

Ministry of Foreign Affairs and International Cooperation

Diplomatic Protocol of the Republic

MANUAL

ON THE TREATMENT OF

THE DIPLOMATIC CORPS ACCREDITED

TO THE ITALIAN REPUBLIC

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CHAPTER I
INTRODUCTION

1.1) GENERAL INFORMATION

This guide is designed to help Diplomatic and Special Missions, diplomatic agents, International Organisations in Italy and their officers and consular personnel in the performance of their institutional tasks.

The Manual does not intend to repeat the provisions laid down by the Vienna Conventions on Diplomatic Relations and Consular Relations and by Italian law on matters concerning status, immunity and privileges. Nor does it intend to render superfluous the normal channels of communication between Diplomatic Protocol and the above-mentioned Missions on these matters. Rather, its aim is to provide the most important information concerning the stay in Italy of foreign personnel with diplomatic status during their mission.

One important task of sending States and International Organisations is to provide their staff with accurate information on the privileges and immunities to which they are entitled and the regulations governing them. These privileges and immunities, in accordance with and within the limits of the provisions of international law, and without prejudice to special agreements or reciprocity arrangements at a bilateral level between Italy and the sending State, also extend to the family members of foreign diplomatic and consular personnel and, most notably, to dependant spouses and unmarried children up to 21 years of age, if still living in the same household. Once said children reach the age of 21, the period of validity of their identity card may be extended, solely for residence purposes and only for those attending a full-time university course, under conditions of reciprocity. The extension only applies until they reach 24 years of age.

This is without prejudice to any special or reciprocity agreements at a bilateral level between Italy and the sending State.

This online publication will be up-dated and amended on a regular basis to ensure that it reflects as fully as possible any changes in Italian or Community legislation. However, in the interval between one up-date and another, discrepancies could arise between the information set out here and the provisions actually in force.

Diplomatic and Special Missions, diplomatic agents, International Organisations in Italy and their officers and consular personnel who require information may, however, contact the offices of the Diplomatic Protocol of the Republic department, which is responsible, in the Ministry of Foreign Affairs and International Cooperation, for relations with foreign Missions and International Organisations.

1.2) DIPLOMATIC PROTOCOL OF THE REPUBLIC. OFFICES AND THEIR AREAS OF RESPONSIBILITY

- **SECRETERIAT**

  Telephone 06 36914284 – Fax 06 36913401

  Email: ceri.segreteria@esteri.it

- **OFFICE I: Telephone 06 36912055 – Fax 06 3235873**

  Email: ceri1@esteri.it

Diplomatic corps general affairs, accreditations, diplomatic and consular privileges and fiscal exemptions

General affairs and norms of protocol; relations with the foreign diplomatic corps in Italy; approval of Ambassadorial appointments, customary courtesies and protocol for presentation of credentials to the Head of State; protocol events; preparation of credentials for Heads of Italian Diplomatic Missions abroad and special Ambassadorships; security and exemptions for the diplomatic consular corps accredited in Italy, the Holy See and International Organisations in Italy.

- **OFFICE II: Telephone 06 36915081 – Fax 06 3235806**

  Email: ceri2@esteri.it

Consular corps and international organisation general affairs, accreditation and diplomatic and consular immunities, honours and decorations

Accreditation of foreign diplomatic and consular personnel in Italy and issuing of diplomatic, consular and international organisation identity cards; relations with the career and honorary consular corps and related exequatur; relations with international organisations with headquarters in Italy; diplomatic, consular and international organisation immunity; disputes involving foreign Diplomatic Missions; honours and decorations.

- **OFFICE III: Telephone 06 36912061 – Fax 06 3236165**

Email: ceri3@esteri.it

Incoming and outgoing visits, translation and interpreting service

Organisation of state and official visits to Italy by foreign VIPs and delegations as guests of the President of the Republic, the Prime Minister or the Minister for Foreign Affairs and International Cooperation and of visits abroad by the these same figures; translation and interpreting services for the Ministry and the coordination of such services during visits and international events both in Italy and abroad.

CHAPTER II

START OF MISSION

2.1) HEADS OF MISSION

The Ambassador's arrival in Italy, and the ceremony for the presentation of his or her Letters of Credence, are regulated by the procedures set out below.

2.1.1) AMBASSADOR'S ARRIVAL IN ITALY

The Embassy requests the use of the VIP lounge at the State Protocol section of Rome Fiumicino airport and the on-tarmac vehicle access service through *Cerionline* (https://cerionline.esteri.it). The Ambassador is welcomed on arrival (during the opening hours of 8.00 to 20.00) by a Diplomatic Protocol officer.

Over the next few days, the Deputy Head of Diplomatic Protocol (or another diplomatic officer) pays the Ambassador designate a courtesy visit, at his residence or in the Chancery.

The Ambassador subsequently visits the Head of Diplomatic Protocol, to whom he hands over the true copy of his predecessor's Letters of Recall and a copy of his own Letters of Credence. From that time on, the Ambassador may meet the Secretary General, the Directors General and officers of the Ministry of Foreign Affairs and International Cooperation and other members of the Diplomatic Corps accredited to the Quirinal Palace.

As a form of respect to the President of the Republic, the new Ambassador will not make contact with the Speakers of the Senate and Chamber, the Chairpersons of the Foreign Affairs Committees of the Senate and Chamber, the Prime Minister or other members of the Government, nor will he host official social events, until he has presented his Letters of Credence to the Head of State. This marks the formal completion of his accreditation. Similarly, the new Ambassador should refrain from giving public interviews or official statements to the press during this period.

For any contact that needs to be made and for specific meetings dictated by special circumstances, the new Ambassador should request authorisation from the Head of Diplomatic Protocol.

The Head of Office I of the Diplomatic Protocol Department and the Presidency of the Republic decide on the date for the presentation of the Letters of Credence and the Head of Diplomatic Protocol informs the new Ambassador of the day and time of the audience.

2.1.2) CEREMONY TO PRESENT THE LETTERS OF CREDENCE

On the agreed day, an officer from the Diplomatic Protocol of the Republic department goes to the new Ambassador's residence (or Chancery). Two cars are placed at the disposal of the Ambassador and his retinue to take them to the Quirinal Palace. The retinue should consist of no more than three (3) embassy officers including, if applicable, the Military Attaché.

At the ceremony – in which Ambassadors' spouses do not take part – men should wear a dark suit with white shirt and dark tie, and women a short (knee-length) formal dress or suit. National costume may also be worn.

The procession, which leaves from the Ambassador's residence or from the Embassy Chancery, is composed of an escort of Cuirassier motor-cyclists, a car carrying the Ambassador and the officer from the Diplomatic Protocol Department, and a car for members of the Diplomatic Mission. The procession has a highway police dispatch rider to clear its route through the traffic.

On arrival at the Quirinal Palace, the Ambassador, with his retinue, is received by an officer of the Protocol Department of the Presidency of the Republic, and by the President of the Republic's Deputy Military Adviser. A military detachment presents arms while the Ambassador stops briefly in front of, and salutes, the Italian flag. The other members of the Diplomatic Mission wait a few steps behind him along with the officer of the Diplomatic Protocol of the Republic department.

The procession then passes through various rooms in the Quirinal Palace to the

Napoleonic Room, where it waits.

In the meantime, the President of the Republic, the Minister for Foreign Affairs and International Cooperation (or, in his place, a Deputy Minister or Under-Secretary for Foreign Affairs and International Cooperation), members of the President's party (the Secretary General of the Presidency of the Republic, the President's Diplomatic Adviser, his Military Adviser, and the Commander of the Cuirassiers – the President's guards) enter the Lille Tapestries Hall, where the ceremony for the Ambassador to present his Letters of Credence will take place.

The Head of Diplomatic Protocol of the Republic invites the Ambassador to enter the Lille Tapestries Hall. The members of his retinue enter and line up behind the Ambassador. The Ambassador proceeds to the centre of the room, with on his left side the Head of Diplomatic Protocol of the Republic, who introduces him to the President. After the introduction, the Ambassador hands his Letters of Credence to the Head of State, along with his predecessor's Letters of Recall. The ceremony envisages a short greeting but not an official speech.

The President of the Republic reads the Letters of Credence and hands them to the Head of Diplomatic Protocol of the Republic, who is in charge of their safe keeping. The President then thanks and greets the Embassy officers, who are introduced to him by the Ambassador.

The President of the Republic, or in his place the Head of Diplomatic Protocol of the Republic, then introduces the Minister for Foreign Affairs and International Cooperation (or, in his place, a Deputy Minister or Under-Secretary for Foreign Affairs and International Cooperation) and the members of his party who are lined up behind him, to the Ambassador.

The Head of State then invites the Ambassador to follow him to the Presidential Office where, in the presence of the Minister for Foreign Affairs and International Cooperation (or, in his place, a Deputy Minister or Under-Secretary for Foreign Affairs and International Cooperation), the Secretary General of the Presidency of the Republic and the President of the Republic's Diplomatic Adviser, they hold a private conversation.

The retinue waits in the Lille Tapestries Hall, along with the personnel of the Diplomatic Protocol of the Republic department.

The Palace photographer takes a number of photographs, which he will then send to the email address provided by the Embassy.

Once the audience is over, the Ambassador returns to the Lille Tapestries Hall, where he takes his leave of the President of the Republic and the Minister for Foreign Affairs and International Cooperation (or, in his place, a Deputy Minister or Under-Secretary for Foreign Affairs and International Cooperation).

After taking his leave of the members of the President's party, the Ambassador, accompanied by the Diplomatic Protocol officer, returns to his Residence, following the same procedures as for his arrival.

News of the accreditation of the new Head of Mission is published on the official website of the Presidency of the Republic and in the Official Journal. The Ministry of Foreign Affairs and International Cooperation also notifies all Ministries of the Italian Government.

2.1.3) ACCESS TO THE NATIONAL AIRPORTS VIP LOUNGES

From April 1st, Heads of Mission can access to the State Protocol VIP lounge at Fiumicino Airport in Rome (from 8am to 8pm) and to other Italian cities Airport VIP lounges, where available.

Applications for the national airports VIP lounges must be submitted electronically via *Cerionline* (https://cerionline.esteri.it).

Attached reference documents

- Note Verbale no. 1513/64119 of March 25th, 2015 (Access to the national airports VIP lounges for Ambassadors accredited to the Italian Republic, the Holy See, the Sovereign Military Order of Malta and International Organizations with headquarters in Italy).

2.2) DIPLOMATIC AGENTS, MILITARY ATTACHÉS, TECHNICAL AND ADMINISTRATIVE STAFF, OFFICERS OF INTERNATIONAL ORGANISATIONS AND SERVICE STAFF

Before a diplomatic agent, member of the technical-administrative staff, member of the service staff or officers of International Organisations take up their positions, and in any case before they enter Italian territory, the Embassy or the Organisation must notify Office II of the Diplomatic Protocol of the Republic department at the Ministry of Foreign Affairs and International Cooperation by Note Verbale (with adequate advance notice, and at least 30 days before their arrival). In the Note Verbale they should include the name of the person the agent to be accredited will be replacing, or, if applicable, indicate that the position in question is newly created. If an entry visa is required, the application should be sent by the Ministry of Foreign Affairs of the sending State to the relevant Italian Embassy.

To be accredited, the person concerned must hold a diplomatic or service passport (depending on the category to which he belongs) and a diplomatic visa for diplomatic agents, Military Attachés and administrative and technical staff; an employment visa *fuori flussi* [exempt from immigration quota requirements] for service staff; or, for non-European Union officers of International Organisations, a type D long-stay mission visa. The passport must include the holder's category or status, using the terminology envisaged by the Vienna Convention on Diplomatic Relations. For Military Attachés, 3 copies of their curriculum vitae, including photo, should also be attached.

Under the Vienna Convention, diplomatic agents may not have the nationality of the receiving State, except with the consent of that State. Similarly, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity in respect of official acts performed in the exercise of his functions ("functional immunity"). It is the sending State's obligation to notify the Ministry of Foreign Affairs if any of its accredited diplomatic agents hold Italian citizenship, by ensuring that said citizenship is included in the information entered through the "*Ceri online*" portal.

The Ministry of Foreign Affairs and International Cooperation has also established 10 years from the time of accreditation as the maximum limit of permanent residence. Once that period has expired, only functional immunity will be recognised. On the first suitable renewal date, the diplomatic agent will be issued with an identity card specifying that this type of immunity applies.

Similarly, only functional immunity will be granted to foreign diplomatic agents already resident in Italy at the time of accreditation. In this case too, the sending State has the obligation of notifying the Ministry.

Attached reference material:

- Note Verbale no. 1512/68134 of 24 March 2014 (immunity).

2.3) CONSULAR AGENTS

2.3.1) CAREER CONSULS

The accreditation procedure is identical to the one for diplomatic agents.

After presenting his Letters Patent to Office II of the Diplomatic Protocol of the Republic department, the Head of the Career Consular Office is given an exequatur with no set time limit.

2.3.2) HONORARY CONSULS

When it wishes to create a new Honorary Consul, the Embassy must apply to Office II of the Diplomatic Protocol of the Republic department, bearing in mind that, to assent to the creation of an Honorary Consular Office, the Ministry applies the following general criteria:

1) an Honorary Consular Office may not be set up in the same city as an Embassy or a career consular office;

2) an Honorary Consular Office is usually established in the regional capital or in a maritime port with high commercial traffic. It may be established in a different city if the application is dictated by the sending State's requirements in relation to

the exercise of consular functions in that city. In such cases, the application will be considered in light of the reasons given by the proposing Embassy.

In submitting the application, the Embassy must indicate:

1) the location and level of the Consular Office;
2) the exact consular jurisdiction, taking into account that this must be set in the context of the sending State's diplomatic-consular network, as well as the need to avoid an unjustified concentration of Consular Offices in any given area of the national territory;
3) information on the sending State's interests that the Consular Office will be required to protect and promote, including commercial, economic, cultural and scientific activities, and precise data on the size of the community of sending State citizens living in the consular district and the flow of tourists to and from the sending State.

As regards appointments to Honorary Consul positions, the Ministry of Foreign Affairs and International Cooperation applies the following general criteria:

1) holders of public office, including elected and honorary positions, employees of the Italian State and of other public offices may not hold an Honorary Consul position. If an Honorary Consul engages in public office or acquires public employee status subsequent to his accreditation as Honorary Consul, this will lead to the forfeiture of the Honorary Consul position.
2) appointments of other consular officers, in addition to the holder of the Honorary Consul position, cannot be authorised;
3) authorisation requests for candidates for Honorary Consul positions who already hold such positions for other States must be accompanied by the consent of the first sending State;
4) Honorary Consuls must live in the town or city of the Honorary Consular Office or at least in the same province as that town or city.

The Ministry of Foreign Affairs and International Cooperation only corresponds

with diplomatic representations, and not with the candidates themselves, on matters concerning the procedures to establish Honorary Consular Offices and obtain authorisation for candidates for Honorary Consul positions to perform the functions of that office.

In accordance with Article 22 of the Vienna Convention on Consular Relations, when it accepts a candidacy the Ministry of Foreign Affairs and International Cooperation gives notification of its assent by Note Verbale and requests the Letters Patent in order to issue the *exequatur*, which for Honorary Consuls is valid for five years.

Diplomatic Protocol of the Italian Republic notifies the proposing Embassy and relevant Italian ministries, public offices and bodies that authorisation has been granted.

Attached reference material

- Note Verbale no. 246495 of 16 July 2010 (Honorary Consulates).

2.4) EMPLOYEES WORKING UNDER CONTRACT

This category of employee includes:

- personnel of foreign citizenship engaged abroad to work in a Diplomatic Mission or arriving in Italy as part of the household of a diplomatic officer. For these employees, the Ministry of Foreign Affairs must apply for a specific entry visa, by Note Verbale, to the relevant Italian Embassy;
- personnel of Italian or foreign citizenship engaged in Italy with a contract under Italian law to work in a Diplomatic Mission or in the household of a diplomatic officer.

Diplomatic Missions may also engage personnel of foreign or non-European Union citizenship who hold one of the following permits:

- residence permit [permesso di soggiorno] for self-employment;
- residence permit for education, for no more than 20 (twenty) hours per week or

1050 (one thousand and fifty) hours per year;

- EC long-stay visa;
- residence permit to care for a child;
- residence card for non-EU family members of EU citizens;
- permanent residence card for non-EU family members of EU citizens;
- residence permit for asylum seekers or for employment purposes;
- residence permit for humanitarian reasons;
- residence permit for asylum;
- residence permit for supplementary protection;
- residence permit for family reasons.

All workers engaged in Italy are required to keep their residence permit and do not receive an identity card from the Ministry of Foreign Affairs and International Cooperation.

Accredited Missions should notify the Ministry of local staff engaged in Italy using the *Ceri-online* platform, after entering this category of staff. Missions can also use the related functions (cancellation and amendment) where appropriate.

For the renewal of their foreign employees' residence permits, Diplomatic Missions must provide said employees with the appropriate documents to demonstrate that they continue to be employed by the Mission, and the income deriving from that employment.

Attached reference material:

- Note Verbale no. 1512/4934 of 10.01.2012 (employees working under contract);
- Note Verbale no. 1512/40093 of 20 February 2014 (notification of local staff).

CHAPTER III

SOCIAL SECURITY AND LABOUR LAW FOR PERSONNEL OF ITALIAN OR FOREIGN CITIZENSHIP RESIDING LEGALLY IN ITALY AND EMPLOYED BY FOREIGN DIPLOMATIC MISSIONS

Social security laws are intended to ensure that workers and their families receive assistance in the event of illness or accidents and that they receive invalidity, old age and/or survivors' pensions. Under the principles of diplomatic law, legally resident Italian or foreign personnel engaged in Italy by foreign Diplomatic and Consular Missions may not be excluded from the scope of application of Italian law.

Foreign Diplomatic and Consular Missions, International Organisations, individual members of the diplomatic and consular corps and individual officers of International Organisations are required to comply with Italian labour law in matters concerning Italian and foreign employees living in Italy. This is without prejudice to Article 33 of the Vienna Convention on Diplomatic Relations.

The Ministry of Labour and Social Security, in collaboration with the Ministry of Foreign Affairs and International Cooperation and the CGIL, CISL and UIL trades unions, periodically publishes "Regulations governing the employment of employees of embassies, consulates, legations, cultural institutes and international organisations in Italy". This publication can be consulted through the Ministry of Foreign Affairs and International Cooperation website at:

http://www.esteri.it/MAE/IT/Ministero/Servizi/Stranieri/Serv_Rappr_Stran/.

In accordance with Article 41 of the 1961 Vienna Convention on Diplomatic Relations, Diplomatic Missions must observe these provisions.

Current Italian law allows foreign citizens legally resident in Italy but not entitled to free compulsory enrolment with the National Health Service to opt either to take out

a private health insurance policy or to enrol with the National Health Service. This provision is subject to any international agreements on health matters between Italy and another State.

The Ministry of Foreign Affairs and International Cooperation recommends voluntary enrolment with the National Health Service, in view of the broad health cover it provides compared with the cover generally provided by private policies. Voluntary enrolment also places the individual concerned on the same legal footing as Italian citizens.

If the Diplomatic Mission decides to take out a private health policy for the employee, it must comply with current Italian legislation. This envisages that foreign citizens must have insurance against the risk of illness, accidents and maternity as an alternative, where applicable, to voluntary enrolment with the National Health Service. Private health policies must include cover for medicines, specialist out-patient treatment and hospital treatment and cover the same healthcare services recognised in Italy in accordance with the Essential Levels of Care (Italian initials LEA) established under current Italian law.

