



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 of 2005 and Article 6 of Qualified Law no.186 of 2005;
Promulgate and make public the following ordinary law approved by the Great and General Council in its sitting of 21 July 2009.*

LAW NO. 101 OF 22 JULY 2009 [and subsequent amendments]

PROVISIONS REGULATING THE ISSUANCE OF DIPLOMATIC AND SERVICE PASSPORTS

Art. 1

1. *[as amended by paragraph 1 of article 31 of Law no. 147/2017]* The Secretariat of State for Foreign Affairs shall be authorised to issue diplomatic and service passports, which shall be signed by the Captains Regent and by the Secretary of State for Foreign Affairs or, in his/her absence, by the Director of the Department of Foreign Affairs.
2. With regard to technical requirements, diplomatic passports shall comply with the recommendations adopted by the International Civil Aviation Organization (ICAO).

Art. 2

1. Diplomatic passports shall be issued to:
 - a) Their Excellencies the Captains Regent *pro tempore*, their spouses and their cohabitant dependant children up to 18 years of age, with validity corresponding to the duration of their mandate; in case the Captains Regent *pro tempore* fall into the categories specified in letters b) and c) of this Article, their preceding diplomatic passports shall be kept by the Department of Foreign Affairs and returned at the end of their mandate;
 - b) the Secretaries of State and their cohabitant spouses, with validity corresponding to the duration of the Legislature;
 - c) the members of the Great and General Council, with validity corresponding to the duration of the Legislature;
 - d) *[as amended by paragraph 2 of article 31 of Law no. 147/2017]* the Diplomatic Agents referred to in Laws no. 105 of 16 September 1993 and no. 13 of 19 April 1979, and subsequent amendments, who are regularly in service, and their spouses. The diplomatic passport shall have a validity of four years;
 - e) minor children living with the Diplomatic Agents referred to in Laws no. 105 of 16 September 1993 and no. 13 of 19 April 1979, and subsequent amendments, who actually reside in the State

or at the International Organisation of accreditation, with validity corresponding to that of the parent Diplomatic Agent's passport;

- f) *[as amended by paragraph 3 of article 31 of Law no. 147/2017]* the Director of the Department of Foreign Affairs, with validity corresponding to the duration of the Legislature;
 - g) the officials of the Department of Foreign Affairs, whether or not they have entered upon the diplomatic career, with validity of 5 years.
 - h) *[added by article 1 of Law no. 9/2011 and modified by paragraph 4 of article 31 of Law no. 147/2017]* consular representatives at consular posts, under Law no. 13 of 19 April 1979, regularly in service at Embassies and Consulates, and their respective spouses. The diplomatic passport shall have a validity of four years.
2. In case the holder resigns from his/her functions before the expiry date of the passport, the latter shall be returned to the Department of Foreign Affairs for its annulment.
 3. In compliance with the provisions of paragraph 2 of Article 1, minor children shall not be included in the holder's diplomatic passport, since it is a strictly personal document. An individual passport shall be issued to them.
 4. The holding of more than one diplomatic passport at the same time shall not be admitted.

Art. 3

1. *[as modified by article 2 of Law no. 9/2011]* Diplomatic agents and consular representatives shall use their diplomatic passport exclusively when travelling for reasons connected with the position they hold or the task assigned to them. This shall be communicated in writing to the Secretary of State for Foreign Affairs.
2. It is absolutely prohibited to use diplomatic passports for purposes other than those provided for in this Law.

Art. 4

1. Even if not expired, diplomatic passports shall be withdrawn upon decision of the Secretary of State for Foreign Affairs when the holder, for any reason, no longer meets the requirements referred to in this Law, in Laws no. 105 of 16 September 1993 and no. 13 of 19 April 1979, and subsequent amendments.
2. *[as modified by article 3 of Law no. 9/2011]* Even if not expired, diplomatic passports held by the spouses of the holders referred to in letters b), d) and h) of Article 2 shall be withdrawn upon decision of the Secretary of State for Foreign Affairs in case of separation or declaration of nullity or termination of civil effects of marriage.

