



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 to 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 18 January 2023:

LAW no. 14 of 1 February 2023

REGULATION OF THE DIPLOMATIC AND CONSULAR SERVICE OF THE REPUBLIC OF SAN MARINO

Art. 1 *(Preamble)*

1. Diplomatic and consular officials and agents of the Republic of San Marino shall base their action on the principles of the Declaration of the Citizens' Rights and Fundamental Principles of San Marino Legal System and shall implement the foreign policy guidelines expressed by the Great and General Council, the Congress of State and the Ministry of Foreign Affairs.
2. They shall represent, promote and protect the interests of the Republic of San Marino in the international context, both bilateral and multilateral. Because of their important task and of their high responsibility, they shall perform their service with dedication, loyalty, decorum and sense of State.

Art. 2 *(Definitions)*

1. For the purposes of this Law, the following definitions shall apply:
 - a) “consular agent” shall mean an honorary consul who is not a career diplomat and therefore not subject to public employment regulations as regards social security, health, administrative and remuneration aspects;
 - b) “diplomatic agent” shall mean a diplomat who is not a career diplomat and therefore not subject to public employment regulations as regards social security, health, administrative and remuneration aspects;
 - c) “diplomatic official” shall mean a career diplomat who is employed in the public administration for all aspects, mainly related to social security, health and remuneration, which are not defined or regulated by this Law;
 - d) “diplomatic missions” shall mean embassies to States and permanent missions and delegations to international organisations;

- e) “State or International Organisation of accreditation” shall mean the country or international organisation, which grants San Marino diplomatic officials and agents the necessary status qualifying them as accredited diplomats;
- f) “consular offices” shall mean honorary general consulates, honorary consulates and consular sections at embassies;
- g) “Head of consular section” shall mean a diplomatic official or diplomatic agent assigned to a diplomatic mission, who is responsible for carrying out consular functions within the diplomatic representation accredited to a country.

TITLE I DIPLOMATIC CAREER

CHAPTER I STATUS AND ACCESS TO DIPLOMATIC CAREER

Art. 3

(Legal status and ranks of career diplomatic officials)

1. Due to the nature of the specific functions assigned to career diplomatic officials, diplomatic career shall be governed by the provisions of this Law.
2. On account of the specific nature of the functions performed, the employment relationship of diplomatic officials shall be subject to availability:
 - to be assigned to missions abroad;
 - to go on business trips abroad;
 - to be assigned temporary and extraordinary tasks abroad;
 - to have flexible working hours;
 - to be on call also outside office hours;
 - to attend refresher and training courses.
3. For aspects not specifically regulated by this Law and its Annexes, diplomatic officials shall be considered public employees for all legal purposes, subject to the general rules governing public administration. Diplomatic officials accredited to a strategic mission shall have their registered residence in San Marino.
4. For tax purposes, diplomatic officials shall be resident citizens for all intents and purposes. Any rules that link tax benefits to actual residence in the territory shall be interpreted in the sense most favourable to the official, by eliminating any taxation differences.
5. Immunities, prerogatives and privileges inherent in the legal status of a diplomatic official accredited to a diplomatic mission shall be recognised by international agreements and conventions.
6. Diplomatic career ranks shall be as follows:
 - a) Ambassador;
 - b) Minister Plenipotentiary;
 - c) Embassy Counsellor;
 - d) First Secretary;
 - e) Second Secretary.

Art. 4

(Access to diplomatic career)

1. The essential requirements for access to the diplomatic career shall be the following:

- a) San Marino citizenship;
 - b) master's degree in international and diplomatic, legal, political, economic subjects or humanities, or qualification obtained abroad and considered equivalent;
 - c) knowledge of two foreign languages, written and spoken, to be specified in the competition announcement;
 - d) not having attained 35 (thirty-five) years of age;
 - e) not having been convicted in San Marino and abroad by a criminal judgement having the force of *res judicata* for crimes committed intentionally, also provided for as such under San Marino law, and not having been punished with more than one year's imprisonment or disqualification from public offices;
 - f) not being subject to ongoing criminal proceedings in San Marino and abroad for crimes committed intentionally, also provided for as such under San Marino law, and not having been punished with more than one year's imprisonment or disqualification from public offices.
2. The diplomatic career shall be accessed with the rank of Second Secretary exclusively following a public competition based on qualifications and examinations issued by the Congress of State, upon proposal of the Minister of Foreign Affairs, with subsequent acknowledgement by the Permanent Parliamentary Commission for Foreign Affairs.
3. In the case of candidates who have held an office in an international organisation for a minimum period of 8 (eight) years, the requirement in paragraph 1 d) of this Article shall be raised to 50 (fifty) years of age. In this case, the rank for access to the diplomatic career shall be determined taking into account the years of service in the international organisation, as provided for in Article 9, paragraph 2, letter a).
4. No access to the diplomatic career shall be permitted, nor shall any transfer to it from other careers, roles or qualifications in the public administration, except in the cases referred to in Article 31 of this Law.
5. The public competition shall be held in accordance with the general rules governing competitions laid down in Law no. 107 of 31 July 2009 and subsequent amendments.

Art. 5

(Oath)

1. Upon appointment, diplomatic officials shall be required to take an oath of allegiance to the Republic and its Institutions before Their Excellencies the Captains Regent.

Art. 6

(Remuneration of diplomatic officials)

1. The remuneration of diplomatic officials shall be defined in Annex A to this Law.
2. Remuneration for the assignment of diplomatic officials to a representation abroad shall be defined in Annex B to this Law.

Art. 7

(Incompatibilities)

1. The incompatibility rules for public administration employees shall apply to diplomatic officials.
2. The roles of diplomatic official and diplomatic or consular agent shall also be incompatible with that of member of the Great and General Council under Article 18 of Law no. 6 of 31 January 1996.

3. The role of diplomatic official shall also be incompatible with elective offices in trade unions, professional associations and political parties and movements. However, the right to join trade unions, in the same way as public employees, shall remain unaffected.

4. At the time of recruitment, diplomatic officials shall have resigned from any incompatible office under paragraphs 1, 2 and 3 of this Article.

