



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 March 2019:

LAW NO. 57 OF 29 March 2019

MEASURES FOR PREVENTING, COMBATING AND SUPPRESSING TERRORIST FINANCING, THE FINANCING OF THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND THE ACTIVITY OF COUNTRIES THAT THREATEN INTERNATIONAL PEACE AND SECURITY

TITLE I GENERAL PROVISIONS

Art.1 (Definitions)

1. For the purposes of this Law, the following definitions shall apply:
 - a) “Agency”: the Financial Intelligence Agency referred to in Article 2 of Law no. 92 of 17 June 2008 and subsequent amendments;
 - b) “Public Administrations”: the State, Ministries, Departments, public entities, autonomous State corporations, public administration offices;
 - c) “assets” or “funds”: assets of any kind, whether corporeal or incorporeal, tangible or intangible, movable or immovable, however acquired, including payment and credit instruments, any documents or instruments, including electronic or digital, evidencing title to such assets or to dispose thereof; financial and economic resources of any kind, including natural, whether corporeal or incorporeal, tangible or intangible, movable or immovable, acquired in any way, including ancillary assets, appurtenances and interest that may be used to obtain funds, assets or services, as well as any other benefit specified in the Technical Annex to this Law;
 - d) “CMR”: the Committee for Restrictive Measures referred to in Article 3 of this Law;
 - e) “freezing of assets or funds”: prohibition of any movement, transfer, alteration, disposition, use or management of and access to assets or funds that would result in any change in their volume, amount, value, location, ownership, possession, character, destination or other change that would enable the use thereof, including, but not limited to, portfolio management, selling, leasing, hiring or mortgaging of such assets or funds;

- f) “entity”: any body, with or without legal personality, legal arrangement, group or organisation, established in any form whatsoever;
- g) “purpose of terrorism”: without prejudice to criminal law provisions, the intention to influence institutions or intimidate the population or part of it, to unduly incite or force public authorities or an international organisation to perform or refrain from performing any act, or to destabilise or destroy the political, constitutional, economic or social structures of the Republic of San Marino, a foreign State or an international organisation, against the constitutional order, the rules of international law and the statutes of international organisations;
- h) “terrorist financing”: without prejudice to Article 337 ter of the Criminal Code, any activity aimed at supplying, collecting, providing, intermediating, depositing, keeping or disbursing, by any means, funds or economic resources, regardless of how they were obtained, whether directly or indirectly, and intended to be used, in full or in part, to commit or favour one or more acts of terrorism or for the purpose of terrorism, regardless of the actual use of the funds or economic resources for the perpetration of said criminal offences;
- i) “financing of the proliferation of weapons of mass destruction”: without prejudice to the provisions of Article 337 quinquies of the Criminal Code, introduced by Article 33 of this Law, any act by which, in any way, funds are made available or financial services, assistance (including financial assistance), advice or training are provided, which are intended, in whole or in part, for the manufacture, acquisition, possession, development, export, transit, intermediation, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons, their carriage means and related materials, including dual-use technologies and goods used for non-legitimate purposes, against the constitutional order, international law and the statutes of international organisations;
- l) “terrorist groups”: associations which are stable over time, composed of two or more persons, and which act in a concerted manner with the aim of committing terrorist acts, independently of their composition and of the degree of complexity of their structure;
- m) “United Nations lists”: lists of individuals, groups or entities adopted by United Nations Security Council resolutions, or prepared by the Committees established pursuant to such resolutions;
- n) “national list”: the national list of individuals, groups or entities established by the Committee for Restrictive Measures pursuant to United Nations Security Council Resolution 1373 (2001);
- o) “obliged parties”: the parties referred to in Articles 17 et seq. of Law no. 92 of 17 June 2008 and subsequent amendments;
- p) “terrorism” or “terrorist act”: any conduct which, contrary to the constitutional order, the rules of international law and the statutes of international organisations, by its nature or context, is likely to cause serious harm to a country or an international organisation, or is aimed at causing serious injury to persons or property, or is accomplished to force the institutions of the Republic, of a foreign State or international organisation to perform or abstain from performing any act, to intimidate the population or a part thereof or to destabilise or destroy the political, constitutional, economic or social structures of the Republic, of a foreign State or an international organisation. “Terrorism” or “terrorist act” also includes any conduct envisaged and defined by conventions or other international law provisions that are binding on the Republic of San Marino;
- q) “terrorist”: (I) any person, group or entity performing or trying to perform an act as defined in letter p) of this paragraph; (II) any person, group or entity acting on behalf of or under the direction of any such person or group to which capital derived or generated from assets owned or controlled directly or indirectly by such person, group or entity has been transferred, even partly.

