



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 16 January 2025 with 53 votes in favour:

QUALIFIED LAW NO. 1 OF 30 JANUARY 2025

ESTABLISHMENT OF A SPECIAL PARLIAMENTARY COMMISSION FOR INSTITUTIONAL REFORMS

Art. 1

(Establishment of the Commission)

1. In implementation of the policy guidelines laid down by the Great and General Council with the approval of the Government programme for the current 31st Legislature and in response to the proposals and requests made by all Parliamentary Groups, a Special Parliamentary Commission for Institutional Reforms shall be established.

Art. 2

(Composition – Presidents– Appointment)

1. The Commission shall be composed of two Presidents and eighteen members of the Great and General Council.
2. The two presidents shall be appointed, one from the lists represented within the Great and General Council that constitute the majority and one from the lists represented within the Great and General Council that constitute the opposition.
3. The eighteen members of the Great and General Council shall be appointed in accordance with the following criteria:
 - a) presence of all the lists represented within the Great and General Council;
 - b) compliance, as far as compatible, with the criterion referred to in paragraph 4 relate to the proportion of lists represented within the Great and General Council based on their respective numbers.
4. The composition of the Commission, taking into account the two presidents and the members, shall be such as to guarantee the parliamentary majority a majority within the Commission, but not exceeding two-thirds.

5. In order to ensure compliance with the principles and criteria referred to in letters a), b) and c) of paragraph 3, the composition of the Commission, also with regard to the number of the members, shall be updated by Regency Decree, after hearing the Bureau of the Great and General Council.

6. Upon entry into force of this law, the eighteen members of the Great and General Council shall be divided as follows:

Party of Socialists and Democrats	3
Libera/Socialist Party	3
San Marino Christian Democratic Party	4
Alleanza Riformista	2
Repubblica Futura)	2
Domani – Motus Liberi	2
R.E.T.E. Civic Movement	2

7. At the beginning of the legislature, the Great and General Council shall appoint the two presidents and eighteen members during the same sitting. The appointment of the two presidents shall take place by a single open ballot vote with a two-thirds majority. Members shall be appointed upon acknowledgement of the names put forward by the lists represented within the Great and General Council.

8. In the case that the members of the Commission or the two presidents are elected Captains Regent, they shall be replaced for the duration of their term of office by other members of the Great and General Council in accordance with the procedures set out in the preceding paragraphs, insofar as they are compatible. The same procedure shall apply in the event of resignation or removal from office. Qualified Law no. 1 of 18 June 2015 shall also apply.

Art. 3

(Duties of the presidents)

1. The two presidents shall jointly convene meetings, draw up the agenda, take turns presiding over the works, and represent the Commission in its relations with external parties and other institutional entities.

Art. 4

(Convening and validity of the sittings)

1. The Commission shall meet whenever deemed appropriate once every two months. It shall also be convened when requested by one third of its members.

2. The provisions in force for the Permanent Parliamentary Commissions referred to in the Great and General Council's Rules of Procedure shall apply, insofar as they are compatible, to the procedures for convening sittings.

3. The sittings of the Commission shall be valid if the majority of its members are present.

4. The quorum shall be verified by the Presidents at the beginning of the sitting by roll call. Before the adoption of any decision, any member may request a verification of the quorum.

Art. 5

(Rules of procedure of the sittings)

1. The sittings of the Commission shall be open to the public.

2. The sittings of the Commission shall be held in the Hall of the Great and General Council or in another room that offers adequate space and similar equipment and systems for recording and voting.

3. Unless otherwise specified, decisions shall be adopted by a two-thirds majority of the members. If the quorum is not reached in the first two votes, an absolute majority shall be required. All votes may take place even during the same sitting.
4. The presidents shall be deemed full members with voting rights.
5. The minute-taking functions shall be performed by an official of the State Institutional Secretariat. For the drafting of the minutes, the provisions of Title VIII of the Great and General Council's Rules of Procedure shall apply, insofar as they are compatible.
6. The Commission may, by means of its own internal regulations adopted by an absolute majority, further regulate its activities in accordance with this law.

