



AW No. 13 of April 19, 1979

# REPUBLIC OF SAN MARINO

## LAW REGULATING DIPLOMATIC MISSIONS AND CONSULAR POSTS

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

*Promulgate and order the publication of this law approved by the Great and General Council during its sitting of April 19, 1979.*

### **Art. 1**

1. The Republic of San Marino, in its relations with other States and International Organizations and Institutions, avails itself of its diplomatic representations consisting of Embassies and Legations in the receiving States and Permanent Missions and Delegations accredited to International Organizations or Institutions, which are referred to in this Law as diplomatic missions.
2. The Republic also avails itself of its Consular Posts abroad, including Consulates General, Consulates, Vice Consulates and Consular Agencies.
3. Diplomatic Missions and Consular Posts are headed and held pursuant to the provisions of international law, Conventions, Treaties, Protocols and customs.
4. The Great and General Council shall ratify any agreement establishing official relations with other States, any membership in or accession to International Organizations, Conventions and Agreements, as well as any termination or shutting of diplomatic missions on proposal of the Secretary of State for Foreign Affairs, having heard the Parliamentary Commission for Foreign Affairs.

### **Art. 2**

1. The Congress of State shall decide, on proposal of the Secretary of State for Foreign Affairs and having heard the Parliamentary Commission for Foreign Affairs, on the appointment, posting, reposting and functions of diplomatic agents and consular officers.
2. Such decisions shall be immediately notified to the Great and General Council.
3. Diplomatic agents and consular officers shall be recruited:
  - a) from among the staff of the Secretariat of State for Foreign Affairs who are career diplomats or consular officers;
  - b) from among San Marino citizens, employed or not in the Public Administration;
  - c) from among non San Marino citizens, if circumstances do not allow otherwise.

**Art. 3**

1. All diplomatic agents and consular officers recruited pursuant to Art. 2 shall comply with this Regulation and with the provisions contained in the Law on Public Employment.
2. Diplomatic agents and consular officers employed in the Public Administration shall preserve their posts and be entitled to enjoy any other right linked to their original working relationship, as if they served in the Public Administration.
3. The relationship between the State and the diplomatic agents and consular officers not employed as career diplomatic staff is governed by terms of contracts that can be periodically renewed and that are approved by the Congress of State on proposal of the Secretary of State for Foreign Affairs and having heard the Parliamentary Commission for Foreign Affairs, prior to notification to the Great and General Council during its next sitting.
4. Such contracts, indicating the prerogatives and privileges inherent to the functions of diplomatic agents and consular officers shall specify: the duration of the mandate, the commitments and obligations taken, the compensation for diplomatic agents and consular officers, for the technical and administrative staff of the mission and for the consular staff, as well as the circumstances under which the contract may be terminated.
5. The staff organization referred to above is in any case made public in the forms prescribed by law.
6. Consultants and experts, appointed by the Congress of State on proposal of the Secretary of State for Foreign Affairs, may be posted to diplomatic missions and consular posts and shall be subject to the provisions of this Law.

**Art. 4**

7. The Congress of State, on proposal of the Secretary of State for Foreign Affairs and pursuant to the provisions of this Law and of relevant international Conventions, may:
  - a) appoint diplomatic agents and consular officers to two or more States;
  - b) entrust diplomatic agents and consular officers with the performing of itinerant activities, specifying case by case the relevant location, tasks and duties;
  - c) decide on the participation in congresses and conferences, as well as on the designation of technical experts to represent the Republic under special circumstances;
  - d) establish special diplomatic missions or appoint extraordinary ambassadors for temporary missions.

**Art. 5**

1. The Heads of Mission or Consular Posts, whose function and rank is determined pursuant to Annex A, shall be accredited by virtue of the Letters of the Captains Regent.
2. The other diplomatic agents and consular officers referred to in Annex A shall be accredited by virtue of notification by the Secretary of State for Foreign Affairs.
3. The Congress of State, on proposal of the Secretary of State for Foreign Affairs, in case of impediment or absence of the Head of Mission or Consular Post and under special circumstances of emergency or need,

## TRANSLATION

may, as an extraordinary measure, attribute the functions of Head of Mission or Consular Post to the diplomatic agent or consular officer with the highest rank in the Mission or Consular Post. Such agent or officer shall take the function of *Chargé d’Affaires ad interim* or Acting Head of Post.

