. Their actions shall be guided by the principles of honesty, integrity and transparency so as to ensure compliance with the highest standards of ethical conduct. Their conduct shall aim at protecting the dignity, honour and decorum of their institutional function.
3. The Ministers shall adopt the acts within their competence established by law and collectively contribute to the decisions of the Congress of State,



CONGRESS OF STATE

Sitting of 29 June 2022

Decision no. 16

File no. 1.3.2/521/2022/XXX

in order to determine the general policy of the Government, in compliance with the political direction of the Great and General Council.

4. The Ministers shall be responsible for complying with and implementing the government programme approved by the Great and General Council, and shall be collectively as well as individually liable to it for the acts pertaining to their respective Ministry.

5. The Ministers shall not act or express themselves, through whatever medium, so as to adversely affect the public's perception of their independence, honesty and the irreproachability of their function.

Art. 3

(Duties of the Ministers)

1. In carrying out their mandate, the Ministers shall avoid acting in their own or any third party's personal interest which may unduly influence the performance of their duties.

2. The Ministers shall avoid any situation which may give rise to a conflict of interest.

3. The Ministers shall refuse any undue advantage or other undue benefit. They shall not solicit, accept or receive any undue advantage or other undue benefit in exchange for influencing a legislative or administrative act of the Congress of State.

Art. 4

(Conflicts of interest)

1. In compliance with Article 5 of the Rules of Procedure of the Congress of State, the Ministers shall be deemed to be in a situation of 'conflict of interest' if, in the exercise of their powers, they have a direct personal interest that may influence the impartial and objective performance of their duties. Personal interest of the Ministers shall mean any benefit for themselves as well as in favour of their spouse, de facto partner outside of marriage, registered partner pursuant to Law no. 147 of 20 November 2018, blood relatives and relatives by affinity up to fourth degree.

2. There shall be no conflict of interest if a Minister is involved exclusively as a member of a broad class of persons.

3. In the event that the Ministers, within the scope of their competence, recognise that they have a personal interest, whether real or potential, they shall inform the Congress of State, which shall assign the matter, including the investigation thereof, to another Minister or examine it collectively. In case of doubt about the



CONGRESS OF STATE

Sitting of 29 June 2022

Decision no. 16

File no. 1.3.2/521/2022/XXX

existence of the conflict of interest within one of the areas of their competence, after having informed the Congress of State, the Ministers shall transmit the question to the Ethics Committee. If the Committee finds that there is a conflict of interest, the Congress of State shall reassign it or examine it collectively.

4. In the event that a Minister notices the emergence of a conflict of interest during Congress of State sittings he/she shall take all necessary measures to remove it without delay. If he/she is unable to do so, he/she shall notify the Congress of State and leave the sitting or the part of the sitting during which the matter is discussed, in accordance with Article 5 of the Rules of Procedure of the Congress of State. In the exercise of his/her duties pursuant to Article 7 of the Rules of Procedure of the Congress of State, the Minister of Internal Affairs or his/her substitute, shall record this in the minutes of the meeting. Abstention shall also be mentioned on the dedicated website in the section of the decision or in the preamble to the decision.

5. In the event of doubt about the existence of a conflict of interest, the Minister shall inform the Congress of State and, if there are no guidelines already expressed by the Committee on similar matters, request the opinion of the Ethics Committee referred to in Article 7. It shall express its opinion on whether or not the Minister should attend the session in which the matter will be discussed. Pending the Committee's opinion, the discussion of the matter shall be postponed, if possible, to the first possible sitting of the Congress of State. If the discussion cannot be postponed, it shall take place and the Committee's opinion, rendered afterwards, shall serve as guidance and be published in the guidelines.

Art. 5

(Declarations by the Ministers)

1. In order to ensure the utmost transparency of their mandate, the Ministers shall consent to the annual transmission to the State Institutional Secretariat-Congress of State Section, of a copy of their tax return and of the "DAPEF" declaration by the Tax Office, and, of the data recorded in the Credit Register, on debt exposure to banks or credit institutions with exclusive reference to any non-performance, by the Central Bank of the Republic of San Marino.

2. The Ministers shall also be required to annually declare, using the appropriate form, if they own shares or units in San Marino resident companies or hold the position of settlors or beneficiaries of trust assets.

3. The information transmitted to the State Institutional Secretariat-Congress of State Section, in accordance with this article, shall be published on the dedicated website in order to ensure public accessibility. Information shall be removed from the website by the State Institutional Secretariat-



CONGRESS OF STATE

Sitting of 29 June 2022

Decision no. 16

File no. 1.3.2/521/2022/XXX

Congress of State Section after 2 years from the Minister's removal from office, for whatever reason.

4. The information referred to in paragraphs 1 and 2 shall be transmitted by the Minister also with regard to a spouse, a de facto partner outside of marriage, a registered partner pursuant to Law no. 147 of 20 November 2018 and any dependant family members. This information shall not be published, but shall be available to the Ministers in office and the Ethics Committee for any relevant assessments.

5. The forms relating to the declarations referred to in this Article shall be adopted and amended by means of a decision of the Ethics Committee.

Art. 6

(Gifts or similar benefits)

1. In the performance of their duties, the Ministers shall refrain from accepting gifts or similar benefits, except those offered in accordance with the usual standards of courtesy or for the sake of hospitality as representatives of the Congress of State in their official capacity. The threshold value of gifts or similar benefits shall comply with the rules in force for public officials.