CHAPTER IV
IDENTITY CARDS

4.1) DIPLOMATIC AND CONSULAR AGENTS, OFFICERS OF INTERNATIONAL ORGANISATIONS, ADMINISTRATIVE-TECHNICAL STAFF

Diplomatic and consular agents, officers of International Organisations and administrative-technical staff, including family members living in the same household (spouses and children up to 21 years of age, after which age the identity card may be extended up to 24 years of age, but only for residence purposes and only for children attending full-time university courses, under conditions of reciprocity) are entitled to receive an identity card exempting the holder from the requirement to hold a residence permit.

Applications for identity cards must be submitted no more than 30 (thirty) days after the applicant's entry to Italy. The Embassy or International Organisation must complete the application form online through the password-protected *Ceri-online* portal (https://cerionline.esteri.it). The necessary documentation – applicant's photo, scanned copy of passport and scanned Note Verbale containing the request – must be attached in digital format. The Note Verbale must also be sent in hard copy.

When the mission of the diplomatic and consular agents, officers of International Organisations and administrative-technical staff comes to an end, the Diplomatic Mission or International Organisation must inform the Ministry of Foreign Affairs and International Cooperation by Note Verbale. The Note Verbale must indicate the officer's date of departure from Italy and be accompanied by his or her identity card. If the departing officer's identity card is not returned, the Ministry of Foreign Affairs and International Cooperation reserves the right not to issue an identity card to the officer's successor, until such time as the card is returned.

Attached reference material:

- Note Verbale no.1512/33854 of 13 February 2014 (identity cards for children of diplomatic-consular and technical-administrative personnel);
- Note Verbale no.1512/37963 of 18 February 2014 (identity cards for children of officers serving in International Organisations).

4.2) SERVICE STAFF AND PRIVATE STAFF

Service staff of Missions and officers' private staff, where properly accredited or notified in Italy and as long as they are initially engaged abroad, are also issued with an identity card. The household concerned is subject to Italian immigration laws.

Up to three (3) members of private staff are allowed for Heads of Mission and one (1) for each member of the Mission holding diplomatic status, under conditions of reciprocity.

Within eight (8) days of their taking up employment, the Mission must ask the Ministry of Foreign Affairs and International Cooperation, in a Note Verbale, to issue an identity card to the employee concerned. If an identity card is issued but the employee decides not to come to Italy, the Embassy that issued the visa and the Ministry of Foreign Affairs and International Cooperation must be informed immediately. Otherwise, the Ministry of Foreign Affairs and International Cooperation reserves the right not to allow other domestic staff for the officer in question to enter Italy.

If, within the envisaged eight (8) days, the Mission fails to formalise the position of an individual for whom a visa application has been submitted and who has arrived in Italy, the Ministry of Foreign Affairs and International Cooperation reserves the right not to issue an identity card to said individual, who will thus be obliged to leave Italy.

Applications for identity cards should be submitted through the *Ceri-online* portal. The following documentation should also be attached:

- copy of passport;
- copy of the UNILAV form, for service staff of the Mission; copy of the domestic employment report certifying that the notification of engagement has been taken in hand, for private staff of members of the Mission;
- documentation certifying the worker's social and health insurance position, as envisaged by the provisions governing employment in Diplomatic Missions in Italy;
- documentation certifying that the annual payment envisaged by the Italian National Health Service for the calendar year in question has been paid or, in the case of private health insurance, the annual premium envisaged by the private insurance company for the calendar year;
- a declaration from the Mission guaranteeing, for non-EU workers, that the employee will return to their home country on termination of their service, and agreeing to cover the relative costs.

The identity card is valid for 1 (one) calendar year, which coincides with the period of health cover and is renewable on expiry.

The identity card acts as an identification document for workers who are citizens of one of the European Union's Member States. It exempts workers of non-EU citizenship from the need to have a residence permit, with sole regard to their period of employment. Therefore, personnel engaged abroad will no longer be entitled to stay on Italian territory once their employment contract ends.

Private staff of members of the Mission are required to collect their identity card in person at Office II of the Diplomatic Protocol of the Republic department. When it issues the card, the Ministry of Foreign Affairs and International Cooperation also gives the person concerned a vade-mecum on employees' rights and duties in Italy.

To renew an identity card, the Mission must send an application, in the form of a Note Verbale, to Office II of the Diplomatic Protocol of the Republic department no more than 30 (thirty) days prior to the expiry of the card falling due for renewal. The

application should include a declaration certifying that the annual payment envisaged by the Italian National Health Service has been paid for the calendar year to which the renewal refers, or, in the case of private health insurance, the annual premium envisaged by the private insurance company for that year. If the Mission cannot demonstrate that the worker's social security and healthcare contributions have been paid without interruption, the identity card cannot be renewed.

No more than 30 (thirty) days after the worker's employment comes to an end, the Mission must notify the Ministry of Foreign Affairs and International Cooperation by Note Verbale, enclosing 2 (two) copies of the *cessazione dalle funzioni* (cessation of functions – CF) form. The Mission must also return the worker's identity card and specify the date of their departure from Italy. If the worker does not leave Italy or the identity card is not returned, the Ministry of Foreign Affairs and International Cooperation reserves the right not to authorise the entry of further foreign staff for the officers of the Mission in question.

Once the employment of a member of the private staff has come to an end, the Ministry of Foreign Affairs and International Cooperation will allow that same worker to be employed by other members of foreign Diplomatic Missions, with the same guarantees and obligations as for the previous employment.

If a member of a diplomatic officer's private staff should go missing, the employer must report this immediately to the Italian police authorities. The Mission must also inform the Ministry of Foreign Affairs and International Cooperation promptly by Note Verbale, accompanied by the original police report, so that the worker's identity card can be cancelled. In reminding Missions that such staff members come to Italy under the direct responsibility of the officer employing them, the Ministry of Foreign Affairs and International Cooperation reserves the right not to authorise the entry of further foreign employees for the officers of the Mission in question.

4.3) HONORARY CONSULS

Honorary Consuls are entitled to have an identity card. The Mission may ask the Ministry of Foreign Affairs, by Note Verbale, to issue an identity card to the Honorary Consul after their *exequatur* has been issued. Applications should be submitted

through the *Ceri-online* portal. The period of validity of the identity card issued to Honorary Consuls is the same as that of the *exequatur*.

CHAPTER V

DIPLOMATIC DISPUTES

5.1) DIPLOMATIC NOTIFICATION

The procedure envisaging the notification through diplomatic channels of legal documents intended for Missions accredited in Italy ensures that the diplomatic functions of these Missions and their diplomatic agents can continue undisturbed, in compliance with the principles laid down by the Vienna Conventions on Diplomatic Relations (1961) and Consular Relations (1963).

The judicial bodies (courts) of the Italian Republic are required to send legal documents concerning foreign Diplomatic Missions accredited in Italy to the Ministry of Foreign Affairs and International Cooperation – Diplomatic Protocol of the Republic – Office II so that it can forward them to the Missions concerned. The Ministry of Foreign Affairs and International Cooperation forwards the documents to the Mission with a Note Verbale which also specifies the type of document and the date of any hearing before the judge with jurisdiction over the case. With this Note Verbale the Ministry of Foreign Affairs and International Cooperation does not enter into the merits of the dispute.

The Note Verbale is sent by post, with a registered letter with confirmation of receipt. The Ministry of Foreign Affairs and International Cooperation also draws up a notice of service addressed to the judicial authority making the request.

5.2) GOOD OFFICES

One of the institutional roles of the Diplomatic Protocol of the Republic department is to handle disputes involving Italian or foreign citizens and Diplomatic Missions accredited in Italy.

In such cases, at the parties' request, Office II of the Diplomatic Protocol Department may assist said parties by performing a good offices role in an attempt to

settle the dispute out of court. This role can be performed concurrently with the legal dispute or as an alternative to it, either prior to proceedings or while they are under way.

In exercising its good offices, the Ministry of Foreign Affairs and International Cooperation does not protect the interests of any party. It solely facilitates – as a third party with respect to the parties to the dispute – an amicable agreement.

If the good offices procedure is successful, the parties will reach an out-of-court agreement that prevents the case from coming to court, if the good offices are exercised prior to it, or closes the proceedings, if they are already under way.

Attached reference material

- Note Verbale no. 1511/32171 of 9 May 2011 (legal theory concerning summonses and the serving of legal documents).

CHAPTER VI

CUSTOMS AND TAX EXEMPTIONS

6.1) INTRODUCTION

Without prejudice to the provisions of the Vienna Convention concerning exemption from taxes and duties, Diplomatic and Consular Missions, International Organisations in Italy, and diplomatic and consular officers and officers of International Organisations who are not of Italian nationality, enjoy special customs arrangements and exemption from indirect taxes for the purchase of goods and services. These arrangements and exemptions are subject to the principle of reciprocity or, in the case of International Organisations, of specific headquarters agreements.

It should be noted that fiscal privileges, which do not have the status of subjective rights, are only accessible to holders of valid identity cards.

Attached reference material

- Note Verbale no. 1511/32171 of 9 May 2011 (legal theory concerning summonses and the serving of legal documents)

6.2) CUSTOMS EXEMPTIONS

6.2.1) IMPORTS OF HOUSEHOLD FURNITURE AND FITTINGS (FORM 180)

Diplomatic and consular agents, employees of Cultural Institutes, Category 1 officers of International Organisations, and members of the technical and administrative staff of Missions may import household furniture and fittings and personal effects at the time of first installation, which is set under conditions of reciprocity.

To obtain authorisation to import household furniture and fittings and personal effects, an application must be sent electronically to Office I of Diplomatic Protocol by completing form 180 through the https://cerionline.esteri.it portal. Office I will

evaluate applications submitted through the portal, and grant authorisation, on the basis of the information they contain. Once the authorisation has been verified online, Missions may collect Form 180 from Office I of Diplomatic Protocol for submission to the Customs Office where the import is processed.

For applications submitted by International Organisations, Form 180 must be completed in hard copy. Copies of the form may be requested by sending a Note Verbale to Office I of Diplomatic Protocol

All parts of Form 180 must be completed. It must be accompanied by a list, in Italian and in duplicate, of the household items concerned and a photocopy of the Note Verbale referring to the notification of accreditation, if the interested party does not yet have an identity card.

The Note Verbale providing prior notification must include the name, position, Mission or office where the officer will be serving and, unless the position is newly created, the name of the person being replaced.

For applications by International Organisations, Form 180 must also include the applicant's citizenship and date of engagement.

Missions are reminded that items imported exempt from customs duties are for the sole use of the persons entitled to the exemption.

These persons do not have the right to transfer the items free to or on payment by other persons, even for charitable purposes, during their mission in Italy.

6.2.2) CUSTOMS EXEMPTIONS FOR RATIONED GOODS (FORM 182)

– TOBACCO

Diplomatic and career consular agents may import the following quantities of tobacco, cigars or cigarettes free of customs duties every four months:

- heads of diplomatic missions, 16 Kg (for each four-month period);
- diplomatic agents and career consular agents, 12 Kg (for each four-month period).

This exemption applies on condition that the amount purchased is not lower than the limit established by the current legislation, and in any case under conditions of reciprocity.

Applications for duty-free imports of tobacco must be submitted electronically every four months to Office I of Diplomatic Protocol, by completing Form 182 online through the password-protected *Ceri-online* portal (https://cerionline.esteri.it).

Each Embassy may submit one application per Mission – consulate, consulate general, embassy etc. – solely for the personnel serving in that Mission. The electronic system suggests a list of all the officers holding a valid identity card. The Mission is therefore responsible for ensuring that persons who ceased working there before their identity card expired are not included in the list. Office I of Diplomatic Protocol will evaluate applications on the basis of the information they contain and will then send Form 182, again electronically, to the Ministry for the Economy and Finance – Customs Agency, which in turn will issue the authorisation.

For applications submitted by International Organisations, Form 182 must be completed in hard copy format, again on a four-monthly basis. Copies of the form may be requested by sending a Note Verbale to Office I of Diplomatic Protocol. Form 182 should be completed in quintuplicate (5 copies) and must include the year to which it refers. Each copy must bear the stamp of the Embassy, Organisation or Mission and be signed by the Head of Mission or the officer formally delegated by him, whose signature must have previously been deposited with Diplomatic Protocol.

Applications must be accompanied by a list, in triplicate, that includes: the name of each person concerned, their position, their identity card number, and the amount of tobacco (and/or spirits) for which they are requesting the exemption.

The list (in triplicate) must bear the stamp of the Embassy, Organisation or Mission and the signature of the Head of Mission.

Applications for tobacco, expressed in kilograms, must be submitted, without exception or delay, no later than the first month of the four-month period of reference (for the first four-month period, from 1 to 31 January; for the second, from 1 to 31

May; and for the third, from 1 to 30 September). Missions should submit a single, cumulative application for all the personnel concerned with the purchase, who must, naturally, be entitled to the exemption (including the Head of Mission and career consular agents).

- SPIRITS

Diplomatic and career consular agents may import the following quantities of spirits (alcohol of more than 22 proof) exempt from customs duties every four months:

- for heads of diplomatic missions, 80 litres (for each four-month period);
- for diplomatic agents and career consular agents, 60 litres (for each four-month period).

This exemption applies on condition that the amount purchased is not lower than the limit established by the current legislation, and in any case under conditions of reciprocity.

Applications for duty-free imports of spirits must be submitted electronically every four months to Office I of Diplomatic Protocol, by completing Form 182 online through the password-protected *Ceri-online* portal (https://cerionline.esteri.it).

Each Embassy may submit one application per Mission – consulate, consulate general, embassy etc. – solely for the personnel serving in that Mission. The electronic system suggests a list of all the officers holding a valid identity card. The Mission is therefore responsible for ensuring that persons who ceased working there before their identity card expired are not included in the list. Office I of Diplomatic Protocol will evaluate applications on the basis of the information they contain and will then send Form 182, again electronically, to the Ministry for the Economy and Finance – Customs Agency, which in turn will issue the authorisation.

For applications submitted by International Organisations, Form 182 must be completed in hard copy format, again on a four-monthly basis. Copies of the form may be requested by sending a Note Verbale to Office I of Diplomatic Protocol. Form 182 should be completed in quintuplicate (5 copies) and must include the year to which it

refers. Each copy must bear the Stamp of the Embassy, Organisation or Mission and be signed by the Head of Mission or the officer formally delegated by him.

Applications must be accompanied by a list that includes: the name of each person concerned, their position, their identity card number, and the amount of tobacco (and/or spirits) for which they are requesting the exemption.

The list (in triplicate) must bear the Stamp of the Embassy, Organisation or Mission and the signature of the Head of Mission.

Spirits, expressed in litres, must be ordered on a four-monthly basis by the interested parties, using a single application.

In addition to the amounts indicated above, authorised for personal use, the Head of Mission may also import an additional quantity of spirits duty free for official use by the Mission. This amounts to 20% of the total amount allowed for diplomatic agents serving in the Mission. For spirits too, exemption from customs duty applies on condition that the amount of the purchase is no lower than the limit established by law.

Diplomatic Missions should note that applications to import duty-free tobacco and spirits must, without exception or delay, be submitted no later than the first month of the four-month period of reference (for the first four-month period, from 1 to 31 January; for the second, from 1 to 31 May; and for the third, from 1 to 30 September). Missions should submit a single, cumulative application for all the personnel concerned with the purchase, who must, naturally, be entitled to the exemption (including the Head of Mission and career consular agents).

Spirits may also be purchased directly in other European Union Member States, with due respect for the above-mentioned provisions governing the purchase of tobacco.

6.2.3) CUSTOMS EXEMPTIONS FOR NON-RATIONED GOODS (FORM 182)

Applications for duty-free imports of non-rationed goods (reasonable amounts, for personal use and use by dependent family members living in the same household, of

goods other than tobacco and spirits) must be submitted on a four-monthly basis no later than the first month of the four-month period of reference (for the first four-month period, from 1 to 31 January; for the second, from 1 to 31 May; and for the third, from 1 to 30 September). Applications must be submitted electronically to Office I of Diplomatic Protocol by completing Form 182 online through the password-protected *Ceri-online* portal (https://cerionline.esteri.it).

For applications submitted by International Organisations, Form 180 must be completed in hard copy. Copies of the form may be requested by sending a Note Verbale to Office I of Diplomatic Protocol

For goods of this nature, Form 182 should be accompanied by an order confirmation or pro forma invoice in triplicate. For cumulative applications by more than one entitled person, for each name (indicating also the person's position and identity card number), the goods to which the application refers should also be shown, the total of which must correspond to the amounts and total values indicated on the order confirmation (or pro-forma invoice) and on Form 182.

It should be noted that to obtain duty-free imports of any kind the amount of expenditure must be no lower than the limit established by law (currently **300.00 euros**). For all goods from European Union countries, please see point 6.3.2.

6.2.4) WORKS OF ART

The provisions governing imports/exports of works of art are contained in Council Regulation (EC) no. 116/2009 of 18 December 2008 on the export of cultural goods and in the "Code of cultural and landscape assets" (Legislative Decree 42 of 2004 published in Official Journal no. 45 of 24 February 2004, Ordinary Supplement no. 28). In this Decree, the government approved the new Code for Cultural and Landscape Assets under the delegated authority envisaged by Article 10 of Law 137 of 6 July 2002.

Legislative Decree 42/2004 simplifies the legislation with respect to that previously in force. It provides an instrument to defend and promote the Italian people's assets and heritage, including by involving local authorities. It also, and

irrevocably, defines the limits on the disposal of public property, which extend to assets of particular artistic, historic, archaeological or architectural value.

The Code establishes those privately owned assets which may not be definitively transferred abroad. The assets in question are all those subject to constraints, i.e. to protection by effect of a formal provision declaring them to be of "particularly significant" cultural interest.

The definitive removal of privately owned items created more than 50 years ago by persons now no longer living, for which the existence of a cultural interest can be assumed but has not yet been verified, is subject to prior authorisation from the Ministry for Cultural Assets and Activities. So too is the definitive removal from Italy of certain items listed in Article 11, such as photographs and cinematographic works, etc.

Art works and *objets d'art* created by living artists or created no more than fifty years ago may be removed from Italy without restriction. It is the interested party's responsibility to provide the relevant Exports Office of the Ministry for Cultural Assets and Activities with proof that these conditions apply (Article 65.4 of Decree 42/2004).

While the matter is the strict competence of the Ministry for Cultural Assets and Activities and the Customs Agency in the case of imports from and/or exports to non-EU countries, the Ministry of Foreign Affairs and International Cooperation feels that some guidance on the matter may be useful.

Authorisation for definitive removal (Article 65.4 of Legislative Decree 42/2004)

Anyone intending to export contemporary works of art (works by living artists or which were created no more than fifty years ago) must comply with the provisions of Article 65.4 of Legislative Decree 42/2004. The Decree provides that: *the removal of the items referred to in Article 11.1 (d) of Legislative Decree 42/2004 is not subject to authorisation. The interested party is responsible for proving to the relevant export office that the items being transferred abroad are the work of living artists or were created no more than fifty years ago, in accordance with the procedures and arrangements*

established by ministerial decree.

Temporary removal (Article 66 of Legislative Decree 42/2004)

The temporary removal of cultural assets subject to export ban may be allowed when said assets are intended for cultural events and exhibitions subject to authorisation by the Ministry for Cultural Assets and Activities.