4. Such extraordinary mandate shall last no longer than 4 months.
5. The Congress of State shall be competent to give the agrément to the Heads of diplomatic missions and consular posts of foreign States accredited to the Republic.
6. The contracts referred to in Art. 3 shall be renewed every other year.

### **Art. 6**

1. Diplomatic Missions and Consular Posts shall perform, at the international level, all activities referring to the State and its subjects, in conformity with the provisions of this Law, of the relevant international Conventions in force and on the basis of the guidelines and instructions issued by the Secretariat of State for Foreign Affairs.
2. In particular, the functions of a Diplomatic Mission consist in:
  - a) representing the Republic in the receiving State;
  - b) protecting in the receiving State the interests of the Republic and of its nationals within the limits permitted by international law;
  - c) negotiating agreements with the Government of the receiving State;
  - d) ascertaining conditions and developments in the receiving State, reporting thereon to the Secretariat of State for Foreign Affairs;
  - e) promoting friendly relations and furthering the development of commercial, economic, cultural and scientific relations between the Republic and the receiving State;
  - f) protecting the political interests of the San Marino Community;
  - g) supervising the activity of the Consular Posts established in the receiving State.
3. If no Consular Post is present in the State where a Mission has been established, such Mission shall also perform the functions generally attributed to a Consular Post.
4. Permanent Missions or Delegations to International Organizations and Institutions shall be held by Heads of Mission.

### **Art. 7**

1. The functions of a Consular Post consist in:
  - a) protecting in the receiving State the interests of the Republic and of its nationals, both individuals and bodies corporate;
  - b) helping and assisting nationals, both individuals and bodies corporate, of the Republic;
  - c) protecting San Marino working emigrants;
  - d) keeping a register of San Marino nationals living in their consular district, acting as a civil registrar and performing certain functions of an administrative nature;

- e) periodically convening meetings of the San Marino Community, and between the latter and the representatives of the Republic;
- f) furthering cultural, assistance and social activities of the San Marino Community;
- g) increasing knowledge of the Republic abroad and promoting any economic activity in the interests of the Republic and of its nationals;
- h) fulfilling, in conformity with the international law, the functions set out by the San Marino law and by the international Conventions, in particular in civil, notarial, administrative and jurisdictional matters.

**Art. 8**

If the Head of Diplomatic Mission or Consular Post is unable to carry out his/her functions for more than 15 days, he/she must obtain the prior authorization by the Secretariat of State for Foreign Affairs. In any case, the Head of Mission or Consular Post, shall ensure the proper working of the Mission or Consular Post.

**Art. 9**

1. Except for cases of emergency or absolute need to safeguard San Marino nationals and their interests and to protect the prestige and political interests of the Republic, no initiative may be autonomously taken by Diplomatic Missions and Consular Posts without the prior authorization or consent of the Secretariat of State for Foreign Affairs, which shall impart instructions, as appropriate, to be strictly complied with by diplomatic agents and consular officers.
2. Any relevant step, contact, meeting, talks, ceremony or act performed either by or in respect of Diplomatic Missions or Consular Posts shall be promptly notified to the Secretariat of State for Foreign Affairs which shall impart instructions as appropriate.
3. In any case, the Head of Mission or Consular Post shall be responsible for any act or action having political and international effects.

**Art. 10**

1. Each Diplomatic Mission and Consular Post shall periodically prepare and transmit a report, except where emergency requires immediate communication, on the activities conducted, the relations maintained and any general fact or event which may be of interest for the Republic, for international politics and relations with the receiving State, as well as on issues affecting the San Marino Communities residing in their respective districts.
2. Diplomatic Missions and Consular Posts shall propose to the Secretariat of State for Foreign Affairs any initiative useful the policy-making and for the interests of the Republic and the San Marino Communities residing in their respective districts.