5. Diplomatic officials shall be obliged to declare in writing any shareholding exceeding 1% of the share capital of companies referred to in Law no. 47 of 23 February 2006 and subsequent amendments, or of equivalent entities incorporated in a foreign country, at the time of access to the diplomatic career or at the time of acquisition of the above shares.

Art. 8

(Extraordinary leave of absence for a post held in an international organisation)

1. Without prejudice to the provisions of Law no. 41 of 22 December 1972 and of Delegated Decree no. 110 of 2 August 2012, diplomatic officials temporarily employed in international organisations shall be granted an extraordinary leave of absence. Extraordinary leave of absence shall be granted by Congress of State Decision upon proposal of the Minister of Foreign Affairs.

2. Extraordinary leave of absence shall be granted up to a maximum of 3 years, with the possibility of extension for a further 2 years.

3. During extraordinary leave of absence, no ordinary and extraordinary remuneration of any kind shall be paid. The Congress of State, upon proposal of the Minister of Foreign Affairs, when authorising a diplomatic official's extraordinary leave of absence, may consider, on the basis of the relevance of the activity carried out in the international organisation, the years of leave for career advancement purposes.

4. At the end of the extraordinary leave of absence, the diplomatic official shall resume service with the career rank and at the conditions prior to the leave. A diplomatic official who had held the rank of Embassy Secretary for less than three years shall resume service with the rank of Second Secretary. A diplomatic official who had held the rank of Embassy Secretary for more than three years shall resume service with the rank of First Secretary.

5. The granting of extraordinary leave of absence referred to in this Article shall be subject to the approval of the Permanent Parliamentary Commission for Foreign Affairs.

CHAPTER II

DIPLOMATIC CAREER ADVANCEMENT

Art. 9

(Diplomatic career advancement)

1. The decision on advancement in the ranks of diplomatic career shall be adopted by the Congress of State, subject to the achievement of the strategic objectives assigned, upon reasoned proposal of the Minister of Foreign Affairs and with subsequent acknowledgement of the Permanent Parliamentary Commission for Foreign Affairs, as provided for in this Article.

2. Advancement in the ranks of diplomatic career shall be subject to the following requirements:

a) *Attainment of seniority:*

i. to qualify as First Secretary: three years of service with the rank of Second Secretary;

ii. to qualify as Embassy Counsellor: five years of service with the rank of First Secretary;

- iii. to qualify as Minister Plenipotentiary: seven years of service with the rank of Embassy Counsellor;
 - iv. to qualify as Ambassador: nine years of service with the rank of Minister Plenipotentiary.
 - b) *Activity carried out in missions abroad and at the Foreign Affairs Department:*
to qualify as Minister Plenipotentiary, diplomatic officials shall have completed at least three years of service in a diplomatic mission abroad and at least three years of service at the Foreign Affairs Department, even if not continuous, during previous career ranks.
This provision shall be waived if diplomatic officials are prevented from working abroad or at the Foreign Affairs Department due to operational or management requirements of the missions abroad or of the Department, which shall be duly notified to diplomatic officials upon expiry of each assignment or of the aforementioned temporary periods.
 - c) *Absence of obstacles:*
any disciplinary measures higher than a warning or repeated refusal, not based on objective grounds, to be assigned to missions abroad or to the Foreign Affairs Department shall constitute an obstacle to diplomatic career advancement.
 - d) *Evaluation of the activity carried out and the professional skills acquired:*
the evaluation shall be carried out by the Department Council on the basis of the professional skills demonstrated and the abilities acquired in the light of the assumption of greater responsibilities, based on pre-determined objective criteria, such as participation in official delegations and missions and in activities entailing particular confidentiality and responsibility. In the case of a diplomatic official assigned to a mission abroad, the opinion of the Head of Diplomatic Mission shall also be required.
 - e) *Achievement of the strategic objectives assigned:*
the evaluation shall be carried out by the Department Council on the basis of a periodic report to be prepared by 31 March of each year.
3. The evaluation by the Department Council shall not be necessary if the rank of Ambassador is to be granted.

CHAPTER III DISCIPLINARY RULES

Art. 10 *(Disciplinary rules)*

1. Without prejudice to the disciplinary rules for public employees laid down in Law no. 145 of 21 October 2022, the following conduct shall be subject to censure:
- a) inadequate conduct vis-à-vis national and foreign authorities such as to compromise the good name or decorum of San Marino Institutions;
 - b) expressing positions and statements that may be of political relevance, by any information or communication means, not agreed with the Minister of Foreign Affairs;
 - c) misuse of the diplomatic passport pursuant to Law no. 101/2009 and subsequent amendments.
2. The following shall be further violations subject to suspension from service:

- a) taking positions or formalising statements in international contexts that conflict or otherwise do not comply with the directives received from the Minister of Foreign Affairs or the Foreign Affairs Department;
 - b) diplomatic officials and agents' absence from their mission of assignment abroad for a period exceeding sixty days per year without the authorisation of the Minister of Foreign Affairs.
3. If the disciplinary sanctions of censure or suspension from service are imposed, diplomatic officials shall not be eligible for the office of Director of Organisational Units referred to in Article 11 of this Law, nor shall they be entitled to hold diplomatic offices in missions abroad as provided for in Article 66, paragraph 7 of Law no. 188 of 5 December 2011, as replaced by Article 34, paragraph 5 of Law no. 145 of 21 October 2022.