Certificate of free movement (Article 68 of Legislative Decree 42/2004)

A certificate of free movement is required for the definitive removal from Italy of cultural assets that the Ministry for Cultural Assets and Activities has not declared to be of particularly significant or special interest. It remains valid for 36 (thirty-six) months from the date of issue. The Exports Office of the Ministry for Cultural Assets and Activities may refuse authorisation, with grounds. Refusal gives rise to the declaration procedure in accordance with Article 14. To this end, along with the notification of refusal, the information referred to in Article 14.2 is also sent to the interested party and the objects or goods are subject to the provision referred to in paragraph 4 of the same article.

Completed dispatch or import certificates (Article 72 of Legislative Decree 42/2004)

Completed dispatch or import certificates declare that a cultural asset has left or entered the country. They are issued on the basis of documentation identifying the item or asset and proving its provenance in the territory of the Member State or third country from which the object or asset was sent or imported. These certificates remain valid for 5 years and may be extended at the interested party's request. The conditions, arrangements and procedures for the issuing and extension of certificates, especially as regards verification of the provenance of the dispatched or imported asset, are established by decrees issued by the Ministry for Cultural Assets and Activities.

As confirmed on more than one occasion by the Customs Agency, in the case of temporary imports (for events, exhibitions etc.) of works of art and items for which the payment of a deposit is required at the time of their release, Community customs regulations explicitly envisage that the obligation to provide a guarantee also applies to Diplomatic Missions. This does not apply in cases where an Italian public office is

co-participating in the event or to the uses indicated in Article 36 of the Vienna Convention.

To re-export temporarily imported items, a declaration countervailing the above-mentioned certificates is required.

No certification is required from the Ministry of Foreign Affairs and International Cooperation for either case.

It should be also be noted that free-movement certificates are not issued since assets located in Diplomatic Missions are usually part of the historic and artistic heritage of the nation represented.

Permit to export cultural goods from the territory of the European Union (Article 2 Reg. (EC) 116/2009 and Article 74 of Legislative Decree 42/2004)

An export permit is required to definitively or temporarily export cultural goods falling within the scope of Regulation (EC) 116/2009 and listed in Annex A of Legislative Decree 42/2004. The export licence envisaged by Article 2 of Regulation (EC) 116/2009 is normally issued by the export office at the same time as the certificate of free movement, or no more than thirty (30) months after the latter is issued by the export office. The license is valid for 6 months.

For further information or clarification of matters concerning the import/export of works of art please contact:

Ministero dei Beni e Attività Culturali
- Ufficio Esportazione di Roma
Via Cernaia 1, 00185 Roma
Tel. 06 4881457
Fax. 06 48912777
E-mail: sba-laz.esportazioni@beniculturali.it

Agenzia delle Dogane

Via Mario Carucci 71, 00143 Roma

- Ufficio per i regimi doganali e per i traffici di confine

Tel. 06 50245047

Fax 06 50245222

E-mail: dogane.tributi.regimi@agenziadogane.it

- Ufficio metodologia e controllo degli scambi nel settore doganale, fiscale ed extratributario

Tel. 06 50246613

Fax 06 50243116

E-mail: dogane.accertamenti.scambi@agenziadogane.it

6.2.5) CINEMATOGRAPHIC WORKS

IMPORTS AND EXPORTS

Films, video-cassettes and DVDs may be imported on condition that they are to be projected in the Mission submitting the application and are not to be used for speculative purposes or sold to persons or institutes or reproduced in part or in full for screening outside the Embassy or Cultural Institute.

Diplomatic Missions and International Organisations, where the headquarters agreement so envisages, must submit an import application, by Note Verbale, to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation. The Note Verbale must indicate:

- the number and weight of the packages;
- the number of films, video-cassettes or DVDs;
- the title and genre (documentary, scientific film, etc.) of the films, video-cassettes or DVDs.

In the event that the films, video-cassettes or DVDs will need to be dubbed, the limitations envisaged for screening will also apply after dubbing has been completed.

In derogation of the above, if, in exceptional cases, the Diplomatic Mission wishes to show the film in different premises from its own, it may do so on condition that:

- the film or documentary is of a cultural or scientific nature;
- the screening is not for speculative purposes and is intended for guests invited by the Head of Mission;
- the Diplomatic Mission has obtained the necessary authorisations in advance, through Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation.

For temporary imports of films, video-cassettes or DVDs to be screened at exhibitions or film festivals or seasons, Diplomatic Missions must apply for authorisation through Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation .

6.2.6) IMPORT OF PETS

The information provided below concerns dogs, cats and other pets entering Italy with their owners. It is taken from the Ministry of Health website (http://www.salute.gov.it), to which Missions should refer for more detailed information on this topic.

- CATS, DOGS AND FERRETS

The new European Union health provisions governing movements of dogs, cats and ferrets between Member States and the entry and re-entry of these animals to European territory from third countries came into force on 1 October 2004.

The new regulations concern the movement of animals – not intended for sale or transfer of ownership – accompanying their owner or the person responsible for them.

Pets (cats, dogs and ferrets) accompanying their owner or the person responsible for them may be brought into Italy but the conditions applied depend on whether the animals come from an EU Member State or a third country.

Pets entering from EU countries

Animals entering Italy with their owner or the person responsible for them must have a Community passport as established by European Commission Decision

2003/803/EC of 26 November 2003. They must be identified by a microchip or clearly readable tattoo if applied before 3 July 2011.

The passport is issued by a vet authorised by the relevant authority in the country of origin. It must certify that the animal has received its anti-rabies vaccination and, if necessary, a currently valid new (booster) vaccination. If this is the animal's first anti-rabies vaccination, the animal can only be moved after 21 days have elapsed (Commission Decision of 2 February 2005). Persons wishing to apply for a passport should contact the veterinary services of the EU country of origin.

No prior treatment for ticks or echinococcus (tapeworm) is required for pets entering Italy.

In addition to the conditions set out above, if the total number of animals entering the country is higher than 5 (five), the dogs, cats and ferrets must satisfy the conditions set out in Directive 92/65/EEC.

The conditions applied for animals entering Italy from EU Member States also apply to those entering from Andorra, Croatia, Switzerland, Iceland, Liechtenstein, Monaco, Norway, San Marino and Vatican City State, as long as the European Commission has established that these countries apply regulations equating to those of the European Union. Anyone requiring more information should consult the section of the European Commission website dedicated to the movement of dogs, cats and ferrets.

Pets entering Italy from third countries

The rules governing animals entering Italy from third countries with their owner or the person responsible for them, up to a maximum of 5 and for non-commercial purposes, vary depending on whether or not the country is included in the list drawn up by the European Commission. This list, which is constantly up-dated, can be found on the Commission website at:

http://ec.europa.eu/food/animal/liveanimals/pets/nocomm_third_en.htm.

- Animals from **third countries listed in Annex II** to Regulation (EC) no. 998/2003 of 26 May 2003 must have a health certificate as referred to in Annex II of Commission Implementing Decision 2011/874/EU of 15 December 2011. This certificate should be issued by a veterinary officer of the relevant authority in the third country of origin, while the animals must be identified by a microchip or clearly readable tattoo if applied before 3 July 2011. The health certificate must state that the animal has received its anti-rabies vaccination and, if necessary, a currently valid new (booster) vaccination. If this is the animal's first anti-rabies vaccination, the animal can only be moved after 21 days have elapsed.
- Pets from **third countries not listed in Annex II** to Regulation (EC) no. 998/2003 must be identified by a microchip or clearly readable tattoo if applied before 3 July 2011. They must also be issued with a health certificate stating that the animal has received its anti-rabies vaccination and, if necessary, a currently valid new (booster) vaccination. The certificate must also state that a Rabies Virus Neutralizing Antibodies (RVNA) titration blood test has been carried out on a blood sample taken by an authorised veterinarian, with a favourable result equal to or higher than 0.50 IU/mL. The test must be carried out in a laboratory recognised by the European Commission. The blood sample for the titration test must taken from the animal, by a vet, at least 3 months before the planned date of entry to Italy. An up-to-date list of recognised laboratories in the EU and in third countries can be found on the Commission website at:
- http://ec.europa.eu/food/animal/liveanimals/pets/approval_en.htm.

Animals must be over 3 months old to enter Italy. **Animals younger than 3 months and which have not been vaccinated against the rabies virus may not be brought into Italy,** either from European Union Member States or from third countries.

No prior treatment for ticks or echinococcus (tapeworm) is required for pets entering Italy from third countries.

- OTHER PETS

Other pets, accompanying their owner, are, as listed in Annex I part C of EC Regulation 998/2003:

- invertebrates (except bees and crustaceans), ornamental tropical fish, amphibia, reptiles
- birds: all species (except poultry covered by Council Directives 90/539/EEC (1) and 92/65/EEC)
- mammals: rodents and domestic rabbits.

The animals listed above may be brought into Italy as long as they are:

- accompanying their owner;
- no more than 5 in number,
- carried in suitable containers to ensure their well-being during transport and sufficient safety and security levels;
- accompanied by a certificate signed by an official vet, or a vet authorised by the relevant authority, stating that the animal was examined during the 48 hours preceding its departure, did not exhibit clinical signs of illness typical of its species and is able to withstand the journey as far as its destination. The certificate must also include a description of the animal, the name of its owner and its departure and destination addresses.

At present, for birds (excluding poultry, which may not be brought into Italy with owners), reference should be made to EC Commission Decision 2007/25/EC (pdf, 119 KB) of 22 December 2006 and to the Ministerial Order of 10 November 2005 on “highly pathogenic avian influenza: veterinary police restrictive measures on imports”. Italy authorises movements of live pet birds from third countries only if the number of birds is equal to or less than 5, and only if they are accompanied by the health certificate illustrated at Annex II of Decision 2007/25/EC. The certificate should be accompanied by a declaration by the owner or representative of the owner of the pet birds that complies with Annex III of Decision 2007/25/EC.

- PSITTACINES (parrots)

A maximum of 2 (larger species) or 4 (smaller species) parrots may be brought into Italy with their owner. The rules set out above for birds apply, as long as the parrots are accompanied by a health certificate issued by the official veterinary service in their country of origin. The certificate must declare that they come from an area in which no cases of psittacosis (parrot disease) have occurred within a radius of 20 Km over the last 12 months (Ministerial Order of 30 April 1959 as amended by Ministerial Order of 23 June 1972).

6.3) TAX EXEMPTIONS

6.3.1) TAX EXEMPT PURCHASES OF GOODS AND SERVICES (FORM 181)

On a reciprocity basis, diplomatic agents, career consular agents, the officers of International Organisations (where so envisaged by headquarters agreements) and members of the technical-administrative staff who are not of Italian nationality and are not permanently resident in Italy, may be exempted, in accordance with Article 72 of Presidential Decree 633 of 26 October 1972, from the payment of Value Added Tax (VAT) for purchases of:

- goods and services for the official use of Diplomatic Missions, Consulates headed by career officers, and International Organisations, where envisaged by headquarters agreements;
- goods and services for strictly personal use, within reasonable limits, by diplomatic agents, career consular agents and the officers of International Organisations equated to them through headquarters agreements;
- goods and services for strictly personal use, within reasonable limits, by members of the technical-administrative staff and consular employees.

This benefit applies to transactions equal to or higher than the threshold established by law (at present the minimum taxable amount is **300.00 euros**).

To obtain this exemption on the basis of a quote, the Embassy must send the application electronically to Office I of Diplomatic Protocol by completing Form 181 on

the password-protected *Ceri-online* (https://cerionline.esteri.it) portal. The portal contains instructions on the correct use of the procedure.

For applications submitted by International Organisations, Form 181 must be completed in hard copy. Copies of the form may be requested by sending a Note Verbale to Office I of Diplomatic Protocol.

When completing Form 181, Missions should include the name and position of the officer entitled to the privilege, **including for purchases made by the officer's family members**.

In some cases, Diplomatic Missions may be asked to provide a quote for the purchase to which the application refers.

Once Form 181 has been completed and approved by the Ministry of Foreign Affairs and International Cooperation, the purchaser must give it to the seller, who must keep it, along with a duplicate of the invoice, in accordance with Art. 39 of Presidential Decree 633 of 26 October 1972. Under Italian law, this documentation must be kept for at least 5 years, so that it can be checked by the relevant authorities.

Once the purchase has been completed, the beneficiary must enter the **invoice number for the transaction** in the **relevant field of the *Ceri-online* portal**.

For exemptions applicable to utilities (telephone, electricity, gas and water services), the Embassy may submit, preferably at the start of the year, a single annual application. The application should be submitted electronically through *Ceri-online*.

In the case of applications submitted by International Organisations, a copy of the invoice and of the exemption certificate, signed by the supplier, must be sent as quickly as possible to Office I of Diplomatic Protocol.

International organisations may submit a single annual application and send a copy of the latest invoice or new utilities contract. Please note that if the "owner" of the utility changes during the year, a copy of the contract transfer should also be submitted.

Authorisation for exemption issued by Diplomatic Protocol is valid from the date of issue and does not apply retroactively.

6.3.2) TAX EXEMPT PURCHASES OF GOODS AND SERVICES IN EUROPEAN UNION MEMBER COUNTRIES ("INTRA-COMMUNITY VAT")

Further to Article 15.10 of Directive no. 77/388/EEC, VAT exemption may be requested for purchases in European Union Member States that are to be imported to Italy. Said purchases must be made by persons entitled to this exemption in Italy and be related to the functions they perform. The same reciprocity conditions apply to this privilege as to purchases made in Italy.

To this end, without prejudice to the arrangements for submitting applications as set out above, the intra-Community VAT exemption form must be completed. The form, which can be printed off from the *Ceri-online* portal, must be accompanied by the invoice, with a translation into Italian and a dispatch note, where necessary, and sent to Office I of Diplomatic Protocol.

For applications submitted by International Organisations, the intra-Community VAT exemption form must be completed in hard copy. Copies of the form may be requested by sending a Note Verbale to Office I of Diplomatic Protocol.

This form, along with the Ministry of Foreign Affairs and International Cooperation authorisation, must be sent or delivered to the supplier abroad.

6.3.3) PROPERTY PURCHASES

Following the abolition of the legal obligation for corporate persons to obtain government authorisation to purchase real estate property (Law 127 of 15 May 1997), the only procedures that must be followed by Diplomatic Missions or International Organisations interested in purchasing real estate property are those envisaged by the Vienna Conventions on Diplomatic Relations (1961) and Consular Relations (1963).

6.3.4) PROPERTY RENTAL

In the case of property rented for use as the premises of Diplomatic or Consular Missions, and for the purpose of organising the appropriate security and surveillance

services, Missions should inform the Ministry of Foreign Affairs with good notice of any contracts they are entering into and provide the address of the building concerned.

Diplomatic agents and career consular agents, under conditions of reciprocity, and the officers of International Organisations, where envisaged by headquarters agreements, are exempt from paying VAT and registration duty on rental contracts for property to be used as the premises of Diplomatic or Consular Missions or International Organisations. This exemption also applies to premises to be used as housing for diplomatic and consular agents and Category I officers of International Organisations of non-Italian nationality (Law 946 of 31 October 1966).

To apply for this exemption, the Mission must send a Note Verbale to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation, with the following information:

- the name and position of the person for whom the exemption is being requested (the lessee);
- the name of the owner or company or body renting out the property (the lessor);
- the name and position of the person signing the contract, if the person entering into the rental contract has been charged to do so by the Embassy or International Organisation and is therefore a different person from the beneficiary;
- the address of the property;
- the intended use of the property (mission office or residential);
- the date (of signing) and date of effect of the contract (contracts for residential use cannot enter into effect before the lessee's diplomatic identity card has been issued);
- the duration of the rental contract.

If the lessee opts for the flat rate tax (on rental income), the registration tax does not have to be paid.

The Note Verbale should be accompanied by a copy of the rental contract.

6.3.5) OTHER PROPERTY TAXES

International law envisages, for the premises of the Mission only, and including the Head of Mission's residence, exemption from all taxes and dues of any nature – national, regional and municipal – other than taxes on payment for specific services rendered (Article 23 of the Vienna Convention on Diplomatic Relations and Article 32 of the Vienna Convention on Consular Relations).

Foreign Diplomatic or Consular Missions in Italy are at present exempt from paying the "Single Municipal Tax" (Italian initials IMU). In addition to the general principle established by the above-mentioned Vienna Conventions, the new IMU legislation (Article 9.8 of Legislative Decree 23 of 14 March 2011) reflects Article 7 of Legislative Decree 504 of 30 December 1992.

Decree 504 establishes that "buildings belonging to foreign States and International Organisations for which exemption from local income tax on the revenue from the building is envisaged on the basis of international agreements implemented in Italy" are exempt from municipal property tax.

Foreign Diplomatic and Consular Missions, and diplomatic and consular agents in Italy, **are, however, required to pay the urban refuse collection tax** in accordance with Article 23 and Article 34 (e) of the Vienna Convention on Diplomatic Relations (1961) and Article 49 (e) of the Vienna Convention on Consular Relations (1963). This tax is deemed to correspond to a specific service rendered, directly or through concession holders, by municipal bodies.

6.3.6) RAI-TV LICENCE FEE

The exemptions envisaged by international law for the personnel of foreign Diplomatic and Consular Missions in Italy, under conditions of reciprocity, and to the officers of International Organisations, also apply to the RAI-TV licence fee, as long as the persons concerned are not of Italian nationality and are not permanently resident in Italy, where so envisaged by the headquarters agreement. To benefit from this exemption, the original payment slip sent by RAI, made out solely to the officer

concerned, must be sent to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation, by Note Verbale.

Attached reference material

- Note Verbale no. 21/4028 of 9 April 1991 (VAT exemption);
- Note Verbale no. 21/54743 of 9 February 2007 (VAT exemption, customs exemptions);
- Note Verbale no. 21/43082 of 7 February 2008 (VAT exemption procedure through the *Ceri-online* portal);
- Note Verbale no. 21/84810 of 5 March 2008 (customs exemptions);
- Note Verbale no. 1511/21962 of 29 January 2013 (VAT exemption on utilities and continuous operations services);
- Note Verbale no. 1511/180607 of 8 August 2013 (Payment of services rendered for refuse disposal).

CHAPTER VII

MEANS OF TRANSPORTATION

7.1) VEHICLES

7.1.1) INTRODUCTION

New and used vehicles and motorcycles within the limits and for the persons, organisations and uses set out below are exempt from import customs duties and from intra-Community and single market VAT:

- Embassies accredited to the Italian Republic and to the Holy See and the Permanent Representative to the FAO: five (5), three (3) and three (3) vehicles respectively, subject to the principle of reciprocity and taking into account the Diplomatic Missions' service requirements (CD plates);
- Heads of Diplomatic Missions (Ambassador – Permanent Representative): three (3) vehicles, under conditions of reciprocity, for personal use (CD plates);
- Diplomatic agents: two (2) vehicles, under conditions of reciprocity, for personal use (CD Plates). If the diplomatic agent prefers to have one of the two vehicles registered in the name of a family member living in the same household, the vehicle will be registered with an Italian number plate;
- Members of the administrative and technical staff: two (2) vehicles for personal use (Italian number plates), to be purchased at the time of first installation under conditions of reciprocity;
- Career Consulates General: two (2) service vehicles with CC plates, under conditions of reciprocity, for official use;
- Career Consulates: one (1) service vehicle with CC plates, under conditions of reciprocity, for official use;
- Career consular agents: two (2) service vehicles with CC, plates under conditions of reciprocity, for personal use;

- Technical-administrative consular staff: a maximum of two (2) vehicles for personal use with Italian number plates, to be purchased at the time of first installation under conditions of reciprocity.