**Art. 11**

1. Diplomatic agents and consular officers, in their capacity as State officers, shall:
  - a) swear allegiance to the Republic and its institutions before the Captains Regent, prior to taking the functions assigned to them;

- b) reside on a permanent basis in the area where the Diplomatic Mission or Consular Post is located. Such provision shall not apply to itinerant agents or agents accredited to two or more other States, nor to agents in respect of whom the contract referred to in art. 3 specifies otherwise;
  - c) not hold other posts during the fulfilment of their mandate that are incompatible with their functions, in particular elective posts of a political or union nature, unless the contract referred to in art. 3 provides otherwise;
  - d) limit their diplomatic and consular action to the receiving State unless a special mandate otherwise requires;
  - e) not interfere in any way in the domestic politics of the receiving State and abstain from any declaration that may perturb relations between the Republic and the receiving State and between the latter and third States;
  - f) not use the diplomatic or consular premises for purposes incompatible with or foreign to diplomatic and consular functions.
2. Diplomatic agents and consular officers shall address to the Secretariat of State for Foreign Affairs, to which they are answerable, for any official relation with other state authorities of the Republic.
  3. The Heads of Diplomatic Missions and of Consular Posts shall, for the purpose of reporting on their activity, periodically meet the Secretary of State for Foreign Affairs, who may convene diplomatic agents and consular officers whenever appropriate.

#### **Art. 12**

1. Each Diplomatic Mission and Consular Post shall be provided with an emblem reproducing the official coat-of-arms of the Republic and the official denomination of the San Marino representation. The emblem shall be displayed outside the building occupied by the Diplomatic Mission or Consular Post.
2. Each Diplomatic Mission and Consular Post shall be provided with the flag of the Republic, which shall be flown during San Marino national holidays and during the national holidays of the receiving States, according to international customs.
3. Each Diplomatic Mission and Consular Post shall be provided with a collection of all Laws and Decrees of the Republic and regularly update such collection.

#### **Art. 13**

1. The Secretariat of State for Foreign Affairs and, if appropriate, the Congress of State shall adopt, within the provisions of this Law and of the laws in force, the most appropriate technical and administrative measures to ensure the best functioning of Diplomatic Missions and Consular Posts.
2. The Secretariat of State for Foreign Affairs shall issue guidelines and instructions of a general and special nature which diplomatic agents and consular officers shall strictly execute.

#### **Art. 14.**

1. The Captains Regent may issue a special Regency Decree to establish a Diplomatic Mission or Consular Post for the implementation of international agreements or conventions approved by the Great and General Council.
2. Such Decree shall in any case specify the staff of each Diplomatic Mission or Consular Post.

3. As regards the establishment of Consular Posts, such Decree shall also specify the consular district.

**Art. 15**

1. The issuance of diplomatic passports shall be regulated by a special legislation issued by the Great and General Council.

**Art. 16**

1. The provisions of 10 February 1892 Law in conflict with this Law are repealed.
2. This Law shall enter into force on the day of its legal publication.

*Done at Our Residence, on April 23, 1979*

THE CAPTAINS REGENT

*Marino Bollini - Lino Celli*

THE SECRETARY OF STATE  
FOR THE INTERIOR

*Alvaro Selva*

## ANNEX A

## DIPLOMATIC CAREER

## RANK AND FUNCTIONS

## AMBASSADOR

Head of Diplomatic Mission

ENVOY EXTRAORDINARY AND  
MINISTER PLENIPOTENTIARYHead of Diplomatic Mission  
Minister at Diplomatic Mission  
Minister-Counsellor at Diplomatic Mission

## EMBASSY COUNSELLOR

First Counsellor at Diplomatic Mission  
Head of Consulate General  
Acting Consul General at Consulate General

## LEGATION COUNSELLOR

Counsellor at Diplomatic Mission  
Consul at Consulate General  
Head of Consulate GeneralFIRST SECRETARY OF EMBASSY  
FIRST SECRETARY OF LEGATIONFirst Secretary at Diplomatic Mission  
Head of Consulate  
Acting Consul at Consulate General or Consul at Consulate  
GeneralSECOND SECRETARY OF EMBASSY  
SECOND SECRETARY OF LEGATIONSecond Secretary at Diplomatic Mission  
Head of Vice-Consulate  
Vice-Consul at Consulate General

## ATTACHE' OF LEGATION

Second Secretary at Diplomatic Mission  
Vice-Consul at Consulate General or at Consulate