Art. 6

(Powers of the Commission)

1. In implementing and consolidating the fundamental principles of San Marino's legal system contained in the Declaration of the Citizens' Rights and Fundamental Principles of San Marino Legal System referred to in Law no. 59 of 8 July 1974 and subsequent amendments, the Commission shall be assigned functions of examination, study and drafting of proposals in the areas indicated below.
2. In order to ensure the correct balance between the powers of the State and to affirm and consolidate the central political role of the Great and General Council, the Commission shall be called upon to discuss and draw up proposals to strengthen the political leadership role of the Great and General Council, enhance the exercise of legislative power and the status of the members of the Great and General Council.
3. In order to strengthen the collegial power of the Congress of State and improve the effectiveness and efficiency of the body, the Commission shall be required to develop methods of intervention to provide for political and operational coordination, and to amend the rules on responsibilities and the functioning of the Congress of State.
4. In line with the objectives of strengthening the roles and powers of the constitutional bodies mentioned above, the Commission shall be entrusted with a study on the hierarchy of regulatory sources in order to define the regulatory framework, also in light of the changes that will be made as a result of the measures referred to in this article, and in particular:
 - a) limit the use of decree laws to cases of actual necessity and urgency, which shall be supported by a detailed justification;
 - b) establish that the delegation for the adoption of delegated decrees fully determines the guiding principles and criteria for the exercise of legislative power, the time limit within which it may be exercised, and the reference to specific subjects;
 - c) regulate the statutory reservation in a formal and substantial sense and define its scope of application;
 - d) identify the source for the transposition of European legislation for the implementation of the *acquis communautaire*;
 - e) introduce regulations for the adoption of regulatory single texts;
 - f) define the areas covered by the financial law and the budget law, as well as any changes thereto;
 - g) identify instruments for regulatory simplification, efficiency and effectiveness of the regulatory framework;
 - h) reform the procedures for drafting laws and acts having the force of law, regulations and other sources of secondary legislation, including by providing for the acquisition of mandatory opinions issued by the competent bodies established by the relevant sectoral legislation.
5. In order to enhance the institutional and guarantee functions of the Heads of State, the Commission shall analyse and, consequently, revise the rules governing the office of the Captains Regent.

6. The Commission shall also examine and assess the powers and functioning of the Council of the Twelve, in order to draw up a specific regulation defining its rules of procedure.

7. In light of the changes made with the reform of the judicial system, the Commission shall be responsible for fine-tuning the procedures and provisions relating to the Guarantors' Panel on the Constitutionality of Rules and the rules governing the Judicial Council, the body that guarantees the autonomy and independence of the judiciary.

8. Finally, upon mandate of the Great and General Council, the Commission may also address other issues, including the regulation of bodies that perform supervisory and guarantee functions due to their institutional role of protecting the stability of the system.

Art. 7
(Activities)

1. The Commission:

- a) through the Presidents, shall submit guidelines, decisions, proposals or suggestions to the Great and General Council, initially within six months of taking office and then every four months. These shall be related to one or more of the areas referred to in Article 6;
- b) shall appoint consultants, by a two-thirds majority;
- c) may invite technical experts and other experts;
- d) shall have the power to hold hearings and request reports.

2. Reports may be the subject of debate within the Great and General Council, with consequent decisions, provided that a specific item is included on the agenda.

Art. 8
(Expenses)

1. The expenses for the functioning of the Commission shall be charged to Chapter 1-2-1480 "Autonomous Fund of the Great and General Council".

2. The members of the Commission shall receive a remuneration equal to that received by the members of the Permanent Parliamentary Commissions and charged to Chapter 1-2-1290 "Attendance fees and allowances for the Parliamentary Commissions, the Commissions of the Congress of State and the Commissions for the appointment of the Judicial Council".

3. Employees of the State Institutional Secretariat who are called upon to provide technical and administrative support to the Commission outside normal working hours shall be entitled to a remuneration for overtime work.

Art. 9
(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 30 January 2025/1724 since the Foundation of the Republic.

CAPTAINS REGENT
Francesca Civerchia – Dalibor Riccardi

THE MINISTER
OF INTERNAL AFFAIRS
Andrea Belluzzi