

**Decree No. 121 of 27 November 2001**

**URGENT PROVISIONS IN VIEW OF THE INTRODUCTION OF THE EURO**

**UNOFFICIAL TEXT**

**NOTICE**

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

- Having regard to articles 1, 7 and 8 of the Monetary Agreement between the Italian Republic, on behalf of the European Community, and the Republic of San Marino, made effective by virtue of Decree No. 19 of 8 February 2001;
- Having regard to the EU Council Framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro;
- Having regard to Council Regulation (EC) No. 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting;
- Whereas there is a strong and urgent need to regulate some aspects of the banking and financial activity, as well as to ensure promptly and comprehensively the protection of the euro from counterfeiting;
- Having regard to Law No. 124 of 16 December 1998 on the “introduction of the euro”;
- Having seen Article 3 of Law No. 59 of 8 July 1974;
- Having seen the Congress of State’s Decision No. 24 of 23 November 2001

Availing Ourselves of Our Faculties,

Decree, promulgate and order the publication of:

Art. 1  
Conversion of accounts and  
issue of paper titles

1. As from the date of the entry into force of this Decree, and after having informally sent direct communication for general information, banks shall be allowed to convert their costumers' accounts denominated in lire into accounts denominated in euro, except where costumers request the bank, in writing and within 15 days, to maintain their accounts denominated in lire until 31 December 2001. Costumers shall be allowed to continue operating their converted accounts in lire, also by issuing checks, until 31 December 2001.

2. The provisions of the preceding paragraph shall also apply to accounts denominated in the currencies of the euro participating Member States; in such cases, the possibility envisaged in the last period of the preceding paragraph shall refer to the original currency of the account.

3. References in checks and other issued paper titles, as well as crediting and debiting on account in lire requested to banks by 31 December 2001 shall be understood as references to the euro unit to be computed on the basis of the corresponding conversion rates. The rounding rules specified in Decree No. 43 of 19 April 1999 shall apply thereto. As from 1 January 2002 checks and other paper titles denominated in lire shall not be issued; if issued, they shall not be valid as credit instruments; as from the same date, banks cannot be requested crediting or debiting on account in lire. In any case, the possibility to deposit banknotes and coins denominated in lire shall remain unaffected until 28 February 2002.

4. The provisions set forth in paragraphs 1, 2 and 3 above shall equally apply to Post Offices and any other agent performing financial activities.

Art. 2

Loss of legal tender status by the Italian lira

1. Banknotes and coins denominated in Italian lire shall remain legal tender until 28 February 2002.

Art. 3

Euro denominated medals and tokens

1. The production, issue, stock, import, distribution and trade of medals, tokens and other metallic objects similar to coins, which bear the words “Euro” or “Euro Cent” or similar writings or reproduce, also partially, the design of the common side or national side of the euro coin shall be forbidden.
2. Any violation of the preceding paragraph shall be punished by terms of an administrative fine the amount of which may be fixed up to 40 percent of the value of the goods and rights forming the object of the violation.
3. Besides the fine referred to in paragraph 2, offenders shall be subject to the payment of an administrative fine ranging from 3,000 lire (1.55 euro) to 30,000 lire (15.49 euro) for each medal, token or metallic object similar to coins that is forbidden under paragraph 1.

For the purpose of assessing violations and applying the corresponding penalties under this article, the provisions set forth in Law No. 41 of 25 April 1996 shall apply, in that they are compatible.

Art. 4

Making or holding of computer programmes, holograms  
and other instruments designated for counterfeiting  
Modification of art. 403 of the Criminal Code

1. In article 403 of the Criminal Code, the following paragraph is added after the first one:  
“The same penalty shall apply where the conduct specified in the first paragraph refers to:  
a) computer programmes or other means peculiarly adapted for the fraudulent making or altering;  
  
b) holograms or other components of the currency which serve to protect notes and coins against  
fraudulent making or alteration”.

Art. 5

After Article 403 of the Criminal Code the following article is added:

“Art. 403 bis  
Fraudulent making of currency in violation of  
the conditions set forth by the competent authorities

1. Anyone manufacturing banknotes or coins by use of legal facilities or materials in violation of the rights or the conditions under which the competent authorities may issue currency, without these authorities’ agreement, shall be punishable by terms of third-degree imprisonment.