2. The members of the Congress of State shall not accept offers of accommodation unless it is in compliance with diplomatic and courtesy usage. Participation, upon invitation, in organised events or events where members represent the Congress of State shall not be considered an offer of accommodation.

3. This limit shall also apply to the sum of the value of multiple gifts, presents or benefits of the same kind or otherwise attributable to the same donor during the same calendar year.

4. Gifts received by the Ministers of a value exceeding the limit set for public officials which, for reasons of institutional courtesy, cannot be refused, even if received as representatives of the Congress of State, shall be acquired by the State and, in the case of perishable materials, they shall be sent to the Organizational Unit where they can be used or, eventually, donated to non-profit organisations.

5. In case of doubt as to whether to accept such gifts, the Ministers shall request the opinion of the Ethics Committee referred to in Article 7 below.

6. The provisions of this Article shall not apply to the reimbursement of travel, board, lodging and accommodation expenses of the Ministers or to the direct payment of such expenses by third parties when the Ministers take part in events organised by third parties upon invitation and in the performance of their duties.



CONGRESS OF STATE

Sitting of 29 June 2022

Decision no. 16
File no. 1.3.2/521/2022/XXX

Art.7

(Ethics Committee)

1. An Ethics Committee of the Congress of State shall be established to provide advice and practical support on ethical issues and possible conflicts of interest of the Ministers. The Committee shall also promote information and awareness-raising activities in relation to this code. In these areas, the Committee shall provide general opinions and recommendations.
2. The Committee shall be composed of the Advisor of the Captains Regent (Uditore della Reggenza) or his/her delegate, the Director of the State Institutional Secretariat or his/her delegate, the State General Lawyer or his/her delegate.
3. In the performance of its duties, the Committee may avail itself of the support of offices of the Administration.
4. The decisions of the Ethics Committee shall be adopted collectively.
5. At the request of a Minister the Ethics Committee shall provide him/ her, also on a confidential basis within 10 days of the request, with opinions on potential conflicts of interest and guidelines on the interpretation and implementation of the provisions of this code. The Ministers shall be required to comply with these guidelines in any subsequent behaviour they intend to adopt.
6. The Ethics Committee, also on the basis of its own experience, shall issue a publication containing guidelines, which are published in a special section of the dedicated website, indicative criteria and ethical general principles for the Ministers, and distribute it to each member of the Congress of State. The publication may be periodically enriched with further explanations of good practices and practical examples that may arise from the experience of the Ethics Committee in dealing with individual cases.
7. This code and any subsequent updates shall be adopted by a decision of the Congress of State.
8. The Committee shall decide on gifts received by the Ministers and accepted in accordance with Article 6, paragraph 4 and, in case of doubt on the appropriateness of accepting them, in accordance with Article 6, paragraph 5.

Art. 8

(Non-compliance with the opinions of the Ethics Committee)

1. If a Minister does not comply with the opinion or guidelines of the Ethics Committee, he/she may submit his/her reasons for disagreement.



CONGRESS OF STATE

Sitting of 29 June 2022

Decision no. 16
File no. 1.3.2/521/2022/XXX

2. In order to ensure transparency the opinion given by the Ethics Committee shall be published on the dedicated website after the personal data of any third parties involved have been blanked out.
3. The Ministers shall be entitled to have their reasons published together with the opinion of the Ethics Committee.
4. In the event of a violation of this code of conduct, the Congress of State shall decide, taking into account the opinion of the Ethics Committee, to issue a warning and to make it public, where appropriate.

Art.9

(Confidentiality in the use of information and responsibility for public resources)

1. The Ministers shall be required to make appropriate and responsible use of the information of which they become aware by reason of their office. They shall not disclose the content of the debates of the Congress of State. In particular, they shall not disclose information that could compromise the national security, public order or international relations of the State.
2. The Ministers shall appropriately use the resources allocated to them by reason of their office in compliance with principles of respect, cost-effectiveness and decorum.
3. The Ministers shall comply with the obligation of loyalty to the Congress of State and of confidentiality in the performance of their duties. They shall act and speak with the moderation appropriate for their office.
4. The Ministers shall be responsible for the proper transmission of sensitive information or confidential documents sent out by members of the Ministries.

Art. 10

(Transparency on appointments and expenses)

1. In order to ensure the highest standards of transparency, the curricula vitae of the Ministers and of the political members of the Ministry staff shall be published on the website of the Congress of State.

Art. 11

(Duties after the termination of the mandate)

1. The Ministers shall undertake to comply, even after the end of their mandate, with the obligations arising from their office and in particular the duties of honesty and discretion with regard to the acceptance of certain benefits.



CONGRESS OF STATE

Sitting of 29 June 2022

Decision no. 16
File no. 1.3.2/521/2022/XXX

2. After the termination of their mandate, former Ministers shall continue to be bound by the duty of confidentiality on the decisions and activities of the Congress of State taken and carried out during their term of office.
3. The Ministers shall not take improper advantage of their public function in order to obtain a job opportunity after the termination of their mandate.

Art. 12

(Final provisions)

1. The State Institutional Secretariat-Congress of State Section shall be responsible for the publication and dissemination of this code of conduct.
2. The Ministers and, in the cases expressly indicated, the former Ministers, shall behave in accordance with this code and shall accordingly be aware of its provisions and any amendments thereto.
3. The Congress of State shall publish an annual report on the application of this Code of Conduct, including the work of the Ethics Committee. The reports shall be published on the dedicated website in a special section.
4. This code of conduct shall apply from 1 July 2022.

Signed by THE MINISTER OF
INTERNAL AFFAIRS
Elena Tonnini