TITLE II

FOREIGN AFFAIRS DEPARTMENT AND MISSIONS ABROAD

CHAPTER I

FOREIGN AFFAIRS DEPARTMENT

Art. 11

(Structure of the Foreign Affairs Department)

1. The structure of the Foreign Affairs Department shall consist of the Organisational Units as defined in Annex A, Title I, Chapter I of Law no. 188/2011 and of diplomatic missions abroad.
2. Without prejudice to Article 1, Chapter I, Title I of Annex A to Law no. 188/2011, the Congress of State, upon proposal of the Minister of Foreign Affairs, shall have the power to amend, merge, eliminate or create new Directorates within the Foreign Affairs Department, keeping their maximum number at 5 (five). This power may be exercised, by means of a delegated decree, in accordance with the changing foreign policy requirements and the relevant guidelines established by the Congress of State and adopted by the Great and General Council.
3. The Directorates shall be headed by Directors under Law no. 188/2011, who shall be chosen, unless otherwise provided for in Annex A, Title I, Chapter I of the aforementioned Law, from among career diplomatic staff, and appointed by the Congress of State, upon proposal of the Minister of Foreign Affairs.
4. The provisions of Law no. 108/2009 shall apply to the Directors referred to in this Article.
5. With regard to remuneration aspects, the provisions in force shall apply to Directors, supplemented by Article 2 of Annex A to this Law.
6. If they meet the requirements of paragraph 2 of Article 9 of this Law, diplomatic officials who hold the office of Director shall, if not already held, be granted the diplomatic rank of Minister Plenipotentiary.

Art. 12

(Vocational training and re-training of career diplomatic officials)

1. Vocational training and re-training of diplomatic officials shall be promoted as an activity to strengthen the specific skills of the diplomatic service. These activities shall not be considered to be a substitute for vocational training and re-training obligations for public employees.

2. Vocational training and re-training shall be provided to all diplomatic officials, irrespective of their rank. Training may take place in San Marino and abroad, fostering cooperation with diplomatic academies of other States, international organisations and specialised academic centres, universities and other higher education institutions. This activity shall cover the general areas of diplomatic practice and those specifically dealt with by the Directorates of the Foreign Affairs Department and strategic diplomatic missions.

3. Training activity for diplomatic officials shall be treated and remunerated in the same way as regular activities in the Foreign Affairs Department and shall be planned by the Department Council on the basis of professional requirements, taking into account also the availability of the budget chapter established for this purpose. Travel relating to activities referred to in this Article shall be reimbursed in accordance with the legislation in force.

Art. 13

(Traineeships and fixed-term training opportunities)

1. The Foreign Affairs Department shall promote training opportunities through curricular and professional traineeships and internships in:

- a) the Organisational Units of the Department;
- b) the embassies and missions of the Republic of San Marino.

2. Training opportunities under this Article shall be regulated by a specific decision of the Department Council that defines the relevant access requirements, selection mechanisms, duration and operating procedures.

3. The selection of candidates shall be carried out by the Department Council. Traineeships or internships in a diplomatic mission or consular office shall be carried out in agreement with the competent Head of Mission.

4. Traineeships and internships under this Article shall be remunerated in accordance with the legislation in force.

CHAPTER II

DIPLOMATIC MISSIONS AND CONSULAR OFFICES

Art. 14

(Diplomatic missions and consular offices)

1. In its relations with other States and international organisations, the Republic of San Marino shall resort to its diplomatic missions and/or consular offices.

2. Diplomatic missions and consular offices shall operate in accordance with the law, international conventions, treaties and customs, on the basis of instructions given by the Minister of Foreign Affairs and the Foreign Affairs Department.

3. Diplomatic missions and consular offices shall be established through a delegated decree by the Congress of State, upon proposal of the Minister of Foreign Affairs, after consulting the Permanent Parliamentary Commission for Foreign Affairs.

4. In the case of establishment of consular offices, the delegated decree referred to in paragraph 3 of this Article shall specify the relevant jurisdiction.

5. Consular offices established in a State shall be coordinated by the embassy accredited to that State, if any, under the supervision of the Directorate of Political and Diplomatic Affairs of the Foreign Affairs Department.

Art. 15

(Operational aspects of diplomatic missions and consular offices)

1. Diplomatic missions and, where there is no reference embassy, consular offices shall report to the Minister of Foreign Affairs on the outcome of any relevant contacts, meetings and discussions, and shall inform the Foreign Affairs Department thereof.
2. Diplomatic missions and consular offices shall be required to draw up and transmit to the Foreign Affairs Department an annual report, in case immediate information for urgent reasons is not necessary, on the activities carried out, the relations maintained and any facts or events that may be of interest to the Republic and relations with the State of accreditation, as well as on matters concerning San Marino citizens residing in the relevant jurisdictions.

Art. 16

(Strategic diplomatic missions)

1. Diplomatic representations to international organisations or States, whether already established or to be established, shall be considered strategic if they have a strategic importance in the implementation of foreign policy and are deemed necessary for the maintenance and strengthening of multilateral or bilateral relations in the international context.
2. The diplomatic missions referred to in Annex D to this Law shall be considered strategic within the meaning of the preceding paragraph.
3. Each strategic diplomatic mission shall have no less than two diplomatic officials.
4. The Head of Department may, on the basis of the topics covered, invite the Heads of strategic diplomatic missions to attend the meetings of the Department Council.

Art. 17

(Functions of diplomatic missions)

1. Diplomatic missions shall perform the following functions:
 - a) representing the Republic in the State or international organisation of accreditation;
 - b) protecting, in the State or international organisation of accreditation, the interests of the Republic of San Marino and its citizens under international law;
 - c) facilitating the negotiation of agreements with the State or international organisation of accreditation;
 - d) promoting friendly relations and developing commercial, economic, cultural and scientific relations between the Republic of San Marino and the State or international organisation of accreditation;
 - e) protecting the interests of San Marino citizens residing in the State of accreditation;
 - f) supervising the activity of consular offices established in the State of accreditation.
2. Diplomatic missions shall be required to perform functions specific to consular offices if such offices have not been established in the State of accreditation, as well as in areas of the State of accreditation not assigned to any consular jurisdiction.
3. In the case of diplomatic missions resident in the State of accreditation, consular functions shall be performed by the Head of Consular Section.

