



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 19 July 2012:

LAW NO. 100 OF 30 JULY 2012

AMENDMENTS TO LAW NO. 13 OF 19 APRIL 1979 “LAW REGULATING DIPLOMATIC MISSIONS AND CONSULAR POSTS”

Art. 1

Article 1 of Law no. 13 of 19 April 1979 shall be replaced as follows:

“Art.1

In its relations with other States and International Bodies and Organisations, the Republic of San Marino shall avail itself of its diplomatic representations, which are divided into Embassies to States and Missions and Permanent Delegations to International Bodies or Organisations, which are called Diplomatic Missions.

The Republic shall also avail itself of Ambassadors and Ministers at large, who are entrusted with specific tasks by the Congress of State and the Minister of Foreign Affairs.

In addition the Republic shall avail itself of its Consular Posts abroad, which are divided into Consulates General and Consulates.

Diplomatic Missions and Consular Posts shall be governed and operate on the basis of what is established by law, as well as by conventions, treaties and international custom.

The Great and General Council shall ratify agreements for the establishment of official relations with other States, acts of accession to international organisations, conventions and agreements, as well as acts of suppression or closure of Diplomatic Missions and Consular Posts, which shall be approved by the Congress of State upon proposal of the Minister of Foreign Affairs, after consulting the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration, Security and Public Order, Information.”.

Art. 2

Article 2 of Law no. 13 of 19 April 1979 shall be replaced as follows:

“Art.2

The Congress of State shall decide, upon proposal of the Minister of Foreign Affairs and with subsequent acknowledgement by the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration, Security and Public Order, Information, on the appointment, destination, transfer and qualification of Diplomatic and Consular Agents.

Diplomatic Agents shall be recruited:

- a) from among career diplomats of the Foreign Affairs Department;
- b) from among San Marino nationals;
- c) from among foreigners, if it appears appropriate to do so or if it is difficult to do otherwise.

Diplomatic staff may also perform consular functions. Consular

Agents shall be recruited:

- a) from among San Marino nationals;
- b) from among foreigners, if it appears appropriate to do so or if it is difficult to do otherwise.”.

Art. 3

Article 3 of Law no. 13 of 19 April 1979 shall be replaced as follows:

“Art. 3

The relationship between the State and Diplomatic and Consular Agents shall be governed by special agreements renewable every two years, which shall be approved by the Congress of State upon proposal of the Minister of Foreign Affairs and with subsequent acknowledgement of the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration, Security and Public Order, Information.

These agreements shall indicate the prerogatives and privileges connected with the functions of the Diplomatic and Consular Agents and shall provide for the following: assumption of obligations and charges, any remuneration for Diplomatic Agents who are not career diplomats, any reimbursements for Consular Agents and the circumstances that may lead to early termination of the assignment.

The assignment may in any case be revoked at any time by the Congress of State with a 60 days' notice.

The remuneration of Diplomatic Agents who are career diplomats shall be provided for in the specific legislation covering them and, in case of service at San Marino Missions abroad, such remuneration shall be governed by the regulations related to the above mentioned legislation.

For Diplomatic Agents who are not career diplomats, the Congress of State may provide for the reimbursement of expenses incurred for duly authorised activities and/or the payment of a fee.

Consular Agents shall provide their services free of charge. If this is necessary for the effective performance of consular activities, the Congress of State may provide for the reimbursement of expenses incurred for duly authorised activities or the payment of a fee or a lump sum reimbursement of expenses.

Diplomatic Missions and Consular Posts may recruit administrative staff under private law contracts, subject to authorisation by the State Congress.

Diplomatic and Consular Agents shall not take up positions incompatible with the diplomatic or consular function under the provisions in force and shall be required to resign from such positions if they hold them at the time of signing the agreement.

The position of Consular or Diplomatic Agent shall be incompatible with that of member of the Great and General Council. If a member of the Great and General Council enters the diplomatic or consular career, he shall resign from Parliament within three months of his appointment.

All diplomatic and consular offices shall also be incompatible with the office of President or Vice-President, Secretary General or Director or a similar function within employers' and workers' organisations, President or Vice-President of the Communities of San Marino citizens abroad, delegate or representative of the Communities to the Consulta of San Marino citizens abroad.