Art.2
(Scope)

1. In accordance with the international obligations undertaken by the Republic of San Marino to combat terrorism and its financing, the proliferation of weapons of mass destruction and its financing and the activities of countries that threaten international peace and security, the provisions of this Law shall apply in order to promptly implement the restrictive measures imposed against:

- a) any individual, group or entity designated by the United Nations Security Council or by a Committee thereof under Chapter VII of the Charter of the United Nations;
- b) any individual or entity designated by the Committee for Restrictive Measures, pursuant to United Nations Resolution 1373 (2001).

2. The provisions contained in this Law shall be supplemented by a specific Regulation adopted by the Congress of State upon proposal of the Committee for Restrictive Measures referred to in the following Article.

3. In submitting the requests and communications governed by this Law, the parties concerned shall use the forms prepared by the Committee for Restrictive Measures and the Committees of the United Nations Security Council, which are attached to the Regulation adopted pursuant to the preceding paragraph. The use of such forms shall be compulsory only in the cases indicated in the Regulation.

Art.3
(Committee for Restrictive Measures)

1. The Committee for Restrictive Measures shall be established as the competent authority for the national and international designations of individuals, groups or entities and for the consequent actions, such as removal of their names from the lists and revocation of the measures.

2. For anything not provided for by this Law, the operation and activity of the CMR, including the identification of the office competent to perform secretariat functions, shall be governed by a specific internal Regulation.

3. In carrying out its functions, the CMR shall collaborate with the Judicial Authority, the Police Authority, the National Central Bureau of Interpol, the Agency and the Public Administrations, also through the request for data or information, or for the production or delivery of acts or documents.

4. In carrying out the functions attributed to it, the CMR shall collaborate with the Technical Commission for National Coordination referred to in Article 15 bis of Law no. 92 of 17 June 2008 and subsequent amendments.

Art.4
(Composition of the Committee for Restrictive Measures)

1. The CMR shall be composed of:

- a) the Director of the Foreign Affairs Department, who shall preside over its meetings;
- b) the Director of the Department of Institutional Affairs and Justice;
- c) the Director of the Department of Finance and Budget;
- d) the Commanders of the Police Forces;
- e) the Director of the National Central Bureau of Interpol and of the Asset Recovery Office (ARO);
- f) the Director of the Financial Intelligence Agency.

2. The CMR shall meet periodically and, in any case, at least once a year, upon request of the President or of another member. A verbatim record of the meetings shall be duly taken.

3. Each member of the CMR may invite other representatives of Authorities or Public Administrations to attend the meetings, or may identify a substitute in the event of his absence or impediment.

TITLE II
IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL
RESOLUTIONS

CHAPTER I
LIST ENTRIES AND PROCEDURES FOR DESIGNATIONS

Art.5

(Proposals for the designation of individuals or entities to the United Nations Security Council)

1. On the basis of information received from national authorities pursuant to Article 9 below, from foreign counterpart authorities or otherwise acquired, the CMR may make proposals to the United Nations Security Council or to one of its competent Committees for the designation of individuals or entities with a view to their inclusion in the United Nations lists.
2. In accordance with the provisions of the United Nations Security Council resolutions, the CMR shall, without delay, submit a reasoned proposal for designation to the Security Council or its competent Committee, through the Foreign Affairs Department, if, also in the light of the evidence referred to in the following Article, it has reason to believe that the individual or entity meets the criteria established by the resolutions. In conducting the evaluations referred to in this paragraph, the CMR may rely on the technical opinion of the Technical Commission for National Coordination.
3. For the purposes of the proposed designation, the CMR shall use, in relation to the UN list for which it intends to request the designation, the appropriate forms annexed to the Regulation adopted pursuant to Article 2, paragraph 2. In any case, the proposal shall indicate:
 - a) any information useful for the unambiguous identification of the individual or entity to be designated;
 - b) the natural person(s) who ultimately own or control, directly or indirectly, the entity whose designation is requested, or who exercise administrative or management powers over that entity;
 - c) the reasons for the proposed designation and the factual elements supporting it, as well as any details of the connection or link between the person to be designated and any individual or entity already included in the United Nations lists, also by attaching any relevant supporting documents;
 - d) which of the above information should remain confidential.
4. The CMR, in transmitting the request, may ask that the qualification of the Republic of San Marino as designating State be kept confidential.
5. The CMR shall be notified, through the Foreign Affairs Department, of the decision to include in the United Nations lists individuals or entities that are San Marino citizens or residents or that have their registered office in the Republic.