7.1.2) VEHICLES PURCHASED ON THE ITALIAN MARKET (FORM 181)

The above-mentioned vehicles can be purchased VAT-exempt on the domestic market under Article 72 of Presidential Decree 633 of 26 October 1972. This exemption is allowed as an alternative to duty-free import and takes account of the principle of reciprocity.

To obtain VAT exemption for vehicle purchases, the Diplomatic Mission must submit a specific application to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation, using Form 181.

The form should include the following information:

- name of the Diplomatic Mission or International Organisation;
- type and model of vehicle;
- the amount shown in the purchase invoice or quote, which should be sent with the application;
- the name and location of the dealer from which the vehicle is being purchased;
- the name, position and Ministry of Foreign Affairs and International Cooperation identity card number of the officer benefitting from the exemption.

7.1.3) VEHICLES FROM EU MEMBER STATES (FORM 6)

In accordance with Decree Law 331 of 30 August 1993 as confirmed by Law 427 of 29 October 1993, vehicles purchased in and originating from another European Union Member State may be registered in Italy without taking the vehicle to customs.

However, a “not-for-resale” condition will be entered in the logbook, as for vehicles imported duty-free.

To introduce such vehicles to the Italian market, the Diplomatic Mission must apply by Note Verbale to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation. The Note Verbale should be accompanied by Form 6 (form for procedures concerning vehicles), duly completed, and the following documents:

- Copy of the invoice (for new vehicles)
- Copy of the logbook
- Intra-Community VAT and excise duties form (Directive 77/388/EEC of 17 May 1977) for new vehicles; each part of the form should be completed, except for the one referring to the dealer from which the vehicle was purchased.

7.1.4) VEHICLES FROM NON-EU COUNTRIES (FORM 6)

Vehicles originating from non-EU countries must be tested by the Ministry of Transport's Integrated Infrastructure and Transport Service (Servizio Integrato Infrastrutture e Trasporti – Italian initials SIIT) before they can be introduced to the Italian market. They must also meet the requirements of Directive 92/53 EEC.

To import such vehicles, the Diplomatic Mission must apply by Note Verbale to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation. The Note Verbale should be accompanied by Form 6 (form for procedures concerning vehicles), duly completed. The application must include the following information:

- Characteristics of the vehicle authorised to carry a maximum of eight (8) people plus driver (make, chassis number, colour and body-type;
- Details of the third-party liability insurance (insurance company and policy number);
- Whether the vehicle is equipped with radio-receiver, television and/or fax equipment.

The authorisation to import the vehicle duty-free must be used within 60 days of the date of issue. The time limit on resale, which in Italy is a minimum of three (3)

years – without prejudice to more extensive time limits (up to permanent) envisaged under the principle of reciprocity with the applicant's State – will take effect from the date indicated in the authorisation issued by the Customs Agency.

If a vehicle subject to a permanent limit on resale is sold to an employee of another Diplomatic or Consular Mission for which a set-term limit is envisaged (10, 5, 4 years etc.), the time limit to be entered in the new logbook will be the one envisaged for the purchaser's Diplomatic or Consular Mission. It will take effect from the date of the authorisation issued by the Customs Agency.

7.1.5) REGISTRATION

At the request of the Ministry of Foreign Affairs and International Cooperation, the Ministry of Transport issues number plates and logbooks for the vehicles referred to in points 7.1.2, 7.1.3 and 7.1.4 above.

Number plates are only issued if the obligatory third person liability insurance has been taken out. The insurance contract must be renewed regularly throughout the car owner's mission in Italy. When applying for the vehicle to be registered, the interested party must provide the policy number and the name of the insurance company.

Failure to renew the insurance policy as required will lead to the automatic cancellation of the vehicle's CD-CC plates.

Applications for number plates should be submitted after the vehicle has been tested. The test should be carried out at the Ufficio della Motorizzazione Civile (Road Traffic Office – Italian initials MCTC), Sede di Roma Sud, in Via del Fosso dell'Acqua Acetosa Ostiense, 9, 00143 Roma. Vehicles assigned CD-CC plates are authorised to circulate exempt from car property tax.

For vehicles with Italian number plates, the interested party must submit a specific application by sending a list of the applicants, with their names and broken down by Diplomatic Mission and consular Mission, to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation, which will inform the other relevant ministries. The application and list must be sent no later than 31

October each year.

If the diplomatic-consular or administrative-technical staff member terminates their service at the Diplomatic or Consular Mission, the Mission must promptly formalise the vehicle's position in one of the following ways:

- export the vehicle;
- "nationalise" the vehicle, if it is to be left in Italy for sale (CD-CC plates);
- transfer its ownership to another eligible person, for vehicles with CD-CC plates and those with Italian plates subject to a time limit on resale.

If the above-mentioned applications are not submitted, the Ministry of Foreign Affairs and International Cooperation will, within 60 days of the termination of service (at the Mission in Italy) of the staff member concerned, apply for the plates to be cancelled. This will make it illegal for the vehicle to circulate on Italian territory.

If vehicles registered with CD or CC plates do not comply with obligatory Community directives, for example on polluting emissions or on restraint systems, said vehicles may not subsequently be registered with Italian plates.

Lastly, on the basis of the current legislative provisions (Article 17.2 of Directive 98/14 EEC and Article 131 of the Highway Code), vehicles purchased under lease cannot be registered with diplomatic plates.

Attached reference material

- Note Verbale no. 1511/125175 of 4 June 2013 (registration of vehicles purchased under lease).

7.1.6) EXPORT

Vehicles that entered Italy duty-free from non-EU countries may be definitively exported from Italy to such countries only with authorisation from the relevant authorities (customs and Road Traffic Office (MCTC)). Applications must be submitted through the Ministry of Foreign Affairs and International Cooperation .

Vehicles that entered Italy through European Union countries and now being re-exported through said countries may be re-exported without taking the vehicle itself to

customs.

No later than one month after the vehicle is exported, the parties concerned must return its number plates and logbook, through their Diplomatic or Consular Mission.

Said Diplomatic and Consular Missions must ensure that the vehicle's diplomatic and consular number plates and logbook are physically returned to Office I of Diplomatic Protocol of the Ministry of Foreign Affairs and International Cooperation.

7.1.7) SALE OF VEHICLES WITH CD-CC PLATES

To sell a vehicle imported duty free to Italy before the expiry of the time limit entered in the logbook, the vehicle must first be taken to Customs to pay the duty calculated on its value at the time of "nationalisation". Applications for nationalisation, which is necessary if the vehicle is to be sold to a private party, should be submitted to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation.

Constraints on vehicles are lifted under conditions of reciprocity, once the time limit indicated in the logbook has ended or with effect from the time of the transfer of ownership, if the vehicle is sold to another party entitled to duty free imports.

The sale of vehicles purchased new and VAT exempt in the EU single market **may only be authorised after six months have elapsed from the date of registration and 6000 km have been travelled**, without prejudice to the time limit for the purchase of a replacement vehicle (Law 427 of 29 October 1993).

Vehicles with diplomatic or consular plates without prior nationalisation may only be sold to another diplomatic consular agent, who must apply for a new CD or CC plate. Diplomatic and consular plates are issued to a specific vehicle and may not be transferred to another vehicle, even if it is owned by the same person.

If a vehicle with diplomatic or consular plates is subject to a time limit on resale, it may be sold to another member of the administrative and technical staff entitled to duty-free imports. To obtain authorisation, an application for transfer of ownership and registration with Italian number plates must be submitted to Office I of

Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation .

Transfer of ownership of vehicles is deemed to be completed when the new plates are issued and a logbook is issued in the name of the new owner, with a note of any time limits or constraints envisaged.

In the case of vehicles registered with Italian plates and not subject to time limits, the contracting parties may complete the change of ownership without involving the Ministry of Foreign Affairs and International Cooperation.

7.1.8) USE OF VEHICLES SUBJECT TO TIME LIMIT ON RESALE

The customs exemptions envisaged for vehicle imports under Article 13 of the Preliminary Provisions of the Tariff of Customs Duty on Imports are strictly personal and apply to the beneficiary only. Ownership and use of a vehicle by a person who is not the beneficiary of the exemption immediately give rise to a tax obligation as a result of misapplication of the entitlement. Drivers employed by the Diplomatic or Consular Mission and holding an identity card issued by the Ministry of Foreign Affairs and International Cooperation are excluded from this provision.

7.1.9) THEFT OF VEHICLES SUBJECT TO TIME LIMIT ON RESALE

If a vehicle subject to a time limit on resale is stolen, the owner is required, under a principle common to numerous other countries' legal systems, to pay customs duties calculated on the value of the vehicle at the time of the theft.

Customs duties must also be paid in cases where the vehicle is stolen before the interested party has obtained and used the authorisation for duty-free import. It is advisable for the owners of vehicles imported duty free to include in their insurance policies for civil liability and theft the reimbursement of the customs duties due on the vehicle in such circumstances.

The theft of a vehicle registered with diplomatic, consular or Italian number plates must be notified promptly to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation, including a copy of the theft report made to the police.

7.1.10) DESTRUCTION AND SCRAPPING OF VEHICLES

For vehicles subject to a time limit on resale, the interested party must apply to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation, indicating the customs office that will draw up the demolition or scrapping report. The operation cannot, therefore, be completed without the intervention of the customs official. The interested party must also notify Office I once the vehicle has been destroyed, by sending a Note Verbale accompanied by a copy of the destruction/scrapping certificate issued by the demolisher, as well as the vehicle's CD or CC plates and logbook.

7.2) MOTORCYCLES

The term "motorcycle" applies to motorcycles of over 50cc cylinder capacity, and "moped" to those up to and including 50 cc.

For purchases of motorcycles, the same procedure as for vehicles should be followed. Import-duty and VAT exemptions are granted as an alternative to, and not in addition to, those to which the owner would be entitled for a car.

In the case of mopeds, a reasonable number may be purchased under import-duty and VAT exemption on the basis of household size. The interested party should register the moped directly at the Provincial Office of the MCTC, which will issue a badge identifying the person responsible for the circulation of the moped. The badge may be transferred from one moped to another.

7.3) BOATS

Diplomatic agents may, for proven service reasons, bring boats to Italy under temporary import regulations.

The boats are subject to Italian law and the payment of anchorage fees.

7.4) FUEL AND LUBRICATING OIL

For the vehicles referred to in points 7.1.2, 7.1.3 and 7.1.4, the following amounts of fuel and lubricating oil may be purchased every six months under exemption from

duties, excise and VAT:

7.4.1) OFFICIAL VEHICLES

Vehicles for official use by Diplomatic Missions or Consular Missions headed by career consular agents:

- fuel 1,200 litres – oil 24 litres.

7.4.2) HEAD OF MISSION'S VEHICLES

The Head of the Diplomatic Mission's vehicles:

For the 1st vehicle:

- fuel 1,600 litres – oil 32 litres.

For the 2nd and 3rd vehicles:

- fuel 1,200 litres – oil 24 litres (each).

7.4.3) DIPLOMATIC AND CONSULAR AGENTS' VEHICLES:

Diplomatic and career consular agents' vehicles:

For the 1st vehicle:

- fuel 1,200 litres – oil 24 litres.

For the 2nd vehicle:

- fuel 800 litres – oil 16 litres.

7.4.4) TECHNICAL-ADMINISTRATIVE EMPLOYEES' VEHICLES

Vehicles owned by administrative and technical staff and consular staff:

For the 1st vehicle:

- fuel 900 litres – oil 18 litres.

For the 2nd vehicle:

- fuel 400 litres – oil 8 litres.

7.4.5) INTERNATIONAL ORGANISATIONS' VEHICLES

For International Organisations and the members of such Organisations, the privilege must be included in their headquarters agreement.

7.4.6) APPLICATION PROCEDURE

Applications to obtain the above-mentioned fuel and oil allowances must be submitted, with an exemption voucher (Form 187 U.S.), every six months (more specifically, in the month preceding the start of each calendar semester).

Applications (Form 187) to purchase paper fuel vouchers or electronic fuel cards must be submitted on an individual form for each fuel supply company.

The form must be accompanied by a list, in triplicate, with the names of all personnel applying. The list must include, for each name, their position, Ministry of Foreign Affairs and International Cooperation identity card number, vehicle number plate, and the total six-monthly amount of fuel and oil applied for, for each fuel company.

If the vehicles still have foreign number plates, the application must also give the details of the Note Verbale with which the application for diplomatic or Italian plates for said vehicles was submitted.

At the bottom of the list of names, the Mission must declare that the fuel/oil for which the exemption is being requested will be used by the vehicles shown in the list. The following wording should be used: "The above fuel allowances are intended for the sole use of the beneficiaries of the exemption".

For persons entitled to fuel allowances and whose vehicles are registered with Italian plates, a photocopy of the logbook or, if applicable, of the transfer of ownership papers, must be included with the application.

Applications that do not include the declaration set out above, or which do not include photocopies of the logbooks, could be delayed as a result of the checks that will have to be carried out.

Each copy of the list must bear the stamp of the Mission and be signed by the Head of Mission, or by the officer formally delegated by him

For vehicles which, at the end of the third month of each semester, have consumed high amounts of fuel/oil, **applications for the following top-up amounts** may be submitted (in the months of April and October):

Vehicle for official use:

- fuel 600 litres – oil 12 litres.

The Head of the Diplomatic Mission's car:

For the 1st vehicle:

- fuel 800 litres – oil 16 litres.

For the 2nd and 3rd vehicles::

- fuel 600 litres – oil 12 litres (each).

Diplomatic and career consular agents' vehicles:

For the 1st vehicle:

- fuel 600 litres – oil 12 litres.

For the 2nd vehicle:

- fuel 400 litres – oil 8 litres.

Vehicles owned by administrative and technical staff and consular employees:

For the 1st vehicle:

- fuel 300 litres – oil 6 litres.

For the 2nd vehicle:

- fuel 200 litres – oil 4 litres.

In January 2013 a new procedure was introduced, which Diplomatic Missions and International Organisations may adopt as **an alternative to the current (paper)**

fuel vouchers. Under the new system, beneficiaries use an **electronic fuel card** to obtain supplies from service stations belonging to the Euro Shell group (Shell, Esso, API-IP and Tamoil).

Shell Italia Spa, the Italian company taking part in the new electronic card distribution system, will use another company, Forax, which will deal directly with each beneficiary to regulate its transactions and issue a protected, vehicle-specific Fuel Card for the sole use of said beneficiary. The Shell Forax fuel card is post-paid and directly tax-free, which means that users only have to pay for fuel actually used and only after refuelling.

It should be noted that the procedure envisaged with the use of Form 187, under which the fuel is allocated on a six-monthly basis, remains unchanged. Applications indicating Shell Italia Spa as the supplier and also indicating the plant where the account will be used (SIGEMI, Lacchiarella – MI storage facility) should be submitted to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation for checking, approval and forwarding to the relevant bodies.

Attached reference material

- Note Verbale no. 1511/18317 of 24 January 2013 (Electronic fuel card).

7.5) CITY-CENTRE PARKING AND CIRCULATION PERMITS

Diplomatic and Consular Missions may apply to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation , by Note Verbale, for private parking space for CD and CC vehicles at the entrance to Missions and the residences of Heads of Mission.

This facility is limited to three (3) parking spaces for the Chancery and one (1) for the residence, and in any case strictly for reasons of service. Local traffic conditions will be taken into account when granting the facility.

In view of the need to limit city centre traffic in Italy's main cities, Diplomatic or Consular Missions may apply for access permits, through Office I of Diplomatic

Protocol. These will be assigned under specific arrangements and procedures.

7.6) DRIVING LICENSES

The following provisions apply to diplomatic agents, career consular agents and members of International Organisations, as well as members of the administrative and technical staff and consular employees who are not Italian citizens and are not permanently resident in Italy. Drivers who do not have registered residence in Italy and who have a driving license or international permit issued by a foreign State may drive vehicles and motorcycles in Italy of the same category for which their license or permit is valid.

If the licence or international permit does not comply with the models established by the international conventions (Vienna Convention of 1968 or the Directive of the Council of the European Communities of 1980), they must be accompanied by an official translation into Italian or equivalent document.

Drivers holding a driving license issued by a foreign State and who acquire registered residence or become domiciled in Italy must, if they wish to continue to drive, apply for and obtain an Italian driving licence from the Ufficio Motorizzazione Civile (MCTC).

This also applies to the personnel of Diplomatic or Consular Missions and International Organisations who intend to convert their driving licence into an Italian one.

7.7) ROAD TRAFFIC OFFENCES

In recalling the provisions of Article 41 of the Vienna Convention concerning the duty to respect the laws and regulations of the receiving State, the Ministry of Foreign Affairs and International Cooperation draws Missions' attention to the current provisions governing road traffic.

Under the reciprocity principle, and with sole respect to road traffic offences committed in the performance of diplomatic and consular functions, the Ministry of Foreign Affairs and International Cooperation may take into consideration requests for

the cancellation of police reports that Diplomatic Missions have notified to the Ministry by Note Verbale.

It should be noted that particularly serious infringements of the Highway Code that create a danger to public safety entail a duty to pay the relative penalties and may, if repeated, also lead to the cancellation of the CD-CC plates of the vehicle involved.

CHAPTER VIII

TELECOMMUNICATIONS

8.1) TRANSMITTING AND RECEIVING RADIO EQUIPMENT

The installation and operation of radio equipment by foreign Diplomatic Missions are regulated by the Communications Code as set out in Legislative Decree 259 of 1 August 2003 (Title III, Chapter III, Articles 108, 109, 110 and 111) as amended by Legislative Decree 70 of 28 May 2012.

Authorisation for the installation and use of transmitting and receiving radio equipment is granted, under conditions of reciprocity, to foreign Diplomatic Missions located on Italian territory, with sole regard to the premises in which the Chancery is located, under the following regulations and arrangements:

- the use of radio equipment must be limited to official messages between the Diplomatic Mission and its State, and must exclude press communications and personal messages and any connection with third countries;
- the power of the transmitting equipment may not exceed that required for connection with the sending State;
- the equipment may only be operated by technically qualified personnel;
- the operation of the equipment must in no way interfere with or disturb Italy's national communication services;
- the Ministry for Economic Development may establish specific technical precautions to eliminate any disturbance or interference caused by the equipment and, if the interference or disturbance continues, withdraw the permit;
- the equipment may not use different frequencies from those assigned by the Ministry for Economic Development, on penalty of withdrawal of the permit.

In certain cases the radio equipment installed in Italian Diplomatic Missions abroad is liable, in view of specific agreements or the domestic legislation of the foreign State, to be inspected and checked by the authorities of that country. In such cases,

similar powers of inspection and checking must be established in the convention drawn up by Diplomatic Missions of the State in question with the Italian State for the installation and operation of radio equipment in its premises in Italy. To obtain the authorisation, Diplomatic Missions must submit an application to the Ministry of Foreign Affairs and International Cooperation, specifying the location where the equipment will be installed, its technical characteristics and the use to which it will be put.

Authorisation is issued by the Ministry for Economic Development, subject to approval by the Ministry of Foreign Affairs and International Cooperation.

The permit will specify the conditions to which the installation and operation of the equipment is subject, the expiry date and the arrangements for renewal.

Permits may be withdrawn if the foreign Diplomatic Mission fails to comply with the clauses laid down in the above-mentioned convention.