Art. 18

(Functions of consular offices)

1. Consular offices shall perform the following functions:
 - a) protecting the interests of the Republic of San Marino, its citizens, businesses and other entities in the State of accreditation;
 - b) providing relief and assistance to San Marino citizens, businesses and other entities;

- c) keeping a register of San Marino citizens residing in their jurisdiction, as well as any record of the administrative functions performed. To this end, they shall receive, on an annual basis, a list of citizens residing in their consular jurisdiction from the Vital Statistics Office - Population and Electoral Services; this list shall be updated on 31 December each year;
- d) promoting cultural, social and assistance activities of San Marino community;
- e) promoting a better knowledge of San Marino in their jurisdiction and stimulating economic activities in the interests of the State and its citizens;
- f) issuing the statements of equivalence referred to in Article 1, paragraph 2 of Law no. 47 of 23 February 2006 and subsequent amendments;
- g) exercising the powers under the legislation on inter-country adoptions;
- h) receiving and transmitting to the competent offices of the Republic of San Marino, through the Foreign Affairs Department, documents concerning vital statistics and the documents required for the issue of passports;
- i) issuing statements of equivalence of certificates issued in the State of accreditation;
- l) performing notarial functions according to what indicated in a delegated decree;
- m) exercising any other function assigned to them by domestic law.

Art. 19

(Appointment of the Head of Diplomatic Mission)

1. By Congress of State Decision, after hearing the Minister of Foreign Affairs and with subsequent acknowledgement of the Permanent Parliamentary Commission for Foreign Affairs, a diplomatic official with the career rank of Embassy Counsellor or higher may be appointed as “resident” Head of Diplomatic Mission in a diplomatic mission.
2. By Congress of State decision, after hearing the Minister of Foreign Affairs and with subsequent acknowledgement of the Permanent Parliamentary Commission for Foreign Affairs, a diplomatic official with the career rank of First Secretary or higher may be appointed as “non-resident” Head of Diplomatic Mission in one or more States or international organisations.
3. Heads of Diplomatic Missions shall be accredited by the Captains Regent by means of Credential Letters.

Art. 20

(Ranks of diplomatic and consular accreditation to foreign States or international organisations)

1. The ranks of diplomatic and consular accreditation shall be set out in Annex C to this Law.
2. In the context of the appointment referred to in the preceding Articles and for the period of the relevant assignments, diplomatic officials may be granted an accreditation rank equal to or higher than that of their career; this shall not be considered a diplomatic career advancement, for which the provisions of Article 9 of this Law shall apply. Such accreditation rank shall lapse at the end of the assignment.

Art. 21

(Temporary absence of the Head of Diplomatic Mission or Head of consular office)

1. If Heads of Diplomatic Missions or heads of consular offices need to be absent from their office for periods of more than fifteen days, they shall request the relevant prior authorisation from the Minister of Foreign Affairs. In any case, they shall be required to ensure the normal operation of the diplomatic mission or consular office.

2. If Heads of Diplomatic Missions or heads of consular offices need to be absent from their office for periods of less than fifteen days, they shall notify the Foreign Affairs Department thereof in advance. In any case, they shall be required to ensure the normal operation of the diplomatic mission or consular office.

3. In case of absence or impediment of the Head of a Diplomatic Mission and in particular cases of urgency or need, the functions of Head of Diplomatic Mission shall be exceptionally assigned to the highest-ranking diplomatic official of the same mission, who shall act as *interim* Chargé d’Affaires. If such person is not present, the Congress of State may, upon proposal of the Minister of Foreign Affairs, appoint a diplomatic official from the Foreign Affairs Department or, if it is established that this is not possible, from among diplomatic agents. This procedure may also apply to strategic missions.

Art. 22

(Assignment of diplomatic officials to diplomatic missions)

1. The assignment of a diplomatic official to a diplomatic mission shall be ordered by Congress of State Decision, upon proposal of the Minister of Foreign Affairs and with subsequent acknowledgement by the Permanent Parliamentary Commission for Foreign Affairs. The interested official shall be notified thereof by the Minister of Foreign Affairs in writing. The assignment shall become effective within six months of the date of the Decision.

2. Diplomatic officials assigned to a diplomatic mission shall be required to establish an address for service at the mission assigned to them. The above diplomatic officials shall maintain their personal and tax residence in San Marino as provided for in Article 3, paragraph 4 of this Law.

3. Matters concerning mission-related remuneration, duration of the assignment and any other aspects relating to the assignment of diplomatic officials to diplomatic missions shall be governed by the provisions of Annex B to this Law.

Art. 23

(Appointment of diplomatic and consular agents)

1. The Congress of State shall decide on the appointment, assignment, transfer and qualification of diplomatic and consular agents at diplomatic missions and consular offices or of non-resident diplomatic agents, upon proposal of the Minister of Foreign Affairs, with subsequent acknowledgement by the Permanent Parliamentary Commission for Foreign Affairs.

2. In cases of particular and proven needs certified by the Ministry of Foreign Affairs, diplomatic agents may be appointed Heads of Diplomatic Mission.

3. If diplomatic agents are assigned to a strategic diplomatic mission, the term of office shall not exceed that laid down for diplomatic officials in Articles 1 and 2 of Annex B to this Law.

4. Diplomatic and consular agents shall be required to take an oath of allegiance to the Republic and its Institutions before the Captains Regent prior to assuming the functions assigned to them.

5. The relationship between the relevant State and diplomatic and consular agents shall be governed by the agreements provided for in Article 27 of this Law.

6. Consular agents shall be obliged to have their registered residence in the jurisdiction of accreditation.

7. Consular agents shall be accredited by the Captains Regent by means of Letters Patent.

Art. 24

(Ambassadors at Large and Special Envoys)

1. Persons having held elective institutional positions in the Congress of State or in the Great and General Council for at least eight (8) years in total, retired diplomatic officials, former diplomatic agents accredited to a strategic diplomatic mission and former diplomatic agents who have served for at least ten (10) years as Heads of Diplomatic Missions may be appointed “Ambassadors at Large”. Ambassadors at Large shall be appointed to use the expertise and experience they have acquired over time.
2. Persons who are not career diplomats, including non-San Marino citizens, may be appointed as “Special Envoys” for the purpose of carrying out specific projects or tasks for a defined period of time, which are identified in the relevant agreement. These projects and tasks may be supplemented by means of a special mandate from the Minister of Foreign Affairs.
3. Ambassadors at Large and Special Envoys shall be appointed according to the procedure laid down in Article 27 of this Law.
4. Honorary Consuls shall not be entitled to a diplomatic passport regulated by Law no. 101 of 22 July 2009 and subsequent amendments and integrations. They shall only be entitled to a service passport.
5. Special Envoys shall be entitled to a diplomatic passport for the time strictly necessary for the performance of their duties under paragraph 2.
6. The provisions of paragraphs 4 and 5 above shall not apply to diplomatic and consular agents already in service at the time of entry into force of this Law.