Art.6

(Evidence supporting the designation)

1. For the purpose of the designations, the CMR shall take into account, *inter alia*, the existence of:
 - a) factual elements indicating an active or supportive involvement of individuals, groups or entities in acts of terrorism or for terrorist purposes, or that are involved in the financing of terrorism, or the involvement of individuals or entities in the proliferation of weapons of mass destruction or financing thereof;

- b) criminal proceedings and/or judicial measures, whether domestic or foreign, against the person to be designated;
 - c) information ensuring the correct identification of the persons indicated, in order to avoid the possible involvement of different persons with identical or similar personal details;
 - d) any relationship between the person to be designated and any individual, group or entity already included in the United Nations lists or national list;
 - e) other sanctioning measures taken against the same person, in implementation of UN Security Council resolutions on combating and suppressing terrorism and its financing, the proliferation of weapons of mass destruction and its financing, and the activities of countries that threaten international peace and security;
 - f) any communication from foreign authorities concerning the adoption of freezing measures against the same individuals, groups or entities.
2. In order to acquire additional information to that already in its possession, the CMR may contact, through the Foreign Affairs Department, the counterpart foreign authorities of the State(s), if known, of citizenship, residence or registered office of the individuals or entities to be designated.

Art.7

(Designation and inclusion in the national list)

1. The CMR shall, on the basis of information received from national authorities pursuant to Article 9 below, or from counterpart foreign authorities or otherwise acquired, designate individuals or entities with a view to their inclusion in the national list.
2. An individual or entity shall be included in the national list if, also in the light of the evidence referred to in the preceding Article, the CMR has reason to believe that:
- a) the individual or entity has committed or attempted to commit terrorist acts or acts for terrorist purposes, or has participated in or facilitated in any way the commission of terrorist acts or acts for terrorist purposes;
 - b) the entity is participated or controlled, directly or indirectly, by any of the individuals or entities referred to in letter a);
 - c) the individual or entity acts in the name of, on behalf of, or under the direction of any individual or entity referred to in letter a).
3. If an individual or entity has been included in the national list, the CMR shall immediately notify the name to the Congress of State, which shall issue the freezing order by means of a decision.
4. The national list prepared by the CMR shall be published in a special section of the website of the Ministry of Foreign Affairs. Any update or modification of the above list, including the removal of a name pursuant to Article 20, shall be published on the same website.
5. The CMR shall review the national list every year from the date of first publication, unless specific needs require to make changes before this deadline.

Art.8

(Requests for freezing abroad and from abroad)

1. In accordance with United Nations Security Council Resolution 1373 (2001), the CMR shall be competent to make and receive requests for freezing from counterpart foreign authorities against individuals or entities referred to in Article 7, paragraph 2.
2. The request for freezing shall indicate:
- a) any information useful for the unambiguous identification of the individual or entity whose assets or funds shall be frozen, including name, surname, date and place of birth, State of citizenship, address of residence, passport number or other official identification code, with reference to natural persons; name, business name, registered office, activity carried out and State in which such activity is carried out, existence of controlled entities, subsidiaries or branches, as well as any official identification number, with reference to entities;

- b) any information relevant to revealing the active participation, support, involvement or link of individuals or entities whose assets or funds are requested to be frozen, with terrorist acts or acts for terrorist purposes or with terrorist financing;
 - c) if coming from a counterpart foreign authority, whether the same name has also been proposed to the United Nations Security Council or to one of its competent Committees;
 - d) which of the information referred to in the preceding letters shall remain confidential.
3. Upon receipt of a request for freezing from a counterpart foreign authority, the CMR shall accept the request by means of a decision if, also in the light of the evidence referred to in Article 6, it has reason to believe that the criteria set out in Article 7, paragraph 2 are met.
4. The decision to accept the request shall immediately be notified to the Congress of State, which shall issue the freezing order by means of a decision.
5. In any case, the CMR shall inform the counterpart foreign authority as soon as possible of the outcome of the evaluations referred to in paragraph 3 and of any freezing measures adopted.

Art.9

(National and international cooperation)

1. The Police Authority, the National Central Bureau of Interpol, the Agency and the Public Administrations, if they hold information useful for the purposes of the designations referred to in this Law, shall transmit it to the CMR, by way of derogation from any provision in force on official secrecy, indicating the facts established and the findings that emerged in the performance of their functions. Such information shall include, *inter alia*:
- a) any factual element that indicates the link of the individual or entity brought to the attention of the CMR with terrorist acts or acts for terrorist purposes or with their financing, or with the proliferation of weapons of mass destruction or its financing, including, *inter alia*, an indication of the sources and techniques of financing, if known;
 - b) any element useful for the correct identification of the individual or entity submitted to the attention of the CMR, including, where possible, family relationships and place of residence and/or domicile, and corresponding information with reference to entities;
 - c) any criminal record against the individual or entity brought to the attention of the CMR.
2. The judicial authority shall transmit to the CMR the information referred to in paragraph 1, even in the presence of measures for the classification of documents, if this does not prejudice ongoing investigations.
3. The persons referred to in the preceding paragraphs shall also provide, by way of derogation from any provision in force on official secrecy, any data, information, deed or document that may be requested by the CMR.
4. In performing the functions assigned by this Law, the CMR shall cooperate, also by exchanging information, with counterpart foreign authorities.
5. All information held by the CMR, as well as all information exchanged with counterpart foreign authorities, shall be covered by official secrecy.