In the event of grave public necessity, permits may be withdrawn, suspended or restricted to specific operating conditions through a non-negotiable provision issued by the Ministry for Economic Development and notified through the Ministry of Foreign Affairs and International Cooperation.

8.2) SATELLITE AND ELECTRONIC COMMUNICATIONS

Diplomatic or Consular Missions that wish to install electronic communications utilities must submit an application through Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation. The Ministry will then forward the application to the national utility companies operating the services and responsible for activating the connections and, if required, installing the terminals.

Missions must also inform the Ministry for Economic Development, through Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation, of the use of government and/or private (non-commercial) satellite transponders for reception and transmission. They must indicate the position and

name of the satellite, the transmission and reception frequencies, the transmission power and the characteristics of the aerial used for earth-station reception.

Where necessary, to prevent disturbance to other services and ensure that the connections requested are protected from harmful interference, the Ministry for Economic Development may request further documentation needed to coordinate frequencies at the national and international levels, if envisaged by the International Telecommunication Union (ITU) Radio Regulations.

In this case, the same usage and formal regulations as envisaged for terrestrial radio reception-transmission equipment apply.

CHAPTER IX

FIREARMS AND LICENCE TO CARRY ARMS

9.1) GENERAL INFORMATION

Under the provisions currently in force, anyone who intends to carry, purchase or in any way possess weapons in Italy must obtain the required permit (clearance to purchase, import permit, licence to carry arms, etc.). Applications should be submitted to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation for onward transmission: to the Questura di Roma, for Diplomatic-Consular missions located in Rome, and to the relevant Prefettura [Prefect's Office] for those located elsewhere in Italy.

Licences to carry arms are issued under conditions of reciprocity.

The licence to carry arms must be returned to the issuing authority (through Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation) at the end of the licence-holder's mission or at the annual expiry (technical-administrative staff) if the holder does not intend to apply for renewal.

Obligation to report

In addition to the above, anyone possessing a firearm in Italy must report this immediately to the authorities. The report must be submitted, in duplicate, directly to the public security authorities (local police or Carabinieri station) as soon as the weapon, purchased or imported, arrives in the place where it will be kept.

9.2) LICENCE TO CARRY ARMS FOR PERSONAL DEFENCE

Applications for diplomatic-consular personnel (licence to carry arms valid for the duration of their mission) must be accompanied by:

- application addressed to the Prefettura or, for applicants resident in Rome,

to the Questura di Roma.

- three (3) passport-format photos, one of which authenticated on the Embassy's headed paper, with official stamp on the photo itself and the applicant's personal details;
- photocopy of the applicant's identity document (passport or identity card issued by the Ministry of Foreign Affairs and International Cooperation);
- certificate of physical and psychological fitness (Ministry of Health Decree of 14 September 1994), which must indicate that the weapon is for "uso per difesa personale" ["use for personal defence"], issued by a public healthcare facility (local health agency (ASL), public hospital, military hospital or police medical-health centre);
- declaration by the Embassy or the Italian Target Shooting Union (UITS) certifying that the applicant is expert in the use and handling of short firearms.

Applications for technical-administrative staff (licence to carry arms valid for one year) must be accompanied by:

- application addressed to the Prefettura or, for applicants resident in Rome, to the Questura di Roma.
- three (3) passport-format photos, one of which authenticated on the Embassy's headed paper, with official stamp on the photo itself and the applicant's personal details;
- photocopy of the applicant's identity document (passport or identity card issued by the Ministry of Foreign Affairs and International Cooperation);
- declaration by the Embassy or the Italian Target Shooting Union (UITS) certifying that the applicant is expert in the use and handling of short firearms;
- receipt for the payment – for the city of Rome and its Province only, payment should be made to current account no. 871012 – made out to the Tesoreria Provinciale dello Stato, for the cost of the passbook;
- receipt of payment of the Tassa di Concessione Governativa [government

authorisation tax] to postal current account 8003, made out to the Agenzia delle Entrate – Ufficio Registro Tasse sulle Concessioni Governative di Roma;

- one revenue stamp to apply to the licence;
- certificate of physical and psychological fitness (Ministry of Health Decree of 14 September 1994), which must indicate that the weapon is for "uso per difesa personale" ["use for personal defence"], issued by a public medical facility (local health agency (ASL), public hospital, military hospital or police medical-health centre).

With respect to the last point above, the medical examination may take place in the local health agencies' district-level facilities, or in military or police healthcare facilities, subject to the applicant's doctor first issuing a certificate of physical and psychological fitness based on said applicant's medical history.

For annual renewals (for which it is advisable to submit applications at least two months before the expiry date), the procedure is as follows:

- application, on revenue-stamped paper, addressed to the Prefettura or, for applicants resident in Rome, to the Questura di Roma.
- receipt of payment of the Tassa di Concessione Governativa [government authorisation tax] to postal current account 8003, made out to the Agenzia delle Entrate – Ufficio Registro Tasse sulle Concessioni Governative di Roma;
- 2 revenue stamps (one for the application and one for the licence);
- certificate of physical and psychological fitness (Ministry of Health Decree of 14 September 1994), which must indicate that the weapon is for "uso per difesa personale" ["use for personal defence"], issued as indicated above.

Diplomatic personnel and technical-administrative staff must return their document (passbook and licence to carry arms) to the Ministry of Foreign Affairs and International Cooperation at the end of their mission.

In the case of applications for weapons permits by members of Diplomatic or Consular Missions of European Union countries, the procedures to be followed are those set out in Legislative Decree 527 of 30 December 1992, shown below, and Ministry of Home Affairs Decree 635 of 30 October 1996, with which the Italian Republic implemented Directive 91/477/EEC of 18 June 1991.

Article 2 of Legislative Decree 527 of 30 December 1992:

1. The European Firearms Pass, which conforms to the Community model, contains the particulars enabling the identification of firearms, including firearms for hunting or sporting use, for which registration is required, as well as the details of the licence to carry arms or permit to transport firearms for sports use, the report of possession and permits to transfer firearms registered in a European Community Member State.

2. Persons residing in the territory of the State who possess one or more firearms reported as required by Article 38 of the consolidated text of Public Security Laws, approved by Royal Decree 773 of 18 June 1931, may apply for a European Firearms Pass.

3. Applications must be submitted to the Questore of the province of residence and must contain, in addition to the applicant's details, the identification particulars of the firearm or firearms to be included in the Pass. The application must be accompanied by any permits or licences to be recorded in the Pass or an authentic copy of said permits or licences and, in any case, by the report of possession.

4. The European Firearms Pass is issued for the same period of validity as the licence to carry arms or the permit to transport firearms for sporting use, and in any case for no more than five (5) years).

9.3) LICENCE TO CARRY ARMS FOR HUNTING USE

Applications for licences to carry arms for hunting use must be submitted to the Prefettura or, for applicants resident in Rome, to the Questura di Roma – on "legal cap" (lined paper with margins) for administrative and technical staff only – and must

be accompanied by:

- three (3) passport-format photos, one of which authenticated on the Embassy's headed paper, with official stamp on the photo itself and the applicant's personal details;
- photocopy of the applicant's identity document (passport or identity card issued by the Ministry of Foreign Affairs);
- declaration by the Embassy or the Italian Target Shooting Union (UITS) certifying that the applicant is expert in the use and handling of short firearms;
- certificate of physical and psychological fitness (Ministry of Health Decree of 14 September 1994), which must indicate that the weapon is for "uso caccia" ["hunting use"], issued as indicated above.
- receipt for the payment – for the city of Rome and its Province only – to current account no. 871012 made out to the Tesoreria Provinciale dello Stato, for the cost of the passbook.

In addition to the above, and only for administrative and technical staff, the application must be accompanied by:

- a hunting permit issued by the Amministrazione Provinciale di Roma – Sezione Caccia e Pesca (Via Nomentana, 54 – 00161 Roma – Tel. 06 67668741);
- 2 revenue stamps (one for the application and one for the licence);
- a receipt for payment of the Tassa di Concessione Governativa [government authorisation tax] of xxx euros (the amount of tax applicable at the time of application) to postal current account no. 8003. The payment should be made out to the Agenzia delle Entrate – Ufficio di Roma – Tasse Concessioni Governative;
- a receipt for payment of the Tassa Provinciale [provincial tax] of xxx euros (the amount of tax applicable at the time of application) to postal current account no. 37717345. The payment should be made out to the Provincia di Roma – servizio caccia e pesca.

After the licence to carry arms has been issued, in order to engage in hunting the interested party (diplomatic personnel and administrative and technical staff) must take out an insurance policy and apply to the municipal council for a hunting permit.

The hunting permit is valid for six years, at the end of which it may be renewed by both diplomatic personnel and administrative and technical staff, who must return the document in question to the Ministry of Foreign Affairs at the end of their mission.

9.4) LICENCE TO CARRY ARMS FOR CLAY PIGEON SHOOTING

Applications for licences to carry arms for clay pigeon shooting must be submitted to the Prefettura or, for applicants resident in Rome, to the Questura di Roma – on "legal cap" (lined paper with margins) only for administrative and technical staff – and must be accompanied by:

- three (3) passport-format photos, one of which authenticated on the Embassy's headed paper, with official stamp on the photo itself and the applicant's personal details;
- photocopy of the applicant's identity document (passport or identity card issued by the Ministry of Foreign Affairs and International Cooperation);
- only for administrative and technical staff: 2 revenue stamps (one for the application and one for the licence);
- receipt for the payment to current account no. 871012 made out to the Tesoreria Provinciale dello Stato, for the cost of the passbook;
- certificate of physical and psychological fitness (Ministry of Health Decree of 14 September 1994), which must indicate that the weapon is for "esercizio dello sport del tiro a volo" ["engaging in the sport of clay pigeon shooting"], issued as indicated above.
- declaration by the Embassy or the Italian Target Shooting Union (UITS) certifying that the applicant is expert in the use and handling of short and/or long firearms.

This document is valid for six years and is not subject to the payment of government tax. At the end of this period it may be renewed by both diplomatic

personnel and administrative and technical staff, who must return the document in question to the Ministry of Foreign Affairs and International Cooperation at the end of their mission.

It should be noted that the licence to carry arms for clay pigeon shooting is valid for the purchase of arms and ammunition but only allows the **transportation** of the firearms (long or short) and their use in shooting ranges or clay pigeon shooting grounds.

9.5) PURCHASE

Diplomatic-consular personnel and administrative and technical staff who wish to purchase a firearm but do not hold a licence to carry arms must obtain a clearance certificate from the Questura. The application should be submitted through the Ministry of Foreign Affairs and International Cooperation, which will forward it.

Once the firearm has been purchased, notification of possession should be submitted immediately, in duplicate, directly to the public security authorities.

Purchasing firearms by mail-order or over the internet, or through any other channel involving delivery by post or similar delivery services, is prohibited. To make such purchases, a special licence must be obtained. These licences are issued by the Prefect of the applicant's city of residence or domicile, in accordance with Article 17 of Law 110 of 18 April 1975.

9.6) IMPORTING AND EXPORTING FIREARMS

The following guidelines are intended for use by foreign Diplomatic or Consular Missions in Italy to facilitate the completion of the necessary procedures. Missions should, however, continue to consult the texts of the legal provisions mentioned below to check on the procedures required on a case-by-case basis.

9.6.1) IMPORTS

Applications must be submitted to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation, which will forward them to the

relevant authorities for authorisation.

The Embassy or Consular Office must also enclose an application for an import permit (Article 31 of Royal Decree 773 of 18 June 1931) addressed to the Questore of the province to which the firearm will be imported.

The application must include the following information:

- the country of origin of the firearm and the border point of entry (any customs notes should also be included);
- reason for the import (use to which the firearm will be put);
- the make, model and calibre of the firearm and its serial number;
- the nationality of the proof house (testing body) that proofed the firearm.

If any of the information set out in the last two points above (i.e. the firearm's identification and proofing details) is missing, the customs office at the point of entry to Italy will send the firearm, for authorisation purposes, to the National Proof House at Gardone Valtrompia for "nationalisation".

Applicants who do not already hold a licence to carry firearms in any capacity must include with their import application a statement certifying that the applicant is expert in the use and handling of firearms, along with the medical-legal certificate issued as described above.

Until the import permit is issued, the firearm(s), if already transported to Italy, must remain in storage at the customs office at the point of entry. The Ministry of Foreign Affairs and International Cooperation recommends, therefore, that firearms should not be dispatched along with household goods but should be sent separately, or transported directly by the person concerned.

Only common firearms may be imported to and possessed in Italy. Article 2 of Law 110 of 18 April 1975 specifies which firearms are included in this category.

As regards imports of pistols, the following should be noted:

- there are no calibre restrictions for revolvers;

- semi-automatic pistols of a calibre considered as “weapons of war”, for example a 9mm parabellum, may not be imported or possessed.

For information on firearms for hunting use (smooth bore or rifled barrel), please refer to Article 13 of Law 157 of 11 February 1992.

Three (3) common firearms may be imported definitively in the course of the calendar year. Persons who intend to import more than three (3) firearms must obtain, in addition to the permit from the Questura (Article 31 of Consolidated Text of Public Security Laws 773/1931), a licence from the Prefettura of their province of residence (Article 12 of Law 110/1975).

9.6.2) (TEMPORARY IMPORTS)

Temporary imports of firearms – a maximum of two (2) firearms included in the “common firearms” category as referred to above – are only allowed for hunting, target shooting and other sporting activities. Imports for a period of up to 90 days are considered as temporary. After this period, the interested party is subject to the regulations concerning definitive imports for both imports and for transfer from a European Union country (Ministry of Home Affairs Decree of 5 June 1978, published in Official Journal no. 18 of 18 January 1979).

Office III of Diplomatic Protocol asks the Ministry of Home Affairs to issue a temporary licence to carry arms for security agents in the retinue of dignitaries visiting Italy, including for airport transit only. This authorisation procedure takes at least three (3) working days for valid completion.

9.6.3) EXPORTS

For exports too, as for definitive imports, the Embassy or Consular Office must send the application to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation, which will forward it to the relevant authorities.

The application must be accompanied by an application for an export permit addressed to the Questore of the province from which the firearm(s) is/are being sent.

The application – on “legal cap” (lined paper with margins) for administrative and

technical staff – must include the following information:

- the make, model and calibre of the firearm and its serial number;
- the planned date of departure of the firearm, its destination country, the border point at which it will leave Italy, and the means of transport (sea, air, land).

The application should also specify whether the firearm will be carried in the applicant's accompanied luggage or be dispatched separately. In the latter case, details of the courier company and the name of the customs operator delegated by said company must be provided. The application should be accompanied by:

- the original of the "report of possession" submitted to the public security authorities
- one (1) revenue stamp
- photocopy of the applicant's identity card issued by the Ministry of Foreign Affairs.

If the firearm is being exported to a European Union member country, a clearance certificate must be obtained from the destination country, if envisaged (prior consent as referred to in Article 11.4 of Directive 91/477/EEC). An authorisation for transfer in accordance with Article 11.2 of the same Directive must also be obtained from the Italian authorities.

In the event that ammunition is being exported, the applicant must send an export application to the Ministry of Home Affairs, which is responsible for issuing the necessary permits. Alternatively, the ammunition may be handed over to the public security authorities (local police station), which will issue a "return report".

9.7) COLLECTIONS OF COMMON FIREARMS

Persons wishing to possess more than three (3) common firearms, or more than six (6) in the case of firearms for target shooting, must obtain a "collection licence" in accordance with Article 31 of the Consolidated Text of Public Security Laws and Article 10 of Law 110 of 18 April 1975.

This licence is issued by the Questore for the applicant's province of residence or domicile. The application (on paper with revenue stamp, for administrative and technical staff) should be addressed to the Questura and sent to the Ministry of Foreign Affairs for forwarding. It must include the applicant's personal details, and all of the identification particulars of the firearms that will be included in the collection (make, model, calibre and serial numbers).

It should be noted that applications for "collection licences" must be submitted *before* the firearms that will be included in the collection are purchased.

Under Italian law, firearms forming part of a collection may not be carried. Possession of ammunition for said firearms is also prohibited.

The "collection licence" is permanent and is not subject to payment of any charges, even for government permits.

Applicants must indicate the domicile or residence where the collection will be located and comply with the provisions envisaged, in this regard, by the pubic security authorities, by reporting the existence of the collection to their local police station.

9.8) SECURITY AGENTS IN THE RETINUE OF FOREIGN DIGNITARIES VISITING OR IN TRANSIT THROUGH ITALY

To apply for authorisation from the relevant Italian authorities for armed security agents protecting foreign visitors visiting or in transit through Italy to enter the country, the Diplomatic Mission concerned must send a Note Verbale (in PDF format) addressed to the Diplomatic Protocol, Office III (ceri3@esteri.it). These kinds of notifications are requested to came in at least three days before the day of the arrival or the day of the stopover of the considered personality in Italy.

The Note Verbale must contain the following information:

- for each agent: surname, first name, date and place of birth, passport type and number, and indication of whether the agent belongs to the police force or the security services of his country;

- the make, model, calibre and serial number of the firearm, bearing in mind that only short semi-automatic firearms may be brought into and carried in Italy;
- surname, first name and position of the dignitary being escorted, and the nature of the visit (official or private);
- if the dignitary does not hold an institutional position, the Note Verbale should state that he is considered, within the legal framework of the country concerned, a dignitary of State;
- date, time, flight number and border point of entry and departure;
- address where the dignitary will be staying during the visit and, if different, that of his retinue.

If the Note Verbale is sent less than three (3) days in advance, authorisation for the firearms carried by the security agents to enter the country cannot be guaranteed. In that case, the firearms will be stored by the Border Police and returned to the agent(s) concerned when the dignitary they are escorting leaves Italian territory.

Considering that the International Legal Framework expects the hosting country Authorities (and in this case, the Italian ones) to be providing protection and security to the high level personalities and considering all the experiences the Italian Ministry of Foreign Affairs has assembled, it has been decided to set a general statement with a limit for the number of personal security agents that will be allowed to accompany the personalities throughout their trips or in their stopovers on this national territory:

- Heads of State and Governments: 4 agents;
- Ministers of Foreign Affairs: 2 agents.

The Office III (*Ufficio III*) of the Diplomatic Protocol of the Ministry of Foreign Affairs and International Cooperation keeps open the possibility to take into consideration an eventual increase of the number of security agents if this is proved and justified by sensitive and particular situations and if it is fitting and proportioned in comparison with what above mentioned.

The security agents must be employees of the police forces or security services of

their country.

They will be allowed to carry firearms, and use them if necessary, only while performing their official escort duties.

Authorisation for security agents to bring firearms into Italy and to carry them applies only to the period during which the dignitary they are escorting remains on Italian territory. Authorisation will only be granted under conditions of reciprocity.

Attached reference material

- Note Verbale no.1513/152923 of 8 July 2014 (security agents).

9.9) MILITARY EXERCISES AND HISTORIC EVENTS WITH THE PARTICIPATION OF MILITARY PERSONNEL. THE USE OF UNIFORMS, INTRODUCTION AND CARRYING OF FIREARMS AND SWORDS

In reiterating the ban under Italian law on bringing weapons of war into the country and carrying them on Italian territory, it should be noted that separate provisions apply for military personnel representing the armed forces and taking part in military exercises and historic or commemorative events.

Members of the armed forces of NATO countries may bring firearms into Italy and carry them on Italian territory, as long as such firearms are part of their kit and with due respect for international conventions and military cooperation agreements.

Members of the armed forces of non-NATO countries may not bring their firearms into Italy, without prejudice to the application by the relevant Italian authorities of Article 1.8 and Article 9.5 of Law 185 of 9 July 1990.