Art. 25

(Criteria for the appointment of diplomatic and consular agents)

1. Diplomatic and consular agents, appointed in accordance with Article 27 of this Law, shall be chosen from among San Marino citizens or, upon reasoned proposal of the Minister of Foreign Affairs, from among non-San Marino citizens, provided that they meet the following requirements:
 - a) enjoying civil and political rights;
 - b) not having been convicted by a criminal judgement having the force of *res judicata* for crimes committed intentionally, also provided for as such under San Marino law, and not having been punished with more than one year’s imprisonment or disqualification from public offices;
 - c) not being subject to ongoing criminal proceedings for crimes committed intentionally, also provided for as such under San Marino law, and not having been punished with more than one year’s imprisonment or disqualification from public offices;
 - d) not having been removed from public administration offices for one of the causes referred to in Article 80, paragraph 1 of Law no. 41 of 22 December 1972;
 - e) not having been subject to disciplinary sanctions higher than warning or equivalent sanctions;
 - f) having a good knowledge of the Italian language or relying on personnel having good knowledge of the Italian language;
 - g) having a good knowledge of the English language;
 - h) having a good knowledge of San Marino history and institutions, possibly by means of appropriate training offered by the Foreign Affairs Department;
 - i) in the case of consular agents, having a very good knowledge of the official language(s) of the State of accreditation;

- l) absence of the incompatibilities referred to in Article 7 of this Law, as well as absence of public elective offices in the country of accreditation and/or of citizenship;
- m) not having, directly or indirectly, private interests in the State of accreditation that are incompatible with the interests of the Republic of San Marino, as declared in a self-certification to be filed with the Foreign Affairs Department;
- n) not holding, and not having held in the last three years, any diplomatic or consular posts for another State.

Art. 26

(Criteria for the removal from office of diplomatic and consular agents)

1. A diplomatic or consular agent appointed under this Law may be removed from office at any time by Congress of State Decision.
2. Diplomatic or consular agents shall be removed from office also in the following cases:
 - a) in the case of a diplomatic or consular agent appointed under this Law, loss of any of the requirements set out in Article 25, paragraph 1, letters a), b), c), d), e), f), g), l), m) and n) above;
 - b) conduct detrimental to the prestige and interests of the Republic of San Marino, namely:
 - inadequate conduct vis-à-vis foreign authorities such as to compromise the good name or decorum of San Marino Institutions;
 - expressing positions and making statements by any information or communication means such as to compromise the good name or decorum of San Marino Institutions;
 - taking positions or formalising statements in international contexts that conflict or otherwise do not comply with the directives received from the Ministry of Foreign Affairs or the Foreign Affairs Department;
 - c) serious failure to comply with the directives and instructions issued by the Minister of Foreign Affairs or the Foreign Affairs Department in carrying out the mandate received;
 - d) interference in the internal politics of the State or international organisation of accreditation, as well as statements that may disrupt relations between the Republic of San Marino and the State or international organisation of accreditation and between them and other States;
 - e) proven absence, not based on objective circumstances, from the diplomatic mission or consular office of destination and at which the diplomatic or consular agent is required to reside, unless otherwise provided for in the specific agreement concluded pursuant to Article 27 of this Law;
 - f) in the case of consular agents, performance of notarial functions not permitted by this Law and subsequent delegated decree, or serious irregularities in the exercise of the notarial functions assigned to them;
 - g) violation of the conditions set out in Article 28 of this Law;
 - h) serious non-compliance with the mandate received and failure to perform the functions referred to in Articles 17 and 18 of this Law;
 - i) misuse of the diplomatic passport pursuant to Law no. 101/2009 and subsequent amendments;
 - l) misuse of benefits, including tax benefits, related to the diplomatic role;
 - m) failure to achieve the objectives set, except in cases of force majeure.

Art. 27

(Regulation of the relationship between the Ministry of Foreign Affairs and diplomatic and consular agents)

1. The relationship between the Ministry of Foreign Affairs and diplomatic or consular agents shall be governed, within the framework of this Law, by a special two-year agreement signed by the Minister of Foreign Affairs and the diplomatic or consular agent, approved by the Congress of State upon proposal of the Minister of Foreign Affairs and with subsequent acknowledgement by the Permanent Parliamentary Commission for Foreign Affairs.

2. The agreements referred to in the preceding paragraph shall govern all aspects of the relationship between the Ministry of Foreign Affairs and diplomatic or consular agents, in particular the prerogatives, privileges connected with the appointment, assumption of obligations and duties, any remuneration and/or reimbursement, expenses for previously authorised activities, term of office and renewal procedure, time-limits for termination and any other circumstances that may lead to early termination of the assignment.
3. In the event that the above agreements also provide for the sharing of operating costs of the missions, this contribution shall be entered in the appropriate revenue chapter of the State budget to partially finance the expenses for diplomatic and consular representations.
4. Any remuneration granted to diplomatic agents assigned to a strategic diplomatic mission shall not exceed mission-related allowances, as determined in Annex B to this Law, received by diplomatic officials assigned to the same strategic diplomatic mission, with the same function and diplomatic rank of accreditation.
5. Any remuneration granted to diplomatic agents acting as Head of Diplomatic Mission shall not exceed the diplomatic allowances, as determined in Annex A to this Law, received by diplomatic officials holding the same number of assignments.
6. Consular agents shall provide their services free of charge. Where necessary, the agreement may provide for the reimbursement of out-of-pocket expenses for previously authorised activities or a lump-sum reimbursement of expenses.
7. Agreements concluded with diplomatic or consular agents pursuant to Law no. 13/1979 and subsequent amendments shall remain in force until their expiry date, unless otherwise decided by the Congress of State.
8. Agreements concluded with diplomatic and consular agents shall specify the way in which the annual objectives indicated by the Minister of Foreign Affairs are to be achieved and verified.
9. Imports of any type of tax-exempted goods by diplomatic missions and, where applicable, consular missions shall be inherent to the activities carried out and subject to prior approval by the Foreign Affairs Department. In this respect, the Head of Mission shall submit a statement of reasons together with the import request.