CHAPTER II

RESTRICTIVE MEASURES AND MEASURES TO FREEZE ASSETS OR FUNDS

Art.10

(Restrictive measures in implementation of UN Security Council resolutions)

1. The Congress of State, upon proposal of the Ministry of Foreign Affairs, shall adopt without delay, by means of a decision, the restrictive measures in accordance with the United Nations Security Council resolutions. The restrictive measures shall include the following:
 - a) the freezing of assets or funds owned or controlled, wholly or jointly, directly or indirectly, by individuals, groups or entities included in the United Nations lists; of assets or funds derived from or generated by funds or other benefits owned or controlled, directly or indirectly, by individuals, groups or entities included in the United Nations lists; and of assets or funds of individuals, groups or entities acting in the interest or under the direction of the persons included in the above lists;
 - b) trade restrictions, including on imports or exports and arms embargoes;
 - c) financial restrictions, including on the provision of financial services and financial assistance;
 - d) other restrictions, including on technical assistance, flight bans, entry or transit bans, diplomatic sanctions, suspension of cooperation and boycotts of sporting events.
2. The Congress of State decision may introduce additional restrictive measures, provide for their temporal extension or envisage specific provisions in relation to the content of the resolutions adopted by the United Nations Security Council.
3. The Congress of State decision ordering the implementation of restrictive measures may provide for derogations, in compliance with the United Nations Security Council resolutions.
4. The amendments or repeals of the restrictive measures provided for by the United Nations Security Council resolutions or by a decision of one of its Committees shall be implemented in the Republic of San Marino through a Congress of State decision.
5. The decisions referred to in the preceding paragraphs shall be immediately publicly displayed at the Government Building, at the Court and on the website of the Ministry of Foreign Affairs. From that moment they shall be considered known by everyone.

Art 11

(National freezing measures)

1. The Congress of State, upon indication of the CMR, shall, without delay and by means of a decision, order the freezing of assets or funds owned or controlled, wholly or jointly, directly or indirectly, by individuals, groups or entities included in the national list; of assets or funds derived from or generated by funds or other benefits owned or controlled, directly or indirectly, by individuals, groups or entities included in the national list; and of assets or funds of individuals, groups or entities acting in the interest or under the direction of the persons included in the above list.
2. The Congress of State shall act in the same way whenever the CMR, having carried out all appropriate investigations, communicates that it has accepted the request for freezing coming from counterpart foreign authorities in accordance with Article 8.
3. The decisions referred to in the preceding paragraphs shall be immediately publicly displayed at the Government Building, at the Court and on the website of the Ministry of Foreign Affairs. From that moment they shall be considered known by everyone.
4. Pending the adoption of the decisions referred to in paragraphs 1 and 2, in order to ensure the effectiveness of the freezing decisions adopted by the CMR, the latter shall immediately notify such decisions to the Agency, which shall immediately order the blocking of assets or funds subject to the decision of the CMR, unless the Agency has already adopted, on its own initiative, the measures to block funds or suspend operations, pursuant to Article 5, letters d) or e) of Law no. 92 of 17 June 2008 and subsequent amendments. The Agency's blocking provisions shall also apply to movable and immovable assets entered in the registers of the Public Administrations.

5. The blocking order issued by the Agency following notification by the CMR shall be effective until the adoption of the decision ordering the freezing of assets and, in any case, for a maximum of ten working days.

Art.12

(Notifications to the authorities responsible for the application of restrictive measures)

1. Congress of State decisions adopted pursuant to this Law shall be notified to the Court, the Police Forces, the Agency and the Foreign Affairs Department, as well as to any other Authority or Public Administration deemed appropriate by the Congress of State.
2. The Foreign Affairs Department shall publish the decisions referred to in paragraph 1 in a special section of the website of the Ministry of Foreign Affairs.

Art.13

(Provisions for the implementation of restrictive measures other than the freezing of assets or funds)

1. If, pursuant to Article 10, the Congress of State has transposed, by means of a decision, a Security Council resolution imposing one or more of the restrictive measures referred to in paragraph 1, letters b), c) and d) of said Article, the CMR shall meet in order to identify, with reference to each of the restrictions provided for by the decision, the competent authorities, the Public Administrations and the parties required to apply them, as well as to define the actions they are required to take in implementation of said restrictive measures.
2. The parties referred to in the preceding paragraph shall be required to draw up a specific report of the actions carried out and to notify it to the CMR according to the procedures and time-limits indicated by the latter when defining the action pursuant to the preceding paragraph.