Art. 5

1. The specimen of diplomatic and service passports shall be recorded in the minutes of the Great and General Council and reproduced in the Attachment to this Law.
2. The essential characteristics of diplomatic and service passports and the relevant issuance costs shall be illustrated in a specific decree.

Art. 6

1. Diplomatic passports shall be issued to the Captains Regent and the Secretaries of State, and their spouses, as well as the members of the Great and General Council, upon their taking office.
2. Diplomatic passports shall be issued to the diplomatic representatives and their family members after the Country or the International Organisation of accreditation has granted the relevant agrément.
3. *[as modified by article 4 of Law no. 9/2011]* Diplomatic passports shall be issued to diplomatic

representatives at large after the signature of the Convention with the Ministry of Foreign Affairs.

4. *[added by article 5 of Law no. 9/2011]* Diplomatic passport shall be issued to consular representatives at consular posts, under Law no. 13 of 19 April 1979, regularly in service at Embassies and Consulate, after the Country of accreditation has granted the relevant agrément.

Art. 7

1. Service passports, having the same technical characteristics and issuance modalities as diplomatic passports, shall be issued by the Secretary of State for Foreign Affairs, upon reasoned request of the interested party or his/her Director or Head of Service, for actual and reasoned service purposes, to:

- a) high-ranking officials of the State, both civil and military, in case they are appointed as members of official delegations to conferences or for visits abroad, or in any other exceptional cases;
- b) administrative staff of the Public Administration on mission abroad;
- c) *[as amended by paragraph 5 of article 31 of Law no. 147/2017]* Directors of the Departments and Private Secretaries on mission abroad;
- d) *[eliminated by article 6 of Law no. 9/2011]*
- e) administrative staff on active duty at Embassies and Consulates;
- f) *[eliminated by paragraph 6 of article 31 of Law no. 147/2017];*
- g) cohabitant dependant children of the Secretaries of State up to 18 years of age;
- h) State chauffeurs when performing their tasks;
- i) spouses and cohabitant dependant children up to 18 years of age of the members of the Great and General Council.

2. With regard to technical requirements, service passports shall comply with the recommendations adopted by the International Civil Aviation Organization (ICAO).

Art. 8

1. *[as amended by paragraph 7 of article 31 of Law no. 147/2017]* Service passports shall be valid for four year.

Art. 9

1. Any loss and theft of diplomatic or service passports shall be immediately reported to:

- a) a Corps of the Police Department, which shall inform the Department of Foreign Affairs thereof, if occurred on the territory of the Republic;
- b) the competent Police Authorities and communicated to the Diplomatic or Consular Representation of the Republic of San Marino or to the Department of Foreign Affairs, if occurred abroad.

2. Having received the report referred to in the preceding paragraph, the Department of Foreign Affairs shall declare that the lost or stolen diplomatic or service passport is no longer valid and inform INTERPOL thereof so that it can be included in its Stolen and Lost Travel Documents (SLTD) database.

3. Any lost or stolen diplomatic or service passport which is subsequently found shall be immediately handed over to the Department of Foreign Affairs for its destruction, which shall be put on record.

4. Upon issuance of a new diplomatic or service passport, the Department of Foreign Affairs shall annul the preceding still valid passport.

Art. 10

1. The Department of Foreign Affairs – Directorate of Political Affairs – shall be responsible for preparing the documents concerning the issuance of diplomatic or service passports and for

updating the relevant archive.

2. The application form, to be signed and duly compiled by the interested party, shall be accompanied by the following documents:

- a) certificate of birth;
- b) certificate of citizenship;
- c) criminal record and certificate of pending charges, issued by the Country of residence of the interested party;
- d) two recent photographs having the characteristics required for the issuance of ordinary passports.

Art. 11

1. Law no. 25 of 10 March 1989 and any other provision in conflict with this Law are repealed.
2. Diplomatic or service passports issued prior to the entry into force of this Law shall remain valid until the expiry date.

Art. 12

1. This Law shall enter into force on the 15th day following that of its official publication.

Done at Our Residence on 22 July 2009/1708 since the Foundation of the Republic

THE CAPTAINS REGENT
Massimo Cenci – Oscar Mina

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS
Valeria Ciavatta