Art. 28

(Obligations of diplomatic officials and diplomatic and consular agents at diplomatic missions)

1. Diplomatic officials and diplomatic and consular agents shall be required:
 - a) to limit their diplomatic and consular action to the State or international organisation of accreditation, unless otherwise specifically mandated by the Minister of Foreign Affairs;
 - b) not to use the office premises for purposes incompatible with or in any case not connected with diplomatic and consular functions;
 - c) not to use the privileges, prerogatives and immunities connected with their diplomatic status for purposes not related to the performance of their functions;
 - d) to promptly inform the Foreign Affairs Department of any criminal proceedings pending against them in any country.

Art. 29

(Equipment and administrative staff of diplomatic missions and consular offices)

1. Diplomatic missions and consular offices shall be equipped with a sign with the official coat of arms of the Republic and the official name. The sign shall be displayed outside the building in which the diplomatic mission or consular office is located.
2. Diplomatic missions and consular offices shall be equipped with the flag of the Republic, which shall be displayed on San Marino national holidays and on national holidays of the States of accreditation, in accordance with international customs and the instructions of the State of accreditation.
3. Diplomatic missions and consular offices shall be required to make the laws and decrees of the Republic available to interested parties upon their request or to inform them of how to access them by electronic means.
4. Diplomatic missions may be provided with administrative staff to support the diplomatic mission, to be recruited under private law contracts in line with the legislation in force in the country of accreditation, subject to Congress of State authorisation.
5. Diplomatic or consular agents may recruit, at their own expense, staff to support the diplomatic mission or consular office, subject to Congress of State authorisation. Such staff shall be fully responsible to diplomatic or consular agents.
6. Diplomatic missions and consular offices may be provided with a fund, authorised by the Congress of State through a specific Decision and subsequent conclusion of an administrative agreement. Expenditure powers of the Head of Diplomatic Mission and the Head of Consular Office in relation to the funds shall be established by regulation approved by the Congress of State.

TITLE III TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I TRANSITIONAL PROVISIONS

Art. 30

(Career advancement of diplomatic officials already in the Foreign Affairs Department)

1. Upon entry into force of this Law, Embassy Secretaries employed in the Foreign Affairs Department shall assume the rank of First Secretary, while maintaining the seniority they have accrued since entering the diplomatic career. Years of service in their previous rank of Embassy Secretary shall be taken into account for the purposes of career advancement to the rank of Embassy Counsellor as years of service in the rank of First Secretary.
2. Diplomatic career ranks of diplomatic officials, which are not subject to any change under this Law shall be confirmed on the date of entry into force of this Law and the seniority accrued in such ranks shall be maintained.

Art. 31

(Regularisations)

1. Officials who, at the time of entry into force of this Law, have been engaged in diplomatic activity at the Foreign Affairs Department for at least 7 (seven) years under a specific convention shall, by way of derogation from paragraph 1, letter d) and paragraph 2 of Article 4 of this Law, enter the diplomatic career with the rank of Embassy Counsellor, by submitting an application to this end within ninety days of the entry into force of this Law. All service periods, either based on conventions or on professional collaboration agreements, shall be considered for the above-mentioned officials, whose career shall be reconstructed, without the possibility of receiving any arrears and without payment of statutory withholding taxes.

2. Diplomatic agents who, at the time of entry into force of this Law, are serving in one of the diplomatic missions considered strategic in accordance with Article 16 and have served in one or more strategic missions for at least 7 (seven) cumulative years shall, by way of derogation from paragraph 1, letter d) and paragraph 2 of Article 4 of this Law, enter the diplomatic career with the rank of Embassy Counsellor, by submitting an application within ninety days of the entry into force of this Law. All service periods based on conventions shall be considered for the above-mentioned agents, whose career shall be reconstructed, without the possibility of receiving any arrears and without payment of statutory withholding taxes.

3. Diplomatic agents who, at the time of entry into force of this Law, are serving as Head of Diplomatic Mission in one of the diplomatic missions considered strategic in accordance with Article 16 shall, by way of derogation from paragraph 1, letter d) and paragraph 2 of Article 4 of this Law, enter the diplomatic career with the rank of Minister Plenipotentiary, by submitting an application within ninety days of the entry into force of this Law. All service periods based on conventions shall be considered for the above-mentioned agents, whose career shall be reconstructed, without the possibility of receiving any arrears and without payment of statutory withholding taxes.

4. The applications referred to in paragraphs 1, 2 and 3 above shall be submitted to the Ministry of Foreign Affairs. After the Department Council has verified compliance with the necessary requirements, the Minister of Foreign Affairs shall propose to the Congress of State the adoption of a decision for access to the diplomatic career of those who have applied therefor. Subsequently, the decision shall be submitted to the Permanent Parliamentary Commission for Foreign Affairs for its acknowledgement. The agreements governing the employment relationship with the Foreign Affairs Department shall remain in force until the procedure referred to in this paragraph has been completed.

5. Upon the entry into force of this Law, diplomatic agents accredited to diplomatic missions shall conclude a new agreement, by way of derogation from Article 27, paragraph 7. The agreements in force at the time of entry into force of the new agreement shall remain in force until the new agreement is concluded.

6. Within sixty days of the entry into force of this Law, the Minister of Foreign Affairs shall report to the Congress of State on the agreements in force relating to diplomatic agents at large and on the fulfilment of the requirements referred to in Article 25 of this Law. Within the following ninety days, the Congress of State shall decide whether to confirm the appointments as Ambassador at Large or the conversion of appointments into Special Envoy, in the cases provided for in Article 24 of this Law, or their removal from office. The previous agreements shall remain in force until acknowledgement by the Permanent Parliamentary Commission for Foreign Affairs.