Art.14

(Updates of lists and notification of inclusion therein)

1. The Foreign Affairs Department and the Agency shall be the focal points on behalf of the Republic of San Marino for updates to the United Nations lists. When the Foreign Affairs Department and the Agency receive the updates to the United Nations lists from the Security Council or one of its competent Committees, such updates shall be deemed to have been transposed automatically and the United Nations lists shall be amended accordingly.
2. The Agency shall immediately notify the Court, the Police Forces, the Public Administrations responsible for keeping the public registers and the obliged parties of the updates to the United Nations lists and shall transmit the decisions adopted by the Congress of State according to the procedures defined by the Agency.
3. The United Nations lists and the updates shall be published in a special section of the website of the Ministry of Foreign Affairs.
4. The CMR shall notify, in a manner suitable to prove receipt, individuals or entities having San Marino citizenship or residence or their registered office in the Republic of San Marino of the inclusion of their names in a United Nations list or in the national list, communicating the following elements:
 - a) the grounds on which the decision to include their names is based;
 - b) the freezing measures imposed;
 - c) the effects of the freezing measures, specifying the prohibition on disposal of the related assets or funds, as well as the sanctions for non-compliance with the prohibition;
 - d) the cases in which it is possible to request removal from the lists;

- e) the national authorities and international bodies competent to receive the request for removal, as well as the relevant procedures;
- f) the conditions and procedures for requesting exemption from the freezing order;
- g) the national authorities and international bodies competent to receive appeals against the measures taken.

Art.15

(Effects of freezing of assets or funds)

1. Unless otherwise provided for in the Security Council resolutions, frozen assets or funds shall not be in any way transferred, disposed of or used.
2. Except as provided for in Article 17, no assets, funds or other benefits shall be made available, directly or indirectly, wholly or jointly, to or for the benefit of:
 - a) individuals, groups or entities included in the United Nations lists or in the national list;
 - b) entities held or controlled, directly or indirectly, by the persons included in the above lists;
 - c) individuals or entities acting in the interest of or under the direction of the persons included in the lists.
3. Any acts carried out in violation of the prohibitions referred to in the preceding paragraphs shall be null and void.
4. The freezing shall be effective from the date of adoption of the Congress of State decision and, in case the United Nations lists are updated, from the moment the Foreign Affairs Department and the Agency are notified thereof by the United Nations Security Council or one of its competent Committees.
5. Prior notice of the freezing to the individual or entity whose assets or funds are subject to the measure shall be prohibited.
6. Freezing shall not prejudice the effects of any seizure or confiscation measures adopted in the framework of proceedings involving the same assets or funds.
7. The freezing of assets or funds, as well as failure or refusal to provide financial services or financial advice, which are considered in good faith to be compliant with this Law, shall not entail any liability on the part of the individual or entity applying said measures, or, in case of an entity, of its Director or any employees.

Art.16

(Exemption from the application of freezing measures)

1. By way of derogation from the provisions of Article 15, paragraph 1, in the cases referred to in paragraph 3 below, anyone subject to the freezing measures imposed pursuant to the preceding articles may apply to the CMR, by means of a written and reasoned request, for total or partial exemption from the application of such measures.
2. The request may also be made in the other cases provided for in the Regulation referred to in Article 2, paragraph 2, within the limits of applicability set out therein, as well as in any other specific case envisaged in the Security Council resolutions, for the exclusive benefit of the individuals, groups or entities to which these resolutions refer, and in accordance with the procedures established therein.
3. The request for exemption may be submitted in order to meet the applicant's own needs or those of a member of his family, or to exercise a fundamental right, such as:
 - a) primary expenditures, including the purchase of foodstuffs, rent or mortgage, medicines or medical treatment, taxes, insurance premiums and bills;
 - b) exclusive payments of reasonable fees and refunds related to legal services;
 - c) exclusive payments of taxes and maintenance fees related to the management of frozen assets;

d) extraordinary expenses.

4. Where the request for exemption has been made by individuals, groups or entities included in the United Nations lists, the CMR shall notify the United Nations Security Council or its competent Committee thereof due to its competence in the case in question. Following notification, authorisation to use the funds to the extent necessary to meet the needs referred to in paragraph 3 may be granted, provided that the Security Council or its competent Committee has not decided otherwise, except in the case referred to in letter d), for which express approval shall be obtained.

5. The request for exemption shall expressly indicate the reasons on which it is based, the relevant amount, the manner in which the assets or funds will be used and the name or business name of any person to whom the payment will be made. Any document in support of the application shall also be attached to the request.