For historic or commemorative events taking place in Italy, the Minister for Home Affairs may authorise military personnel representing said armed forces, or personnel representing historic associations of a military nature, to wear uniform.

The use of swords will not be authorised on such occasions, even if they are considered a vital ornamental element of the uniform.

This is because Italian law does not allow "bladed weapons" such as swords to be carried during participation in public events or parades. Indeed, foreign citizens are not allowed to bring such weapons into Italy since carrying them is banned in this country (Article 17 of the Constitution – Article 4 of Law 110 of 18 April 1975 – Article 49 of the Consolidated Text of Public Security Laws).

Given this legal framework, and given the provisions of Article 18 of the Consolidated Text of Public Security Laws, officers of the above-mentioned historic associations may carry swords as part of their uniform for public events only if they take appropriate steps to transform these instruments into "non-weapons", for example by removing the point and blunting the cutting edge.

9.10) APPLICABLE LAWS AND REGULATIONS

- Consolidated Text of Public Security Laws, approved by Royal Decree no. 773 of 18 June 1931 and implementing regulations approved by Royal Decree no. 635 of 6 May 1940.
- Ministerial Decree of 16 August 1972 (Official Journal no. 264 of 18 September 1977);
- Law 641 of 26 October 1972;
- Law 694 of 23 December 1974;
- Law 110 of 18 April 1975;
- Presidential Decree 968 of 27 December 1977;
- Ministerial decree of 6 May 1978 setting out the arrangements for temporary imports of firearms;
- Ministerial Decree 185 of 12 July 1990;
- Legislative Decree 527 of 30 December 1992;
- Ministry of Health Decree of 14 September 1994.

CHAPTER X

DIPLOMATIC COURIER

10) DIPLOMATIC COURIER: ARRIVAL AND DEPARTURE

The "diplomatic/consular bag" is the suitcase, package or any other container (jute sack, wooden box etc.) sent from countries' foreign ministries to their Diplomatic or Consular Missions and vice versa. Diplomatic bags bear visible external marks of their character – lead or wax seals – certifying to the official nature of the consignment. They may only contain diplomatic documents, correspondence or articles intended for official use.

The diplomatic bag, accompanied by an officer acting as courier and provided with a specific letter of accreditation, is exempt from inspection. If, however, there are well-founded reasons to believe that the bag contains items other than those envisaged, it may not be allowed on board.

Unaccompanied diplomatic bags are subjected to X-ray examination but may not be opened or detained. If the X-ray examination, or well-founded suspicions, give good reason to believe that the bag contains weapons the bag may be opened, but only in said cases and only by observing the following procedure, with the intervention of the local police:

- block the luggage
- inform the Embassy concerned so that they can send a representative
- inform Diplomatic Protocol at the Ministry of Foreign Affairs (Office I)
- have the bag opened by the embassy representative once he arrives.

If the X-ray examination, or well-founded suspicions, give good reason to believe that the bag contains explosives, the emergency procedures must be followed, after which the authorities listed above should be informed.

Unaccompanied diplomatic bags are detained at the customs office of the

destination rail, sea or air port of entry, for collection by an officer from the receiving Diplomatic or Consular Mission.

In the case of accompanied diplomatic bags, the courier must be provided with an official document indicating his status and specifying the number of packages constituting the diplomatic bag.

Diplomatic couriers arriving at Fiumicino Airport should use the transit routes otherwise reserved for air crews.

CHAPTER XI
VISITS TO ITALY BY FOREIGN DIGNITARIES: AIRPORT COURTESIES AND SECURITY MEASURES

11.1) AIRPORT COURTESIES

For visits to or transit by foreign authorities, the Embassy may request airport courtesies such as the use of the State Protocol VIP lounges at Fiumicino Airport.

Note Verbale 1510/266183 of 1 December 2014 describes the rules and relevant procedures (VIP Lounge Beneficiaries; Planeside Assistance; After-Hours VIP Lounge Beneficiaries; Airport courtesies and security measures application).

Applications for airport courtesies should be sent electronically via *Cerionline* (https://cerionline.esteri.it) no later than 13.00 of the working day preceding the arrival of foreign authority. Late applications or applications sent by fax will not be accepted.

For visits by foreign dignitaries not entitled to airport courtesies or in case of a late booking, Embassies may contact the following companies in order to request the use of VIP lounges or other airport services:

- with regard to Alitalia flights, the *Alitalia* airline (Customer Assistance tel. 06 6563091 – fax 06 65635109 – segreteria.fcokd@alitalia.it);
- concerning all other flights, *Groundcare* S.p.A. (Le Anfore VIP Lounge tel. 06 65954151 – fax 06 65953083 – leanfore@groundcare.it).

The Diplomatic Missions will pay entirely the costs.

11.2) SECURITY MEASURES

Diplomatic Missions may request security measures. Applications should be submitted by email (ceri3@esteri.it) at least three days before the day of the arrival or transit of foreign dignitaries in Italy. The entrance of armed security agents in Italy is regulated by Note Verbale 1513/152923 issued on 8 July 2014.

The Note Verbale must include a detailed programme of the visit, the time and airport of arrival and departure and the place the foreign dignitary will be staying. Any other useful information will be appreciated.

Attached reference documents

- Note Verbale no. 1511/115371 of 24 May 2013 (opening of Protocol VIP Lounge at Rome Fiumicino Airport);
- Note Verbale no. 1513/244166 of 31 October 2013 (reception service for foreign dignitaries using the VIP lounges of Rome Ciampino Military Airport and Rome Fiumicino Airport);
- Note Verbale no. 1513/152923 of 8 July 2014 (security agents);
- Note Verbale no. 1510/266183 of 1 December 2014 (airport courtesies).

CHAPTER XII

END OF MISSION

12.1) GENERAL INFORMATION

For Ambassadors coming to the end of their mission, the procedure is as follows.

Shortly before the end of their mission and their departure from Italy, the Ambassador visits the Head or Deputy Head of Diplomatic Protocol. He may ask, during that visit, for a meeting with the Deputy Minister or Under-Secretary for Foreign Affairs and International Cooperation with responsibility for his geographical region.

The Embassy requests the use of the VIP Lounge at Fiumicino Airport and the on-tarmac vehicle access service using *Ceri-online* (https://cerionline.esteri.it). A Diplomatic Protocol officer bids farewell to the foreign Ambassador (if his/her departure takes place during the opening hours of the lounge, from 8.00 to 20.00).

In the case of diplomatic agents, military attachés and Category I officials from International Organisations, "cessation of functions" notification should be sent by Note Verbale, in duplicate. The Note Verbale should be accompanied by four copies of the *cessazione dalle funzioni* (C.F.) form, duly completed, and the identity card of the officer concerned.

12.2) EXPORT OF HOUSEHOLD GOODS

Authorisation is required for diplomatic and consular agents and members of the administrative and technical staff to export their household goods duty-free when leaving Italy. To apply, Diplomatic Missions and International Organisations must send a Note Verbale to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs and International Cooperation. The Note Verbale should be accompanied by a list, in triplicate and in Italian, of the items concerned along with precise details of the customs point of exit and the date when the officer will be ending their mission and leaving Italy.

Intra-Community movements of household goods are not subject to formalities. However, the consignment should be accompanied by a list of the items, in Italian, bearing the Stamp of the Embassy, Organisation or Mission.

12.3) HONOURS

At the end of their mission, the Italian Republic reserves the right to award honours to Heads of Mission and other diplomatic personnel accredited in Italy, on a reciprocity basis or unilaterally.

To award decorations of the Order of Merit of the Italian Republic (Italian initials OMRI) and the Order of the Star of Italy (Italian initials OSI), a clearance certificate from the authorities of the diplomat's sending State is no longer required, unless such a requirement exists under the sending State's domestic legislation.

If a clearance certificate must in fact be obtained from the sending State authorities, the Ministry of Foreign Affairs and International Cooperation will apply, by Note Verbale, to the sending State's Ministry of Foreign Affairs for authorisation to award the Italian honour. The request will be sent through the Italian Embassy in the sending State and will include information on the Order and Class of the honour and the reasons for which it is being awarded.

ANNEXES

Ministero degli Affari Esteri

Ref. no. 21/4028

Note Verbale no. 21/4028 of 9 April 1991

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions, International Organisations and Special Missions in Italy and has the honour to draw their attention to the procedure for granting VAT exemption.

It appears, unfortunately, that some Missions and Bodies have not always observed the required procedure to obtain VAT exemption. Instead, they have used declarations – delivered directly to commercial operators – stating that they are entitled to the exemption envisaged by Article 72 of Presidential Decree 633 of 26 October 1972 rather than, as envisaged, using the Ministry of Foreign Affairs "Form 181 US" for the obligatory certification which only the Ministry itself can issue, if the conditions envisaged by the relevant Conventions and Agreements are satisfied.

The Ministry of Foreign Affairs reminds Missions of the principle whereby privileges and immunity are granted to ensure that Diplomatic Missions, International Organisations and Special Missions in Italy may perform their functions effectively. In addressing said Organisations and Missions to ensure that applications for VAT exemption are commensurate with their actual requirements on the basis of objective criteria of reasonableness, the Ministry of Foreign Affairs reminds them that applications must be formulated in accordance with the following criteria and include the following information:

a) Name of the Embassy, International Organisation or Special Mission;
b) Details of the item purchased or service provided (applications worded in over-generic terms – for example, "various goods", "various products", "non-food products", etc. – will be returned) and its value (for high-value electrical household items (white goods), please indicate the number and type of items purchased);

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c) the company from which the item was purchased and the name and position of the officer benefiting from the privilege in question. On the basis of Article 72 of Presidential Decree 633 of 26 October 1972 as amended, and with due respect for the relevant international Conventions and Agreements, Embassies or other Bodies may only apply for exemption from Value Added Tax for purchases of goods or services strictly connected with their premises and with the official activities performed in said premises;
d) the signature of the Head of Mission or the person specifically delegated by him. The Ministry of Foreign Affairs would be grateful if Missions would kindly send it samples of the signature of the Head of Mission or the person specifically delegated for this purpose.

Lastly, it should be noted that applications for exemption must be submitted with sufficient notice prior to the purchase and filed with the “Ufficio Accettazione” at the Ministry of Foreign Affairs, which will forward and redeliver them.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions, International Organisations and Special Missions in Italy the assurance of its highest consideration.

Rome, 9 April 1991



Ref. no. 21/54743

Note Verbale no. 21/54743 of 9 February 2007

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions, International Organisations and Special Missions in Italy and, with reference to the fiscal and customs privileges of foreign diplomatic and consular agents in Italy, has the honour to recall certain general criteria that should be borne in mind when submitting applications for exemption, not least to avoid, as far as possible, delays in processing applications.

1) VAT exemption (Form 181 US)

1a) Type of expenditure

The purchase of goods and services for which the exemption application is being submitted *must refer to their direct use by the entitled persons*, since exemption is not envisaged for items, or services, ultimately intended for third parties. This is true even if the expenditure is met by the Diplomatic or Consular Mission or a member of the Mission entitled to exemption. This applies, for example, to items intended as gifts or hotel stays for third-party guests, or for meal vouchers for locally-engaged staff.

1b) Expenditure relating to buildings used as diplomatic-consular premises

For goods and services intended for the maintenance or improvement of buildings owned by the foreign Government and which have been notified to this Ministry as diplomatic-consular premises, VAT exemption is envisaged under conditions of reciprocity. The privilege may be extended, as a courtesy gesture and again under conditions of reciprocity, to buildings owned by the foreign Government and intended for use as accommodation for its diplomatic personnel and administrative and technical staff serving in its Diplomatic or Consular Missions. For other types of property tax, such as the Municipal Property Tax (ICI), international law envisages exemption only for the premises of the Mission, including the Head of Mission's residence.

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1c) Expenditure relating to the private residences of diplomatic and consular agents

International law does not envisage tax benefits for buildings used as private residences of diplomatic and consular agents, whether owned or rented. Similarly, maintenance and improvement work on such property is excluded from the benefit. Italian legislation, pursuant to Law 946 of 1966, envisages exemption from the **registration tax** for rent contracts for property intended as the principal residence of personnel not of Italian nationality, under conditions of reciprocity.

1d) Purchase of food and restaurant and catering services for official use

Food and restaurant and catering services are by their nature for personal use. Applications for tax exemptions for the purchase of food and drinks, and for catering services for the Diplomatic or Consular Mission's official purposes, must be limited to certain official occasions. These should be indicated when submitting the application. As regards restaurant services for official purposes, both the bill and Form 181 should be made out to the official who actually performed the representational activity for which the exemption is being requested. This person will usually be the Head of Mission or his Deputy and not the Mission itself.

1e) Accounting documents to enclose with applications for VAT exemption

For VAT exemption purposes, under current legislation the supplier must provide an invoice made out to the beneficiary of the exemption and showing the taxable total (net amount before VAT is applied), in place of the *scontrino fiscale* (till receipt) generally issued by shop-keepers.

This is because in the till receipt VAT is generally included in the cost of the goods or service, and the purchaser is not identified. In Form 191, the amount net of VAT should always be shown, and not the VAT-inclusive total.

2) Intra-Community VAT exemption (Article 15.10 of Directive 77/388/EEC)

For purchases in the European Union for which an application for Intra-Community VAT exemption is being submitted, the goods and services must be used in Italy by the person submitting the application.

If the documentation accompanying the application does not show clearly that the items were transported as indicated above, the transportation will be presumed – without any burden of proof – to apply to all items transportable with the persons concerned (for example: clothing and personal items, small electronics items, sports items, car accessories etc.). For bulky items, especially furniture and building materials, specific information and/or documentation proving it was transported to Italy must be provided.

3) Exemption from customs duties (Forms 180 and 182)

In accordance with Articles 36 and 37 of the Vienna Convention of 1961 on Diplomatic Relations, the privilege of exemption from customs duties (Form 182) is reserved for diplomatic agents and excludes administrative and technical staff, except for items imported at the time of their first installation. Applications should be submitted following the procedures already notified to Missions. They must always indicate the identity card number and position of the applicant, to enable the customs office to check that the application complies with the above-mentioned Convention.

Form 182 for rationed items should normally be submitted before the end of the first month of the three-month period of reference, which must be specified clearly on the form.

As regards Form 180 for imports of household goods and personal effects, applications should be submitted in good time before the scheduled arrival date of the consignment, to ensure that the goods are not detained in the customs point of arrival any longer than is necessary.

2) Depositing of authorised signatures

The Diplomatic Missions, International Organisations and Special Missions in Italy to which this Note Verbale is addressed are kindly asked to return the enclosed form with specimen signatures of the Head of Mission, his Deputy and any other officer delegated to sign tax exemption applications, complete with the office stamp of the Mission. Missions which have already sent the specimen signatures, even recently, are asked to do so again for reasons of standardisation of the form.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions, International Organisations and Special Missions in Italy the assurance of its highest consideration.

Rome, 9 February 2007

Ministero degli Affari Esteri

Ref. no. 21/43082

Note Verbale no. 21/43082 of 7 February 2008

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions accredited to the Italian State and, with reference to provisions governing the tax and customs privileges of foreign diplomatic and consular agents in Italy, is pleased to introduce new arrangements to manage VAT exemption applications. From now on, Missions will be able to submit applications via internet through the new www.cerionline.it portal (-).

The electronic application and certification services provided by the *Ceri-online* portal will gradually be extended, in the coming months, to the other types of certification concerning tax privileges for which the Diplomatic Protocol of the Republic department is responsible.

To enable them to use the portal, Missions will be invited to the Ministry individually for a technical presentation on the new procedures, at the end of which they will be given a password for initial access to the portal.

All of the information technology aspects of the new procedure will be illustrated at the above-mentioned presentation and subsequently in a manual that can be consulted online through the portal itself. In the meantime, however, the Ministry wishes to draw Missions' attention to the principles inspiring the new system and certain fundamental criteria to bear in mind for the correct and optimal use of the *Ceri-online* procedure.

1) The laws and regulations governing the granting of tax privileges to the Diplomatic Corps, summarised in the publication entitled "Privileges of foreign diplomatic and consular agents in Italy", published in 1996, have not changed. The provisions referred to in Notes Verbales 021/04028 of 9 April 1991 and 021/0054743 of 9 February 2007 also remain in force.

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- Subsequently amended to https://cerionline.esteri.it

2) The new procedure is intended to increase speed, accuracy and transparency in processing applications for exemption and drastically reduce the margins for error. Applications will now be submitted using an electronic form that "recognises" the Mission and the applicant and therefore proposes all the types of purchase envisaged for that Mission by the reciprocity framework applicable to it.
3) Documentation supporting the application (quotes or pro-forma invoices) will not, except in rare cases, need to be submitted along with the application. However, copes of the invoice and related exemption certificate will need to be submitted promptly once the purchase has been completed.
4) When completing the electronic application form, it is very important to select the correct category of goods from those indicated in the reciprocity/country field. It is equally important to describe the goods to be purchased, and the sum involved, accurately: the Ministry's evaluation and consequent approval will be based on that information alone. Therefore:

    a. application will be rejected if descriptions are over-generic or approximate, or do not correspond to the category of goods selected;
    b. if different goods from those authorised are purchased, especially if they are not envisaged in the reciprocity/country field, the Ministry will be obliged to cancel any authorisation already granted and the interested party will, as a consequence, be required to pay the VAT to the supplier. Missions should pay special attention to purchases made in hypermarkets and wholesale centres and be sure to obtain several authorisations in the event that they intend to buy articles from different categories. (It is superfluous to point out, for example, that electrical goods cannot be purchased using an exemption certificate for foodstuffs and consumables).
    c. applications relating to works on buildings and building management contracts (rent, maintenance, cleaning, surveillance, etc.) must specify – both in the description and on the invoice – the intended use and address of the building concerned. The same applies for large purchases requiring home delivery.
    d. for exemption applications relating to hotel #stays, the names of the persons staying at the hotel must be specified in the description. In the case of official delegations, reference to the accreditation Notes Verbales and the names of the members of said delegations must also be specified.
    e. the amount entered on the electronic exemption application form should always be the taxable expenditure (invoice amount excluding VAT), which in no case may then prove to be lower than the actual amount paid for the purchase.

With every confidence in the collaboration of Missions so that all of the hoped-for mutual benefits deriving from the use of the new computerised system can be obtained, the Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions in Italy the assurance of its highest consideration.

Rome, 7 February 2008

Ministero degli Affari Esteri

Ref. no. 21/84810

Note Verbale no. 21/84810 of 5 March 2008

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions, International Organisations and Special Missions in Italy and has the honour to refer to the provisions governing the tax and customs privileges of foreign diplomatic and consular agents in Italy. The Ministry draws Missions' attention to the need for applications for exemption from customs duties (Form 182) for the purchase of goods from suppliers operating "extra-doganale" [beyond customs bounds] to be accompanied by confirmation of the order or pro-forma invoice issued by the supplier. The order confirmation or pro-forma invoice should be made out to the applicant and contain the description, quantity and value of each article ordered. In the case of joint orders for more than one official, the Mission submitting the application should also attach the customary summary list.

The Ministry of Foreign Affairs also wishes to point out that it will no longer be able to accept applications for exemption from customs duties for goods described in purely generic terms without indication of their make, type and value. This is because without this information the Ministry is not able to evaluate the merits of the application correctly.