Diplomatic and Consular Agents shall promptly inform the Ministry of Foreign Affairs of any pending criminal proceedings against them in any country. The Congress of State may decide to revoke the assignment with immediate effect.

The Congress of State shall also decide to revoke the assignment with immediate effect in case of conduct that is prejudicial to the prestige and interests of the Republic.

Diplomatic and Consular Agents employed by the Public Administration who, at the time of entry into force of this Law, already serve in an office abroad, shall have the right to maintain their post as permanent staff and acquire any other right related to the original employment relationship, as if they had served in the Republic.”.

Art. 4

Article 4 of Law no. 13 of 19 April 1979 shall be replaced as follows:

“Art. 4

The Congress of State, upon proposal of the Minister of Foreign Affairs and on the basis of the provisions of this Law and of the relevant international conventions, shall be competent to:

- a) appoint Diplomatic and Consular Agents and indicate their accreditation;
- b) appoint the Diplomatic Agents at large, with their destination, tasks and duties to be determined on a case-by-case basis;
- c) decide on participation in international conferences and congresses and designate the delegation representing the Republic;
- d) establish special and extraordinary diplomatic delegations for temporary missions.

The Congress of State shall also be competent to grant the agrément to Diplomatic and Consular Agents of foreign States, who are accredited to the Republic ”.

Art. 5

Article 5 of Law no. 13 of 19 April 1979 shall be replaced as follows:

“Art.5

The Heads of Mission and the holders of Consular Posts, whose title and rank are determined according to the provisions of Annex "A", shall be accredited by the Captains Regent through their letter.

The other Diplomatic and Consular Agents listed in Annex "A" shall be accredited through notification of the Minister of Foreign Affairs.

In the event of absence or impediment of the Head of a Diplomatic Mission or Consular Post and in particular cases of urgency or need, and upon proposal of the Minister of Foreign Affairs, the Congress of State may exceptionally confer the functions of Head of Mission or Consular Post on the Diplomatic or Consular Agent of a higher rank of the same Mission or Post, who shall take on the office of interim Chargé d'Affaires or acting Head of the Consular Post respectively.”.

Art. 6

Article 11, letter c) of Law no. 13 of 19 April 1979 shall be replaced as follows:

“c) not hold, during their mandate, any office incompatible with the functions performed, in accordance with the provisions of Article 3 above, or any elected political office.”.

Art. 7

Article 12, paragraph 4 of Law no. 13 of 19 April 1979 shall be replaced as follows:

“Similarly, each Diplomatic Mission and each Consular Post shall have access to the laws and decrees of the Republic and shall be required to make them available to any requesting interested parties or to inform them about access modalities through electronic means.”.

Art. 8

Article 14, paragraph 1 of Law no. 13 of 19 April 1979 shall be replaced as follows:

“The Captains Regent shall be authorised to issue a special delegated decree for the opening of each Diplomatic Mission or Consular Post in execution of international agreements and conventions ratified by the Great and General Council.”.

Art. 9

The remunerations referred to in the fourth paragraph of Article 3 above shall continue to be governed by the conventions in force, pursuant to Article 64 of Law no. 200/2011, until the entry into force of the Law amending Law no. 105/1993.

Art. 10

The last paragraph of Article 9 of Law no. 13 of 19 April 1979 shall be repealed.

Art. 11

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

Done at Our Residence, on 30 July 2012/1711 since the Foundation of the Republic

THE CAPTAINS REGENT
Maurizio Rattini – Italo Righi

THE MINISTER OF
INTERNAL AFFAIRS
Valeria Ciavatta

ANNEX "A"

RANKS AND FUNCTIONS

Diplomatic Agents

Ambassador - Head of Diplomatic Mission Ambassador
at large
Envoy Extraordinary and Head of Diplomatic Mission
Minister Plenipotentiary - Minister at a Diplomatic Mission
Minister-Counsellor at a Diplomatic Mission
Minister at large
Embassy Counsellor - First Counsellor at a Diplomatic Mission Embassy Counsellor
- Second Counsellor at a Diplomatic Mission First Embassy Secretary - First
Secretary at a Diplomatic Mission
Second Embassy Secretary - Second Secretary at a Diplomatic Mission

Consular Agents

Head of Consulate General (Consul General) Consul at
a Consulate General
Head of Consulate (Consul)
Vice-Consul at a Consulate General or at a Consulate Consul at
large (until applicable)