6. If the CMR has granted the exemption, it shall immediately inform the Agency thereof, which shall forward the decision to the Public Administrations in charge of keeping the public registers and to the obliged parties.

7. Without prejudice to the possibility of addressing the CMR, individuals, groups or entities included in specific UN lists, as identified by the Regulation referred to in Article 2, paragraph 2, may also apply for an exemption directly to the competent UN body.

Art.17

(Credits to frozen current accounts)

1. By way of derogation from the provisions of Article 15, paragraph 2, the following may be credited to current accounts or other relationships subject to freezing:

a) interest due on these current accounts;

b) payments due under contracts, agreements or obligations that arose prior to the date on which these accounts were frozen.

2 Any credits pursuant to the preceding paragraph shall also be subject to freezing.

CHAPTER III

REMOVAL OF NAMES FROM THE LISTS

Art.18

(Proposals for removal from a UN list)

1. The CMR, upon its own initiative or at the request of the party subject to restrictive measures, who is a San Marino citizen or resident or has its registered office in the Republic, or of heirs or legitimate beneficiaries thereof, may submit to the United Nations Security Council or its competent Committee, through the Foreign Affairs Department, a reasoned proposal for the removal of its name from a United Nations list, if it considers that there are no reasons justifying its permanence, including the case where the inclusion was made by a mistake in the identification.

2. Before proposing the removal to the Security Council or its Committee, the CMR shall notify this intention to the State, if known, which has designated the individual or entity, whose removal the CMR intends to request.

3. Without prejudice to the possibility of using the forms adopted with the Regulation referred to in Article 2, paragraph 2, the request for removal shall, in any case, indicate the reasons why it is considered that the individual or entity whose removal is requested no longer meets the criteria which led to its inclusion in the list.

4. If the reason for the request for removal is the death of an individual or the termination of an entity, the certificate or any other equivalent official document demonstrating the death or termination of activity shall also be attached, together with any information enabling the identification of any heirs or joint owners of the assets subject to freezing.

5. An individual or entity included in a United Nations list may also submit a written and reasoned request for removal directly to the competent United Nations body, where such a possibility is expressly provided for in the United Nations Security Council resolution imposing a freezing measure on them.

6. In any case, the request for removal shall be drawn up in accordance with the provisions of the United Nations Security Council resolutions or its Committees and in compliance with the procedures established by them.

7. The CMR shall be notified, through the Foreign Affairs Department, of the decision to remove from the United Nations lists individuals or entities that are San Marino citizens or residents or that have their registered office in the Republic and shall promptly notify the persons concerned of the removal, in accordance with the procedures laid down in Article 14.

Art.19

(Revocation of freezing measures)

1. The freezing measure shall be deemed to have been automatically revoked following the removal of a name from the United Nations lists, unless the name for which the removal has been ordered is included in the national list.

2. The Foreign Affairs Department shall notify the Court, the Police Forces, the Agency and any other competent public authority or administration of the removal of the name referred to in the preceding paragraph.

3. The Agency shall, without delay, transmit the information received to the Public Administrations that maintain the public registers, as well as to the obliged parties, in the manner deemed most appropriate. This shall allow to fulfil all requirements necessary to return previously frozen assets or funds, including the registration of the removal of freezing in the public registers.

Art.20

(Procedure for removal from the national list)

1. Individuals or entities included in the national list may request the CMR, through a written and reasoned request, to order the removal of their name from such list, including any identifying information related to this name. In case of death of an individual included in the national list and, for entities, in the event of termination of their activity, the request may be submitted by their heirs or legitimate beneficiaries.

2. In any case, the request referred to in paragraph 1 may also be submitted to the CMR, through the Foreign Affairs Department, by a foreign State.

3. The request shall expressly indicate the reasons why it is considered that the individual or entity whose removal is requested no longer meets the conditions that led to its inclusion, and any supporting information and documents shall be attached.

4. The CMR shall meet without delay and shall examine the request as soon as possible. If it considers that the individual or entity included in the national list no longer meets the criteria set out in Article 7, paragraph 2, including in case of death or the entity's termination of activities, it shall order its removal. It shall proceed in the same way if, when reviewing the national list referred to in Article 7, paragraph 5, it finds that the same conditions are not met.

5. If an individual or entity has been removed from the national list, the CMR shall immediately notify the name to the Congress of State, which shall promptly order the revocation of the freezing measure by means of a decision.

6. At the same time as the name is notified to the Congress of State, the CMR, through the Foreign Affairs Department, shall immediately update the national list on the website of the Ministry of Foreign Affairs.

7. The provisions of Article 19, paragraphs 2 and 3 shall apply to the communication of decisions to remove a name from the national list and of the subsequent Congress of State decision under this Article.