CHAPTER II FINAL PROVISIONS

Art. 32

(Amendment of the Annexes)

1. The Annexes to this Law may be amended or updated by means of a delegated decree.

Art. 33

(Repeals and integrations)

1. Any provision in contrast with this Law shall be repealed.
2. The provisions of Regulation no. 4 of 31 March 2017 concerning the procedures for the prior verification of the requirements to be met by candidates for diplomatic and consular posts shall remain in force and may subsequently be amended and/or integrated by Congress of State Regulation.

Art. 34
(Entry into force)

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

Done at Our Residence, on 1 February 2023/1722 since the Foundation of the Republic.

THE CAPTAINS REGENT
Maria Luisa Berti – Manuel Ciavatta

THE MINISTER OF
INTERNAL AFFAIRS
Elena Tonnini

ANNEX A
REMUNERATION ASPECTS

Art. 1

(Remuneration of diplomatic officials)

1. The remuneration of diplomatic officials shall be defined by the legislation in force for public administration employees and directors.

The remuneration levels for diplomatic career ranks shall be as follows:

- a) Ambassador – level 10
- b) Minister Plenipotentiary – level 10
- c) Embassy Counsellor – level 9
- d) First Secretary – level 8
- e) Second Secretary – level 8

Art.2

(Diplomatic allowance)

1. If diplomatic officials are appointed as Heads of Diplomatic Mission, either resident or non-resident, the remuneration shall also include a specific function-related allowance, in consideration of the high level of responsibility that such post entails.

2. Diplomatic allowance shall be paid according to the number of assignments. The amounts shall be as follows:

- *EUR 650 for the first assignment*
- *EUR 750 for two assignments*
- *EUR 850 for three or more assignments*

3. For the purposes of the calculation referred to in paragraph 2 above, the appointments as Head of Mission to several international organisations that are covered by a single strategic diplomatic mission shall constitute a single assignment, which shall in any case be distinct from that resulting from an appointment to a country.

4. The allowance referred to in this Article shall be payable for 13 months.

5. Within thirty days of the entry into force of this Law, the Foreign Affairs Department shall notify the Staff Management Office of the number of posts assigned to each diplomatic official with a view to the payment of the diplomatic allowance referred to in this Article. Until such notification, diplomatic allowances granted before the entry into force of this Law shall continue to apply.

6. The Foreign Affairs Department shall notify the Staff Management Office of any change in the amount of diplomatic allowances.

ANNEX B
PROVISIONS RELATING TO DIPLOMATIC POSTS AND ASSIGNMENTS TO DIPLOMATIC MISSIONS

Art. 1

(Duration of posts or assignments)

1. The term of office of non-resident Heads of Diplomatic Mission referred to in Article 23, paragraph 3 of this Law shall not exceed six years.
2. The term of office of resident Heads of Diplomatic Mission, in accordance with Article 23, paragraph 1 of this Law, or the assignment of diplomatic officials to a diplomatic mission, as referred to in Article 22 of this Law, shall be for a minimum of two years and a maximum of four years. At the end of the period of service at a diplomatic mission, diplomatic officials shall resume their service at the Foreign Affairs Department.
3. The duration of posts or assignments referred to in paragraphs 1 and 2 of this Article shall be calculated from the entry into force of this Law.

Art. 2

(Derogations from the time-limits of posts or assignments)

1. Due to service requirements, diplomatic officials may, at the end of their post as resident Head of Diplomatic Mission or assignment to a diplomatic mission, be assigned directly to another diplomatic mission; also in this case, the maximum duration of such post or assignment shall be four years.
2. In the case referred to in paragraph 1 of this Article, diplomatic officials who have served consecutively in two diplomatic missions shall not be assigned to another diplomatic mission without having completed a period of service at the Foreign Affairs Department.
3. For exceptional service requirements or serious and proven personal and/or family reasons, the Congress of State may adopt a special Decision, upon proposal of the Minister of Foreign Affairs, on a one-year extension of the time-limits referred to in Articles 1 and 2 of this Annex.
4. The minimum period of service at the Foreign Affairs Department shall be three years.

Art. 3

(Mission-related allowance)

1. In addition to the normal remuneration based on rank and function, diplomatic officials shall receive a mission-related allowance during their service at a diplomatic mission.
2. The mission-related allowance shall be paid in euro for 12 months.
3. The mission-related allowance shall take into account the rank of accreditation, the cost of living in the city of residence and the costs of maintaining any dependant cohabiting persons.
4. The mission-related allowance (R) shall be calculated as follows:

$$SxG=A1$$

$$SxP=A2$$

$$A1+A2=R$$

- a) Coefficient S shall be obtained by multiplying the cost of living index in the city of residence by 10. The most recent Retail Price indices (RPIs) published by the United Nations International Civil Service Commission shall be used. In case there is no RPI for a diplomatic mission, the RPI of the most similar diplomatic mission shall be used, as per assessment of the Foreign Affairs Department.

In consideration of the periodic revisions, these indices shall be communicated to the Staff Management Office by the Foreign Affairs Department at intervals to be agreed with said Office.

- b) A1 shall be obtained by multiplying coefficient S by coefficient G relating to the rank of diplomatic accreditation at the mission (not necessarily coinciding with the diplomatic career rank), i.e.:

Second Secretary	1
First Secretary	1.1
Embassy Counsellor	1.2
Minister Plenipotentiary	1.3
Ambassador/Head of Mission	1.5

- c) A2 shall be obtained by multiplying coefficient S by coefficient P relating to dependant persons. Dependant persons shall be:

- the spouse or registered partner under the legislation in force, cohabiting and not in paid employment;
- children not older than 25 years of age, cohabiting and not in paid employment.

Coefficient P for the first dependant person shall be 0.4.

Each additional dependant person shall correspond to an increase by 0.2 in the value corresponding to the first dependant person.