In recalling the principle whereby privileges and immunities are granted to ensure that Diplomatic Missions, International Organisations and Special Missions in Italy may perform their functions effectively, the Ministry of Foreign Affairs wishes to draw to Missions' attention the need to ensure that applications for exemption are commensurate with the strictly personal needs of diplomatic agents and their households and inspired by objective criteria of reasonableness.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions, International Organisations and Special Missions in Italy the assurance of its highest consideration.

Rome, 5 March 2008

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Ministero degli Affari Esteri

Ref. no. 246495

Note Verbale no. 246495 of 16 July 2010

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions accredited to the Quirinale and has the honour to refer to its Note Verbale 022/5100 of 3.6.1996.

With reference to the Vienna Convention of 1963 on Consular Relations (ratified by Italy with Law 804 of 9 August 1967), the Ministry of Foreign Affairs has the honour to specify the procedures followed by Italy in matters concerning the establishment of Honorary Consular Offices and authorisations for their officers to perform the functions of Honorary Consul.

1. The Ministry of Foreign Affairs has the honour to remind said Diplomatic Missions that they should bear in mind that, in granting its consent to the establishment of an Honorary Consular Office, the Ministry observes the following general criteria:

- an Honorary Consular Office may not be set up in the same city as an Embassy or a Career Consular Office;
- An Honorary Consular Office is usually established in the regional capital or in a maritime port with high commercial traffic. It may be established in a different city if the application is dictated by the requirements of the sending State concerning the exercise of consular functions in that city. In such cases, the application will be considered in light of the reasons given by the proposing Embassy.

2. The Ministry of Foreign Affairs will be grateful to the above-mentioned Diplomatic Missions if, in submitting applications to establish Honorary Consular Offices, they kindly indicate:

- the location and level of the Consular Office;
- the exact consular jurisdiction, taking into account that this must be set in the context of the sending State's diplomatic-consular network, as well as the need to avoid an unjustified concentration of Consular Offices in any given area of the national territory;

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- information on the sending State's interests that the Consular Office will be required to protect and promote, including commercial, economic, cultural and scientific activities, and precise data on the size of the community of sending State citizens living in the consular district and the flow of tourists to and from the sending State.

3. The Ministry of Foreign Affairs will be grateful to the above-mentioned Diplomatic Missions if, with reference to the appointment of officers for Honorary Consular Offices, they take note that, in granting authorisation to perform consular functions, the Ministry observes the following general criteria:

    - holders of public office, including elected and honorary positions, employees of the Italian State and of other public offices may not hold an Honorary Consul position. If an Honorary Consul engages in public office or acquires public employee status subsequent to his accreditation as Honorary Consul, this will lead to the forfeiture of the Honorary Consul position;

    - appointments of other consular officers in addition to the holder of the Honorary Consul position cannot be authorised;

    - authorisation requests for candidates for Honorary Consul positions who already hold such positions for other States must be accompanied by the consent of the first sending State;

    - Honorary Consuls must live in the town or city of the Honorary Consular Office or at least in the same province as that town or city.

The Ministry of Foreign Affairs also has the honour to remind the Diplomatic Missions to which this Note Verbale is addressed that it wishes to obtain, in advance, candidates' Police Records Disclosure and Court Records Database Certificates as issued during the three (3) months prior to the application.

The Ministry of Foreign Affairs grants authorisations of five-year (5-year) validity for the performance of honorary consular functions. Applications for shorter time periods may be taken into consideration, depending on the specific reasons given.

When authorisation is granted, the Diplomatic Protocol of the Republic department notifies the Embassy and relevant Italian public offices and bodies.

In the event that one or more of the above criteria are no longer satisfied, the Ministry of Foreign Affairs will withdraw the authorisation and inform the Embassy and the relevant Italian public offices and bodies of the withdrawal.

The Ministry of Foreign Affairs only corresponds with diplomatic missions, and not with the candidates themselves, on matters concerning the procedures to establish Honorary Consular Offices and obtain authorisation for candidates for Honorary Consul positions to perform the functions of that office.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions accredited to the Quirinale the assurance of its highest consideration.

Ministero degli Affari Esteri

Ref. no. 1512/32171

Note Verbale no. 1512/32171 of 9 May 2011

The Ministry of Foreign Affairs presents its compliments to foreign Diplomatic Missions in Italy and has the honour to refer to and follow up on Note Verbale no. 021/5073 of 30 April 1987.

The Ministry wishes to bring to Missions' attention certain recent positions of the Italian Government, the judiciary and the legal literature concerning the serving of legal documents and particularly of summonses to appear in the civil courts, and concerning immunity from Italian civil jurisdiction. Information regarding such questions would appear to be useful to guide Missions in dealing – especially – with judicial initiatives proposed by private parties.

1. Foreign Diplomatic Missions in Italy are requested to bear in mind that it is useful for them to contact the Ministry of Foreign Affairs (Diplomatic Protocol) promptly in the event of judicial or juridical initiatives against them or against individual diplomatic agents, whether notified to them by this Ministry by Note Verbale or through other channels. The prompt examination of a judicial case, as soon as it arises, will enable the Embassy concerned and the Ministry of Foreign Affairs to evaluate jointly the initiatives to take, bearing in mind the applicable provisions under international law or Italian law. It will enable them, therefore, to make these evaluations at the outset of the dispute, before the passing of time and initiatives by others make it more difficult, if not impossible, for the foreign Embassy or diplomatic agent to ensure that their rights, regarding either immunity or the merits of the case, are taken into due account. It will enable them, too, to evaluate these matters before – as very often happens – the case goes to court.

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It is important to bear in mind, in relation to summonses, that there is no provision in the Vienna Conventions on Diplomatic and Consular Relations prohibiting the serving of legal documents or notification of summonses to Diplomatic Missions or individual diplomatic agents. It should also be noted that in the Italian legal system recognition of exemption from Italian jurisdiction must – where it applies – always be sanctioned by the Judge in the individual case. The judge nearly always acts at the instance of the person who deems themselves entitled to the exemption, in particular the Ambassador or diplomatic agent.

For this instance to be sure of obtaining the necessary decision by the Judge it must be asserted by the Ambassador, not as such but in the name of the Mission, or by the individual diplomatic agent. This will depend on whether the principle invoked is, respectively, the immunity of the State or that of the diplomatic agent. Said assertion should be made after the entry of appearance and at the beginning of the proceeding itself, even if done for the sole purpose of objecting to the lack of Italian jurisdiction.

The practice of Italian judges, in cases of immunity to which foreign States, Embassies or diplomatic agents may be entitled or which may concern measures of execution against the assets of the above-mentioned parties, is not, generally, a pronouncement on the absence of Italian jurisdiction *ex officio* by the judge. This is not because of any intended lack of courtesy towards foreign authorities but because the parties may wish to accept that jurisdiction, as is their right, and because the presence of the other parties in the proceeding always obliges the judge to ascertain whether the right to immunity does indeed exist.

To summarise, Missions are strongly advised to contact Diplomatic Protocol at this Ministry immediately in the event of summonses being served against an Embassy or an individual diplomatic agent, so that the case can be evaluated jointly. Equally, Missions are advised to bear in mind that appearance in court, *ad limina iudicii*, intended to assert diplomatic immunity or immunity of another nature, if applicable, may be opportune.

2. It may be useful, examining the case law produced in Italy in recent years, to specify that civil judicial initiatives against foreign public subjects have generally involved:

a) Foreign states against whom proceedings were initiated in the person either of the *pro tempore* Head of State or of the Ambassador in Italy viewed as representative of the State, or with direct reference to the foreign State in question or to its Embassy in Italy;

b) foreign embassies, against which proceedings were initiated on an impersonal basis or in the person of the Ambassador *pro tempore*;

c) diplomatic agents, against whom proceedings were initiated on a personal basis.

As a corollary to these cases, it is also useful to bear in mind related cases of measures of execution, following judgment, which may concern:

- property belonging to foreign States and located in Italy (and which is not for diplomatic use because it belongs directly to an Embassy);
- property belonging to an Embassy, other than that mentioned in Article 22.3 of the Vienna Convention on Diplomatic Relations.

3. The classifications referred to in point 2 should always be taken into account when analysing summonses to appear in the civil courts or measures of execution that may be proposed against Embassies, Diplomatic Agents, foreign States or property belonging to them. Very often, the wording used in the documents does not correspond exactly to the juridical entity against whom the proceedings were actually initiated. It may refer – for example – to the person of the Ambassador in cases which, in actual fact, refer to the State or to the Embassy.

In other words, it is often advisable to read the substance and not stop at the expressions used by the party proposing the judicial case.

4. As regards diplomatic immunity, Italy complies with generally recognised international law and with the Vienna Convention on Diplomatic Relations. However, it is useful to bear in mind that Italian judicial practice, following an approach that is gaining ground in many other countries, tends to interpret immunities and privileges narrowly.

Generally speaking, a number of case types can be identified. These can be described as proceedings against:

- a diplomatic agent in a personal capacity: this situation is envisaged in various articles of the Vienna Convention on Diplomatic Relations and Italian practice tends to recognise full immunity from Italian jurisdiction in criminal matters and all of the immunities envisaged by the Vienna Convention in civil matters;
- Foreign States, with respect to which immunity from Italian jurisdiction only exists for activities inherent to the exercise of their sovereignty;
- Foreign Embassies, a less clear-cut situation than the two previous ones. This is because the Embassy as such does not have a legal personality and because the Vienna Convention only addresses in passing the position of diplomatic offices, while regulating the position of diplomatic agents in much more detail.

In the event of juridical proceedings being taken against an Embassy, it would be necessary to evaluate whether they were in effect intended for one of the two subjects referred to above (diplomatic agent or State) and whether they concerned connections under public law or private law obligations entered into locally.

5. As regards immunity from measures of execution in the Italian legal system, it should be borne in mind that:

- in the case of the property of a foreign State, immunity from interim measures and measures of execution only applies where the property of that State is immediately intended for the performance of the sovereign activities of said State;
- under the Vienna Convention on Diplomatic Relations the personal property of diplomatic agents is immune from interim measures and measures of execution;
- the property of an Embassy excluded from the scope of measures of execution is that mentioned in Article 22.3 of the Vienna Convention, that is, the premises of the Mission, their furnishings and other property thereon, and the vehicles owned by the Mission. Embassy property other than that expressly mentioned could therefore be exposed to said measures. This applies in particular to money, when it cannot be demonstrated specifically that it is intended exclusively for the performance of the sovereign functions of the foreign State;
- The delicate situation of measures of execution against Embassies' current accounts has arisen on several occasions in Italy in the recent past. Said measures have been enforced when foreign Embassies did not enter an appearance before the court to assert their immunity, or this immunity was not recognised by the judge, or where the Embassies even allowed civil proceedings to go ahead without appearing in any way. In this last case, they placed their trust in the hardly well-founded expectation of an *ex officio* ruling of immunity, or in an absolute exemption from measures of execution which is not a juridical reality in the Italian legal system.

It should be noted, moreover, that the above-mentioned measures of execution on Embassies' current accounts were always applied in the presence of infringements of imperative Italian laws, especially in matters concerning labour law and violations of the obligation referred to in Article 41 of the Vienna Convention.

It is useful to bear in mind that not only the Italian courts, but also those of the United States and Austria and other countries, have ruled that deposits in bank current accounts are a fungible good. This means that it is difficult to demonstrate that the sums they represent are intended solely for the exercise of the sovereignty of the foreign State (in which case, as illustrated above, immunity from execution would exist), given that the sums in question can be replaced by new payments into the account.

Moreover, the American and Austrian courts have underscored that not all the tasks of Diplomatic Missions entail the exercise of the sovereignty of the foreign State. Nor can all the means at their disposal be considered to involve tasks of that nature. To assume that all the assets belonging to an Embassy are by definition intended for immediate use for

the functioning of the Mission would be an abstraction and would lead to the recognition of a generalised immunity.

1. The Ministry of Foreign Affairs underscores that the points raised in this Note Verbale are intended as general information. This Note Verbale is not an exhaustive examination of the rather complex subjects mentioned herein and is intended solely to set out the general approach taken recently in these matters and to give some practical advice, the aim of which is to prevent mishaps and to underscore the imperative nature of Italian law in certain situations.
2. The guidance and advice set out here also apply, naturally, with the necessary adaptations and with regard to the Vienna Convention on Consular Relations and to headquarters agreements, to the Consular Offices of foreign States in Italy, International Organisations with their headquarters in Italy and Missions to those organisations.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions in Italy the assurance of its highest consideration.

Rome, 9 May 2011

Ministero degli Affari Esteri

Ref. no. 4934

Note Verbale no. 4934 of 10 January 2012

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions, International Organisations and Special Missions in Italy (hereinafter referred to as "Missions") and has the honour to bring to their knowledge the new "Regulations governing the employment of employees of Embassies, Consulates, Legations, Cultural Institutes and International Organisations in Italy" (hereinafter "Regulations").

The Ministry of Foreign Affairs reminds Missions that their relations with said employees are regulated in accordance with the obligations envisaged by the Vienna Convention on Diplomatic Relations of 18 April 1961 and by the Vienna Convention on Consular Relations of 24 April 1963.

The Regulations, a copy of which is included with this Note Verbale, should be viewed as a set of cohesive and indivisible provisions that to all effects replaces those of any other Italian provisions, special agreements, customs and practices concerning the employment relations entered into by Missions with their employees. This is without prejudice to any more favourable conditions applied with respect to those set out in these Regulations. For all matters not envisaged by the Regulations, in accordance with Article 4 of the Regulations themselves the legislative provisions from time to time in force in the Italian legal system shall apply.

The Ministry of Foreign Affairs reminds Missions that any correspondence regarding Consular Offices and their employees on matters concerning employment relationships with their personnel must come exclusively from the relevant Diplomatic Mission.

The Ministry of Foreign Affairs sets out briefly below some of the most important provisions of the Regulations regarding, most notably, the duties and responsibilities of Office II of Diplomatic Protocol of the Republic. For any information not included in the summary below, Missions may refer to the attached text of the Regulations themselves.

TO FOREIGN DIPLOMATIC MISSIONS IN ITALY

TO THE EMBASSY OF ITALY TO THE HOLY SEE

TO THE PERMANENT DIPLOMATIC REPRESENTATION OF ITALY TO THE UN IN ROME

TO INTERNATIONAL ORGANISATIONS AND SPECIAL FOREIGN MISSIONS IN ITALY

1. Regulations governing employment.

A – Engagement (art. 2).

Personnel must be engaged in accordance with current Italian legislation. Employees may not be employed on set term contracts, except for the cases envisaged by Italian law.

The Ministry of Foreign Affairs underscores that, when engaging staff, Missions are required to issue a receipt for any documents they acquire from the worker. They are also required to notify the relevant Employment Centre electronically that the worker has been engaged, no later than the day preceding the start of the employment relationship. This communication also serves for the purpose of compliance with the obligation to notify the relevant bodies and social security organisations (Local Employment Directorate; the Italian Institute for Social Security – INPS; the Workers Compensation Authority – INAIL).

Missions are also required to provide employees with the documentation they need for registration with the National Health Service or the Public Health Service of the State of the worker himself or of the Mission employing him. Alternatively, Missions can provide the worker with private health insurance provided by an Italian insurer or an insurer of the worker's or the Mission's State.

B –Health insurance (Addendum).

Current Italian law allows foreign citizens legally resident in Italy but not entitled to (free) compulsory enrolment with the National Health Service to opt either to take out a private health insurance policy or to enrol with the National Health Service. This provision is subject to any international agreements on health matters between Italy and another State.

The Ministry of Foreign Affairs recommends voluntary enrolment with the National Health Service, in view of the broad health cover it provides compared with the cover generally provided by private policies. Voluntary enrolment also places the individual concerned on the same legal footing as Italian citizens.

If the Diplomatic Mission decides to take out a private health policy for the employee, it must comply with current Italian legislation.

This envisages that foreign citizens must have insurance against the risk of illness, accidents and maternity as an alternative, where applicable, to voluntary enrolment with the National Health Service. Private health policies must include cover for medicines, specialist out-patient treatment and hospital treatment and cover the same healthcare services recognised in Italy in accordance with the Essential Levels of Care (Italian initials LEA) established under current Italian law.

C –Termination of employment relationship (art. 26).

Employment relationships may only be terminated in the situations and under the arrangements set out in Articles 2118 and 2119 of the Italian Civil Code.

Under these provisions, each of the contracting parties may withdraw from the permanent employment contract, giving written notice by "signed-for" registered letter (i.e. with confirmation of receipt) or another means of communication that can certify the date of receipt, under the terms of the Regulations.

Workers may only be dismissed for "just cause and justified reason".

Under current Italian law, moreover, dismissal for reasons of gender, political belief or religious faith, or for membership of a trades union or participation in union activities, is null, regardless of the grounds given.

D –Dispute settlement (art. 30).

If individual or collective disputes concerning employment relations governed by the Regulations should arise, Missions may notify the Ministry of Foreign Affairs – Office II of the Diplomatic Protocol of the Republic department. The Ministry, in turn, may seek the assistance of the Ministry of Labour and Social Security for advice on the technical-legal aspects of the employment relationship in question. The aim here is to ascertain whether an amicable solution can be found before having recourse to the procedures envisaged under Italian law in such matters.

2. Visas, residence permits, identity cards

A – Visas

Employees engaged abroad by the Mission and private staff engaged by members of the Mission must obtain, before entering Italy, a **visa for employment *fuori flussi*** [exempt from immigration quota requirements], regardless of the type of passport held.

The Ministry of Foreign Affairs in the worker's country of residence must forward the visa application, with accompanying Note Verbale, to the Italian Diplomatic Mission for the worker's place of residence.

The Ministry of Foreign Affairs informs Missions that authorisation to enter Italy may be granted for up to three (3) members of private staff for Heads of Mission and one (1) for other members of the Mission. There are no restrictions on the number of domestic staff engaged locally.

B –Residence permits

Missions and their members may employ personnel of Italian or foreign nationality already in Italy who hold a valid residence permit for employment reasons.

Diplomatic Missions may also employ personnel of foreign or non-European Union citizenship who hold one of the following permits:

- residence permit [permesso di soggiorno] for self-employment;
- residence permit for education, for no more than 20 (twenty) hours per week or 1050 (one thousand and fifty) hours per year;
- EC long-stay visa;
- residence permit to care for a child;
- residence card for non-EU family members of EU citizens;
- permanent residence card for non-EU family members of EU citizens;
- residence permit for asylum seekers or for employment purposes;
- residence permit for humanitarian reasons;
- residence permit for asylum;
- residence permit for supplementary protection;
- residence permit for family reasons.

From now on, all locally engaged workers of Missions will be required to hold a valid residence permit and will no longer receive an identity card issued by this Ministry. From today until 30 March 2013 (a deadline that may be extended if necessary), said workers must begin the procedure to re-activate their residence permit, sending the necessary documentation through the Post Office. They should return the identity card already in their possession at the same time.

For the renewal of their foreign employees' residence permits, Diplomatic Missions must provide said employees with the appropriate documents to demonstrate that they continue to be employed by the Mission, and the income deriving from that employment.

The Ministry of Foreign Affairs reserves the right, on a purely exceptional basis, to issue an identity card to the above-mentioned workers if it so decides, in the case of service requirements that Missions have notified in advance to Office II of Diplomatic Protocol of the Republic.