Art.21

(Incorrect application of freezing measures)

1. If a freezing measure has been incorrectly applied to a person having the same name as an individual or entity included in the United Nations lists, or in the national list, such person may request the CMR that its assets or funds be fully returned to it, in the manner indicated by the CMR in a special section of the website of the Ministry of Foreign Affairs.

2. After verifying the identity of the person and the fact that it does not coincide with the individual or entity included in the above lists, the CMR shall take the necessary measures to ensure that the assets or funds be fully returned to the person concerned and shall promptly notify the Agency thereof.

3. The Agency shall transmit, without delay, such information to the Public Administrations in charge of maintaining the public registers, as well as to the obliged parties, according to the procedures considered most appropriate. This shall allow to fulfil all requirements necessary to return previously incorrectly frozen assets or funds.

CHAPTER IV GUARANTEES

Art.22

(Judicial protection)

1. Against the freezing ordered with Congress of State decision, or against the measures adopted by the CMR, the party concerned may lodge an appeal through non-judicial procedure, either personally or through a defence counsel. The above measures may be also appealed against through judicial procedure.

2. By way of derogation from Article 3 of Law no. 5 of 25 January 1984, the party concerned, who has not designated, or no longer has, a counsel of its own choosing, shall be assisted by a public defence counsel, also in proceedings before the administrative judge.

TITLE III PROVISIONS RELATING TO PUBLIC ADMINISTRATIONS AND OBLIGED PARTIES

Art.23

(Verification and reporting obligations for Public Administrations)

1. Following the communications referred to in Article 14, paragraph 2, the Public Administrations in charge of maintaining the public registers shall verify whether the register they maintain contains movable or immovable assets subject to freezing measures.

2. In case of positive outcome of such verification, the Public Administrations shall immediately enter the freezing of the movable or immovable asset in the register and shall promptly notify the Agency thereof, indicating the data and information in their possession in relation to the frozen assets.

3. The Agency shall notify the CMR of the existence of the circumstances referred to in the preceding paragraph.

Art.24

(Verification and reporting obligations for obliged parties)

1. Following the communications referred to in Article 14, paragraph 2, the obliged parties shall verify whether they hold, administer or manage assets or funds subject to freezing measures.
2. In case of positive outcome of such verification, the obliged parties shall immediately notify the Agency of:
 - a) the freezing measures applied, indicating the individuals and entities involved and the amount and nature of the frozen assets or funds;
 - b) the transactions, relationships and any other available data or information relating to the aforementioned parties.
3. The obliged parties shall also notify the Agency, on the basis of the information provided by the latter, of operations, relationships and of any other data or information which might justify the possible inclusion in the United Nations lists or in the national list of parties linked to those for which freezing measures have been ordered.
4. The Agency shall notify the CMR of the existence of the circumstances referred to in the preceding paragraphs.

TITLE IV

SUPERVISION AND SANCTIONS

Art.25

(Functions and powers of the Agency)

1. The Agency shall be responsible for supervising the obliged parties in relation to their compliance with the obligations envisaged by this Law and the provisions of the instructions and circulars issued by the Agency.
2. In order to carry out the function indicated above, the Agency shall exercise the powers referred to in Article 5 of Law no. 92 of 17 June 2008 and subsequent amendments.
3. The Agency may issue instructions, circulars and guidelines on the obligations under this Law and to prevent the financing of terrorism and of the proliferation of weapons of mass destruction, as well as all activities that threaten international peace and security.
4. The Agency shall investigate administrative violations of the obligations envisaged by law, as well as of instructions and circulars, and shall also apply sanctions in accordance with the provisions of Articles from 67 bis to 74 bis of Law no. 92 of 17 June 2008 and subsequent amendments.

CHAPTER I

CRIMINAL SANCTIONS

Art.26

(Circumvention of freezing measures)

1. Anyone performing acts aimed at circumventing the freezing measures, or knowingly taking part in activities the object or effect of which is, directly or indirectly, to circumvent the freezing measures, shall be punished with third-degree imprisonment, daily fine and disqualification.

Moreover, a pecuniary administrative sanction up to double the value of the frozen assets or funds shall be applied.

Art.27

(Non-compliance with or delay in implementing the blocking provision)

1. Anyone failing to comply with or delaying the measure with which the Agency orders the blocking referred to in Article 11 of this Law shall be punished with first-degree imprisonment or second-degree daily fine. A pecuniary administrative sanction from EUR 10,000 to EUR 100,000 and third-degree disqualification shall also apply.
2. If violations of the obligations are perpetrated by using fraudulent means, the punishments shall be increased by one degree and the pecuniary sanction shall be doubled.