- d) Adding A1 to A2, mission-related allowance R shall be obtained.

5. Within thirty days of the entry into force of this Law, the Foreign Affairs Department shall notify the Staff Management Office of the mission assigned to each diplomatic official for the purpose of paying the mission-related allowance referred to in this Article. Until such notification, the remunerations indicated in the agreements concluded prior to the entry into force of this Law shall continue to apply.

6. The Foreign Affairs Department shall notify the Staff Management Office of any change in the amount of mission-related remunerations.

Art. 4 *(Housing)*

1. If an appropriate State-owned housing is not available, the diplomatic official shall be reimbursed for the cost of renting and related condominium expenses. In choosing the housing, due account shall be taken of the number of cohabiting persons and the decorum and security of the area in which it is located.

2. If, due to the change in the number of dependant cohabiting persons it is necessary to change housing during the period spent at the mission abroad, the above reimbursement may be adjusted accordingly.

3. If the diplomatic official wishes to have a housing whose characteristics exceed those referred to in paragraph 1 of this Article, the difference in the rent shall be borne by the official.

4. The rent contract shall be authorised by the Congress of State in accordance with the provisions of the administrative Regulation in force.

5. The costs of electricity, gas and water supply, compulsory insurance, compulsory local charges and maintenance of the housing shall be reimbursed in full. Telephone costs, cleaning costs and any additional costs shall not be reimbursed.

Art. 5
(Relocation and settlement)

1. The diplomatic official shall be reimbursed in full for relocation expenses, subject to prior authorisation by the Minister of Foreign Affairs and after hearing the competent administrative offices, on the basis of the submission of three cost estimates. Relocation costs shall relate to:
 - a) settlement in the diplomatic mission;
 - b) any further relocations during the period of service at the same diplomatic mission due to a change of housing;
 - c) return to San Marino or transfer to another diplomatic mission.
2. Initial settlement costs, incurred only during the initial period of settlement in the housing, shall be reimbursed in full following the submission of supporting documents.

Art. 6
(Travel expenses)

1. The diplomatic official assigned to a diplomatic mission shall be reimbursed start-of-term and end-of-term travel expenses, including for any dependant cohabiting persons.
2. The diplomatic official assigned to a diplomatic mission shall be reimbursed the cost of one annual round trip made in a personal capacity from the place of accreditation to San Marino. This reimbursement shall include any dependant cohabiting persons. In special cases, for personal or service reasons, the Minister of Foreign Affairs may authorise the reimbursement of additional round trips.

Art. 7
(Health care expenses)

1. The diplomatic official and any dependant cohabiting persons shall be guaranteed health coverage equivalent to that provided by San Marino health service.
2. If it is not possible to conclude a cumulative contract covering the entire network of diplomatic career personnel abroad, the diplomatic official shall be reimbursed the insurance costs on the basis of locally concluded contracts according to the principle of the lowest cost for the same services provided, in any case not exceeding those provided for by San Marino health service.
3. Any extension of this coverage shall be the responsibility of the diplomatic official.
4. Medical insurance contracts shall be authorised by the Minister of Foreign Affairs.

Art. 8
(School expenses)

1. The diplomatic official shall be reimbursed any school expenses incurred for dependant cohabiting children of pre-school and school age, until the completion of upper secondary school. Reimbursement shall be established by Congress of State Decision, taking into account the cost to the State of a student of the same school level.
2. Schools shall be selected according to the principle of the lowest cost for the same services provided.

3. The documents evidencing enrolment shall be transmitted to the Foreign Affairs Department and enrolment shall be authorised by the Minister of Foreign Affairs.

Art. 9
(Other expenses)

1. Any other expenses not regulated by the preceding Articles shall be agreed with the Minister of Foreign Affairs.

Art. 10
(Extraordinary leave of absence for the spouse or cohabiting partner of a diplomatic official serving abroad)

1. The spouse, or cohabiting partner under the legislation in force, of a diplomatic official assigned to a diplomatic mission or seconded to an international organisation (whether a public employee or a private-sector employee) may be granted unpaid leave of absence for family reunification for the duration of the assignment, also by way of derogation from the rules of the reference collective agreement.

2. Leave of absence shall not affect the possibility for a spouse or cohabiting partner to carry out paid activities in the country of accreditation of the diplomatic official. Such activities shall take into account the public exposure of the diplomatic official and decorum vis-à-vis the Republic.

Art. 11
(Provisions concerning diplomatic agents)

1. Without prejudice to Article 27, paragraph 4 of this Law, the provisions of this Annex shall also apply to diplomatic agents assigned to a strategic mission.

ANNEX C
*RANKS OF DIPLOMATIC AND CONSULAR ACCREDITATION TO FOREIGN STATES OR
INTERNATIONAL ORGANISATIONS*

Art. 1

(Ranks of diplomatic accreditation)

Ambassador - Head of Diplomatic Mission
Minister Plenipotentiary
Embassy Counsellor
First Secretary Second
Secretary

Art. 2

(Ranks of consular accreditation)

Honorary Consul General
Honorary Consul
Vice Honorary Consul (at a Consulate General or Consulate)

Art. 3

(Transposition of diplomatic ranks)

At the time of entry into force of this Law, the diplomatic ranks of First Counsellor, Second Counsellor and Minister Counsellor, as defined by Law no. 100 of 30 July 2012, shall be transposed to the diplomatic rank of Embassy Counsellor.

ANNEX D
STRATEGIC DIPLOMATIC MISSIONS

The following Diplomatic Missions shall be considered as strategic:

- a) Embassy to Italy and Mission to international organisations based in Rome;
- b) Permanent Representation to the United Nations in New York and Embassy to the United States of America;
- c) Permanent Representation to the United Nations in Geneva and other international organisations in Switzerland and Embassy to the Swiss Confederation;
- d) Permanent Representation to the United Nations and other international organisations in Vienna and Embassy to the Republic of Austria;
- e) Permanent Representation to the Council of Europe;
- f) Mission to the European Union and Embassy to the Kingdom of Belgium;
- g) Embassy to France and Mission to international organisations based in Paris.