2. Anyone fraudulently using, or introducing into the State territory, or acquiring, or receiving such banknotes and coins with a view to using or uttering them shall be punished by terms of the same penalty.”

#### Art. 6

Article 409 of the Criminal Code is superseded by the following:

#### “Art. 409

##### Use of counterfeit currencies and values received in bona fide

- 1) Anyone using or circulating currencies that are legal tender, credit instruments, stamped paper, stamps or other equivalent values received in bona fide, after having found that these are counterfeit, shall be punished by terms of first degree imprisonment and a fine in days.
- 2) The same provision shall equally apply to foreign currencies, values and paper titles.”

#### Art. 7

##### Obligations to withdraw from circulation and hand over euro banknotes and coins suspected of being counterfeit

1. Banks and any other institution engaged in the sorting and distribution of euro banknotes and coins as a professional activity shall be obliged to withdraw from circulation all euro banknotes and coins suspected of being counterfeit and forthwith hand them over to the Office of Banking Supervision.

2. The Office of Banking Supervision can issue provisions implementing the preceding paragraph in respect of the above-indicated entities also with regard to the organisational measures necessary to ensure compliance with the obligations to withdraw and hand over euro banknotes and coins suspected of being counterfeit.

3. The entities referred to in paragraph 1, violating or failing to comply with the provisions issued by the Office of Banking Supervision under the preceding paragraphs, or failing to withdraw from circulation or hand over euro banknotes or coins suspected of being counterfeit, shall be punished by terms of an administrative fine ranging from 4,840,675 lire ( 2,500 euro) to 48,406,750 lire (25,000 euro).

4. The Office of Banking Supervision shall be the authority competent for applying the fine.

5. In the event of judicial investigations involving banks and any other institution engaged in the sorting and distribution of euro banknotes and coins as a professional activity, the Law Commissioner shall avail him/herself of the Office of Banking Supervision to any effect.

## Art. 8

### Cooperation and mutual assistance

1. In applying this Decree and for the purpose of analysis and identification, the Office of Banking Supervision shall transmit all banknotes and coins suspected of being counterfeit, as well as relevant technical and statistical data in its possession, to the national Authorities of other countries entrusted with equal functions. Conversely, it can request such authorities the cooperation and assistance necessary to ensure the repression of counterfeiting currency.

2. The provisions of the preceding paragraph shall apply in such a way as not to prevent the use and preservation of banknotes suspected of being counterfeit as evidence in prosecutions.

#### Art. 9

##### Counterfeiting of euro banknotes and coins that are not legal tender

1. To the effects of the criminal law, euro banknotes and coins that are not yet legal tender, as well as stamps denominated in euro that are not yet legal tender shall be considered equivalent to the currency having legal tender status in the State.
2. The equivalency referred to in the preceding paragraph shall be effective in respect of offences committed prior to 1 January 2002.
3. In respect of the offences referred to in articles 401 and 403 of the Criminal Code committed by the date indicated in paragraph 2, penalties shall be reduced respectively by one degree, except where the defendant has put into circulation counterfeit banknotes, coins and stamps subsequent to such date.

#### Art. 10

##### Conversion of criminal fines



1. As from 1 January 2002 any criminal fine expressed in lire in the legislation in force shall be converted into euro pursuant to the conversion rate irrevocably fixed under art. 4 of Decree No. 43 of 19 April 1999.

2. Where the conversion under the preceding paragraph results in a figure with decimals, the figure shall be rounded by eliminating the decimal points.

#### Art. 11

Substitution of the expression “fine in lire” with “fine”

1. As from 1 January 2002 the expression “fine in lire” shall be replaced, wherever it occurs, with the following: “fine”.

#### Art. 12

1. As from 1 January 2002, art. 84 of the Criminal Code shall be superseded by the following one:

“Art. 84

Fine

With regard to fines, the amount to be paid is fixed by law directly in currency, ranging from a minimum of 250 euro to a maximum of 12,000 euro.”

#### Art. 13

Repealing

1. Any rule in conflict with this Decree shall be repealed.

*Done at Our Residence, on 27 November 2001*

THE CAPTAINS REGENT

*Alberto Cecchetti - Gino Giovagnoli*

THE MINISTER OF THE INTERIOR

*Fiorenzo Stolfi*