CHAPTER II
ADMINISTRATIVE SANCTIONS

Art.28

(Violations of the provisions on freezing)

1. Unless the fact constitutes a criminal offence, the violation of the provisions referred to in Article 15, paragraph 1 shall be punished with a pecuniary administrative sanction up to double the value of the assets or funds being transferred, disposed of or used.
2. Unless the fact constitutes a criminal offence, the violation of the provisions referred to in Article 15, paragraph 2 shall be punished with a pecuniary administrative sanction up to double the value of the assets or funds made available, directly or indirectly, to individuals, groups or entities included in the lists or allocated to their benefit.

Art.29

(Violations of verification obligations relative to frozen assets or funds)

1. Unless the fact constitutes a criminal offence, the violation of the verification obligation referred to in Article 24, paragraph 1 shall be punished with a pecuniary administrative sanction from EUR 10,000 to EUR 100,000.

Art.30

(Violations of reporting obligations)

1. Unless the fact constitutes a criminal offence, the violation of the reporting obligation referred to in Article 24, paragraphs 2 and 3 shall be punished with a pecuniary administrative sanction from EUR 10,000 to EUR 100,000.

Art.31

(Violations of instructions and circulars)

1. Unless the fact constitutes a criminal offence or a more serious administrative violation, failure to comply with the instructions and circulars issued by the Agency under this Law shall be punished with a pecuniary administrative sanction from EUR 500 to EUR 50,000.

TITLE V
PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Art.32

(Offence of proliferation of weapons of mass destruction)

1. After Article 337 ter of the Criminal Code the following Article shall be added:

“Art.337 quater

(Proliferation of weapons of mass destruction)

1. Anyone who, by any means, including through third parties, promotes, organises, directs or performs acts such as the manufacture, acquisition, possession, development, export, transit, intermediation, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons, their carriage means and related materials, including dual-use technologies and goods used for non-legitimate purposes, against the constitutional order, international law and the statutes of international organisations, shall be punished with sixth-degree imprisonment and fourth-degree disqualification from public offices and political rights.”.

Art.33

(Offence of financing of proliferation of weapons of mass destruction)

1. After Article 337 quater of the Criminal Code, introduced by Article 32 of this Law, the following Article shall be added:

“Art.337 quinquies

(Financing of proliferation of weapons of mass destruction)

1. Anyone who, by any means, including through third parties, receives, collects, holds, sells, transfers, conceals or makes available funds or provides financial services, related services, assistance, including financial assistance, advice or training intended, in whole or in part, to carry out one or more acts of proliferation of weapons of mass destruction, shall be punished with sixth-degree imprisonment and with fourth-degree disqualification from public offices and political rights.”.

TITLE VI
TRANSITIONAL AND FINAL PROVISIONS

Art.34

(Repeal and amendments)

1. The following legislative provisions shall be hereby repealed:
 - a) Article 45 bis of Law no. 92 of 17 June 2008, as introduced by Decree Law no. 82 of 12 July 2013;
 - b) Article 46 of Law no. 92 of 17 June 2008, as amended and integrated by Decree Law no. 82 of 12 July 2013 and by Decree Law no. 197 of 30 December 2015;
 - c) Article 47 of Law no. 92 of 17 June 2008, as amended by Decree Law no. 197 of 30 December 2015;
 - d) Articles 47 bis and 47 ter of Law no. 92 of 17 June 2008, as introduced by Decree Law no. 82 of 12 July 2013;

- e) Article 48 of Law no. 92 of 17 June 2008, as amended by Decree Law no. 197 of 30 December 2015;
 - f) Article 49 of Law no. 92 of 17 June 2008, as amended by Decree Law no. 181 of 11 November 2010 and by Decree Law no. 82 of 12 July 2013;
 - g) Article 50 of Law no. 92 of 17 June 2008, as amended by Decree Law no. 197 of 30 December 2015;
 - h) Article 60 of Law no. 92 of 17 June 2008, as amended by Decree Law no. 197 of 30 December 2015;
 - i) Articles 64 and 65 of Law no. 92 of 17 June 2008.
2. Reference to Article 47 of Law no. 92 of 17 June 2008, as repealed by letter c) referred to in the preceding paragraph and contained in Article 2, paragraph 2 of Delegated Decree no. 137 of 31 October 2008, shall be understood as referring to Article 15 of this Law.
3. In any case of revocation of the freezing order or acceptance of the request for exemption from freezing referred to in paragraph 1 of Article 8 of Delegated Decree no. 137 of 31 October 2008, the administration of assets or funds shall cease, in whole or in part, in accordance with Articles 16, 18 and 19 of this Law.

Art.35
(Entry into force)

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

Done at Our Residence, on 29 March 2019/1718 since the Foundation of the Republic

THE CAPTAINS REGENT
Mirco Tomassoni - Luca Santolini

Guerrino Zanotti
MINISTER OF INTERNAL
AFFAIRS