C – Identity cards

Within eight (8) days of their taking up employment, Missions must ask the Ministry of Foreign Affairs, in a Note Verbale, to issue an identity card to the employee concerned. Applications should be submitted through the *Ceri-online* portal. The following documentation should also be attached:

a) copy of identity document for Italian and European Union Member State citizens; copy of passport for non-EU citizens;

b) copy of the UNILAV form, for workers engaged by the Mission; copy of the domestic employment report certifying that the notification of engagement has been taken in hand, for personnel engaged by members of the Mission;

c) documentation certifying the worker's social and health insurance position, as envisaged by the Regulations, as well as documentation certifying that the annual payment envisaged by the Italian National Health Service for the calendar year in question has been paid or, in the case of private health

insurance, the annual premium envisaged by the private insurance company for the calendar year;

d) a declaration from the Mission guaranteeing, for non-EU workers, that the employee will return to their home country on termination of their service, and agreeing to cover the relative costs.

The identity card is valid for 1 (one) calendar year, which coincides with the period of health cover and is renewable on expiry.

The identity card acts as an identification document for workers who are citizens of one of the European Union's Member States. It exempts workers of non-EU citizenship from the need to have a residence permit, with sole regard to their period of employment. Therefore, personnel engaged abroad will no longer be entitled to stay on Italian territory once their employment contract ends.

Private staff of members of the Mission are required to collect their identity card in person at Office II of the Diplomatic Protocol of the Republic department. When it issues the card, the Ministry of Foreign Affairs also gives the person concerned a vade-mecum on employees' rights and duties in Italy.

To renew an identity card, the Mission must send an application, in the form of a Note Verbale, to Office II of the Diplomatic Protocol of the Republic department no more than 30 (thirty) days prior to the expiry of the card falling due for renewal. The application should include a declaration certifying that the annual payment envisaged by the Italian National Health Service has been paid for the calendar year to which the renewal refers, or, in the case of private health insurance, the annual premium envisaged by the private insurance company for that year.

The Ministry of Foreign Affairs underscores that, if the Mission cannot demonstrate that the worker's social security and healthcare contributions have been paid without interruption, the identity card cannot be renewed.

No more than 30 (thirty) days after the worker's employment comes to an end, the Mission must notify the Ministry of Foreign Affairs by Note Verbale, enclosing 2 (two) copies of the *cessazione dalle funzioni* (cessation of functions – CF) form. The Mission must also return the worker's identity card and specify the date of their departure from Italy. **If the worker does not leave Italy or the identity card is not returned, the Ministry of Foreign Affairs reserves the right not to authorise the entry of further foreign staff for the officers of the Mission in question.**

Once the employment of a member of the private staff has come to an end, the Ministry of Foreign Affairs will allow that same worker to be employed by other members of foreign Diplomatic Missions, with the same guarantees and obligations as for the previous employment and as envisaged by the attached Regulations.

If a member of a diplomatic officer's private staff should go missing, the employer must report this immediately to the Italian police authorities. The Mission must also inform the Ministry of Foreign Affairs promptly by Note Verbale, accompanied by the original police report, so that the worker's identity card can be cancelled.

The Ministry of Foreign Affairs reminds Missions that all the information concerning the procedure for identity card applications can be consulted in the manual available through the *Ceri-online* portal. The CF form referred to in the manual can be downloaded from the Ministry's website at http://www.esteri.it/servizi/index.htm.

The Ministry of Foreign Affairs also informs Missions that the text of the attached Regulations can be downloaded in Italian and also in English, French and Spanish from the following web address:

http://www.esteri.it/MAE/IT/Ministero/Servizi/Stranieri/Serv_Rappr_Stran/.

Lastly, it should be noted that, in the event of discrepancies between the various texts, the original version in Italian is the sole authentic text.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions, International Organisations and Special Missions in Italy the assurance of its highest consideration.

Rome, 10 January 2012

Ministero degli Affari Esteri

Ref. no. 1511/18317

Note Verbale no. 1511/18317 of 24 January 2013

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions and International Organisations in Italy and has the honour to bring to their attention the new provisions and arrangements for the purchase and/or import of fuel from service stations, for official use and for their personnel, through the introduction of vehicle-specific fuel cards matched to the vehicle's number plates.

Having obtained the favourable opinion of the Directorate General of the Customs and State Monopolies Agency and of this Ministry, the Ministry of Foreign Affairs hereby informs Diplomatic Missions and International Organisations that it is now possible to use a fuel distribution system under exemption from customs and excise duties and VAT. Under the new system – an alternative to the current (paper) fuel vouchers – beneficiaries will be issued with an electronic fuel card to obtain supplies from service stations belonging to the Euro Shell group (Shell, Esso, API-IP and Tamoil).

Shell Italia Spa, the Italian company taking part in the new electronic card distribution system, will use another company, Forax, which will deal directly with each beneficiary to regulate its transactions and issue a protected, vehicle-specific Fuel Card for the sole use of said beneficiary.

The Shell Forax fuel card is post-paid and directly tax-free, which means that users only have to pay for fuel actually used and only after refuelling.

In light of the above, Diplomatic Missions and International Organisations can already use the new procedure.

It should be noted that the current procedure using Form 187 and with fuel allocated on a six-monthly basis remains unchanged. Applications indicating Shell Italia Spa as the supplier and also indicating the plant where the account will be used (SIGEMI, Lacchiarella – MI storage facility) should be submitted to Office I of Diplomatic Protocol at the Ministry of Foreign Affairs for checking, approval and forwarding to the relevant bodies.

TO DIPLOMATIC MISSIONS
ACCREDITED IN ITALY

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions and International Organisations in Italy the assurance of its highest consideration.

Rome, 24 January 2013

Ministero degli Affari Esteri

Ref. no. 1511/21962

Note Verbale no. 1511/21962 of 29 January 2013

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions and International Organisations in Italy and has the honour to notify them of the following.

Starting from today, Mission are no longer required to send paper invoices to this Ministry for "utilities" and "continuous operations services" previously exempted from VAT by the Diplomatic Protocol Department. From now on, it will be sufficient to enter the relevant information through the *Ceri-online* portal. All the other functions of the procedure will remain unchanged.

Missions are also reminded to re-enter their individual applications for exemption at the beginning of each calendar year.

The Ministry advises Missions to take particular care with storing this documentation for at least five years, as required by Italian law, as it may be subjected to inspection by the relevant bodies.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions the assurance of its highest consideration.

Rome, 29 January 2013

TO DIPLOMATIC MISSIONS
ACCREDITED IN ITALY

Ministero degli Affari Esteri

Ref. no. 1511/115371

Note Verbale no. 1511/115371 of 24 May 2013

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions in Italy and has the honour to refer to Note Verbale no. 66963 of 13 March 2012 concerning the arrangements for use of the State Protocol Department's VIP Lounges at Rome-Fiumicino Airport.

The Ministry of Foreign Affairs wishes to remind Missions that the State Protocol Department's VIP Lounges at Rome-Fiumicino Airport are open from 8.00 to 20.00.

In light of the above, the presence of an officer from Diplomatic Protocol of the Republic in the VIP Lounges at Rome-Fiumicino Airport for the arrival of Ambassadors in Italy at the start of their mission and their departure at the end of their mission can only be guaranteed from 8.00 to 20.00 hours.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions in Italy the assurance of its highest consideration.

Rome, 24 May 2013

TO DIPLOMATIC MISSIONS
ACCREDITED IN ITALY

Ministero degli Affari Esteri

Ref. no. 1511/125175

Note Verbale no. 1511/125175 of 4 June 2013

The Ministry of Foreign Affairs presents its compliments to foreign Diplomatic Missions in Italy and has the honour to inform them that the Ministry of Infrastructure and Transport – Provincial Office of the Road Traffic Office (Italian initials MCTC) in Rome has pointed out that, on the basis of the current legislative provisions (Article 17.2 of Directive 98/14 EEC and Article 131 of the Highway Code), vehicles purchased under lease cannot be registered with diplomatic plates.

The Ministry of Foreign Affairs informs Missions that the procedure for registering vehicles owned by foreign Diplomatic Missions, and by their officers, with diplomatic/consular plates remains unchanged.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to foreign Diplomatic Missions in Italy the assurance of its highest consideration.

Rome, 4 June 2013

TO DIPLOMATIC MISSIONS
ACCREDITED IN ITALY

Ministero degli Affari Esteri

Ref .no.1511/MAE0180607

Note Verbale no. 1511/180607 of 8 August 2013 with Annex

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions accredited in Italy and has the honour to refer to relations between said Missions and the Azienda Municipale Ambiente (AMA S.p.A.), and more specifically to requests by AMA S.p.A. to obtain payment for waste disposal services provided, but not invoiced.

Including in light of the kind interest taken in this matter by the Apostolic Nunzio, as Doyen of the Diplomatic Corps, and by a number of Heads of Mission, Diplomatic Protocol has made contact with AMA and with Rome City Council to help find a mutually advantageous solution to the problem. It has emerged that numerous Embassies are not registered, or only partly registered, with AMA. The situation, therefore, contains numerous discrepancies and has led to this request by AMA to put the matter in order. However, the Ministry of Foreign Affairs recognises that late invoicing disrupts Diplomatic Missions' normal economic management procedures.

To regularise the situation, Diplomatic Protocol has obtained agreement from the relevant Italian authorities to double-check and, where the results of those checks so indicate, withdraw demands for the period prior to 2013. This is in exchange for an up-date of the situation in the premises of Diplomatic Missions so that AMA can invoice its services correctly, starting from 1 January 2013.

In light of the above, the Ministry would be grateful to Diplomatic Missions if they would provide the information requested by AMA, as set out in the attached guidelines, **by 1 October 2013** so that by 31 December 2013 AMA may invoice the services provided.

The Ministry of Foreign Affairs reminds Missions that they are subject to the payment of urban refuse collection taxes, which fall within the scope of Article 23 of the Vienna Convention on Diplomatic Relations since they are charges for services rendered.

Lastly, the Ministry of Foreign Affairs has the honour to inform Diplomatic Missions of the telephone numbers of the AMA office which said Missions may contact directly for clarification of their individual situation: 06 5169 / 3901-3974-3968.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to Diplomatic Missions in Italy the assurance of its highest consideration.

Rome, 8 August 2013

TO DIPLOMATIC MISSIONS
ACCREDITED IN ITALY

ANNEX to Note Verbale no. 1511/180607

Guidelines for the application of the waste disposal tariff for Embassies

To register, amend or close an account for premises owned or used by foreign States as the seat of Embassies or Consulates, the Ambassador/Consul or the person acting on their behalf must submit an application in writing, on the headed paper of the Mission, or complete the AMA form for non-domestic users. The form can downloaded from AMA S.p.A.'s website.

The application must be accompanied by an identity document, the purchase/rent contract, and a scale-plan of the building to be registered/amended, with details of the activities carried out in each space within the building. This is to enable AMA's technical office to conduct the required checks to ensure that the municipal regulations are applied correctly.

If, for security reasons, the detailed plan of the building cannot be submitted, the application must specify that this is the reason the plans have not been submitted. In such cases, the surface areas and details of the activities carried out in each must be self-certified.

To calculate the refuse disposal charge two factors must be taken into account:

- The net floor area of each space making up the building;
- The activity carried out in each space (e.g.: offices, archives, storage, canteens, military accommodation, accommodation for Ambassadors and members of the Embassy, shared services);

The categories that might apply to the premises occupied by an Embassy are:

Cat. 02: Libraries, museums;
Cat. 03: Conference rooms;
Cat. 04: Storage and archive spaces, covered parking areas;
Cat. 09: Military accommodation
Cat. 10: All offices, open to the public and otherwise, and all common spaces (corridors, toilets, etc.…);
Cat. 20: Canteens and kitchens;
Cat: **01**: Accommodation for the Ambassador and his family and for Embassy employees, if applicable. In this case, the default household size will be three (3) persons. Missions should specify whether the apartments are to be registered in the Embassy's name or that of individual households;
Exempted premises: Technical spaces (boilers, air conditioning, generators etc.…).

Documents required:

NEW REGISTRATON/CHANGE OF DETAILS: AMA form; purchase/rent contract of building; scale plan.

TERMINATION: AMA form; document certifying the date of handover of the premises.

Ministero degli Affari Esteri

Prot.n.1513/MAE0244166

Note Verbale no. 1513/244166 of 31 October 2013

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions in Italy and has the honour to notify them of the following.

On the occasion of the arrival of foreign dignitaries at Rome Ciampino Military Airport and Rome Fiumicino Airport on special or commercial flights, the Ministry would be grateful if the number of persons present in the VIP Lounges of said airports to welcome illustrious guests could be kept as low as possible.

Limiting the numbers present is deemed necessary to ensure greater security and safeguard the private nature of these spaces, which can be used at the same time by more than one foreign delegation and by persons holding high Italian office.

External guests of Diplomatic Missions, such as, for example, members of the local community or the Heads of Mission of other countries, may welcome the visiting dignitary in other places deemed suitable by the Mission. These include, for example, the hotel chosen as accommodation for the distinguished visitor, the premises of the Mission itself, the residence of the Head of Mission, and so on.

The Ministry of Foreign Affairs thanks Diplomatic Missions in Italy for their attention and avails itself of this opportunity to renew the assurance of its highest consideration.

Rome, 31 October 2013

TO FOREIGN DIPLOMATIC MISSIONS ACCREDITED IN ITALY

Ministero degli Affari Esteri

Prot.n.1512/33854

Note Verbale no. 1512/33854 of 13 February

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions in Italy and has the honour to notify them of the following new procedures for the issuing of identity cards for the children of diplomatic-consular and technical-administrative personnel serving in said Missions.

- Only those children who are dependants of and are living in the same household as the officers serving in Diplomatic Missions in Italy may be accredited, after obtaining a diplomatic visa issued by the Italian Embassy for their region of residence.
- The identity card will be issued to officers' children up until they reach their 21st year of age, without prejudice to the possibility of extending this age limit under principles of reciprocity.
- When the officer's son or daughter reaches their 21st birthday, an application may be submitted for an identity card solely for residence purposes and only for those children attending a full-time university course and only under conditions of reciprocity.

The Ministry of Foreign Affairs avails itself of this opportunity to renew the assurance of its highest consideration.

Rome, 13 February 2014

TO FOREIGN DIPLOMATIC MISSIONS IN ITALY

TO THE EMBASSY OF ITALY TO THE HOLY SEE

TO THE PERMANENT DIPLOMATIC REPRESENTATION OF ITALY TO THE UN IN ROME

Ministero degli Affari Esteri

Prot.n.1512/37963

Note Verbale no. 1512/37963 of 18 February 2014

The Ministry of Foreign Affairs presents its compliments to all of the International Organisations and Special Foreign Missions in Italy and has the honour to notify them of the following new procedures for the issuing of identity cards for the children of officers serving in said Missions.

- Only those children who are dependants of and are living in the same household as the officers serving in International Organisations in Italy may be accredited, after obtaining a "mission visa" issued by the Italian Embassy for their region of residence.
- The identity card will be issued to officers' children up until they reach their 21st year of age.
- Once the officer's son or daughter reaches their 21st birthday, an application may be submitted for an identity card solely for residence purposes and only for those children attending a full-time university course and in any case only until they reach 24 years of age.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to all International Organisations and Special Foreign Missions in Italy the assurance of its highest consideration.

Rome, 18 February 2014

TO INTERNATIONAL ORGANISATIONS
TO SPECIAL FOREIGN MISSIONS

Ministero degli Affari Esteri

Prot.n.1512/40093

Note Verbale no. 1512/40093 of 20 February 2014

The Ministry of Foreign Affairs presents its compliments to all foreign Diplomatic Missions, International Organisations and Special Foreign Missions in Italy and, with reference to Note Verbale no. 4934 of 10 January 2012, has the honour to provide them with up-dated information regarding the notification of local staff in service in said Diplomatic Missions.

Foreign Diplomatic Missions may recruit persons of Italian or foreign nationality who are already in Italy, and hold a valid residence permit, on the Italian labour market. At the time of engagement these persons retain the residence permit they already hold.

The Ministry of Foreign Affairs draws the attention of Diplomatic Missions to the provisions governing this matter as set out in Article 2 of the ""Regulations governing the employment of employees of Embassies, Consulates, Legations, Cultural Institutes and International Organisations in Italy" and of Article 10 d)(1) of the 1961 Vienna Convention on Diplomatic Relations regarding "*The engagement and discharge of persons resident in the receiving State as members of the mission*".

The Ministry of Foreign Affairs would be grateful if, from now on, Missions would submit said notification using the *Ceri-online* platform.

A new function has been created on the *Ceri-online* platform to enable Diplomatic Missions to enter the details of this category of personnel currently in service in said Missions. The user guide for all related functionalities (data entry, cancellation and amendment) is also available for consultation on the same platform.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to foreign Diplomatic Missions, International Organisations and Special Foreign Missions the assurance of its highest consideration.

Rome, 20 February 2014

TO FOREIGN DIPLOMATIC MISSIONS IN ITALY
TO INTERNATIONAL ORGANISATIONS AND
SPECIAL FOREIGN MISSIONS IN ITALY



Ref. no.1512/68134

Note Verbale no. 1512/68134 of 24 March 2012

The Ministry of Foreign Affairs presents its compliments to all foreign Diplomatic Missions in Italy and, with reference to Articles 8 and 38 of the 1961 Vienna Convention, has the honour to notify them of the following.

The Ministry of Foreign Affairs reminds Diplomatic Missions in Italy that, under the above-mentioned Articles, diplomatic agents may not have the nationality of the receiving State, except with the consent of that State. Similarly, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity in respect of official acts performed in the exercise of his functions ("functional immunity"), except with the consent of the receiving State.

This said, in accordance with the Vienna Convention, the sending State must notify the Ministry of Foreign Affairs if any of its accredited diplomatic agents hold Italian citizenship. The Ministry would be grateful if Diplomatic Missions in Italy would ensure that when entering the information in the *Ceri-online* platform they specify whether a given diplomatic agent holds Italian citizenship.

The Ministry of Foreign Affairs also deems it reasonable, under the 1961 Vienna Convention, to set at 10 years from the time of accreditation the maximum limit of permanent residence referred to in Article 38. Once that period has expired only functional immunity will be recognised. On the first suitable renewal date, the diplomatic agent will be issued with an identity card specifying that this type of immunity applies.

Similarly, only functional immunity will be granted to foreign diplomatic agents already resident in Italy at the time of accreditation. In this case too, the sending State has the obligation of notifying the Ministry.

The Ministry of Foreign Affairs is grateful to Diplomatic Missions in Italy for their cooperation and avails itself of this opportunity to renew to them the assurance of its highest consideration.

Rome, 24 March 2014

TO DIPLOMATIC MISSIONS IN ITALY

Ministero degli Affari Esteri

Ref. 1513/152923

Note Verbale no. 1513/152923 of 8 July 2014

The Ministry of Foreign Affairs presents its compliments to Diplomatic Missions in Italy and has the honor to announce the introduction of some modifications to the set of rules meant to regulate the number of agents in charge of accompanying the high personalities in their trips or stopovers in Italy.

Considering that the International Legal Framework expects the hosting country Authorities (and in this case, the Italian ones) to be providing protection and security to the high level personalities and considering all the experiences the Italian Ministry of Foreign Affairs has assembled, it has been decided to set a general statement with a limit for the number of personal security agents that will be allowed to accompany the personalities throughout their trips or in their stopovers on this national territory:

- Heads of State and Governments: 4 agents;
- Ministers of Foreign Affairs: 2 agents.

The Office III (*Ufficio III*) of the Diplomatic Protocol of the Ministry of Foreign Affairs keeps open the possibility to take into consideration an eventual increase of the number of security agents if this is proved and justified by sensitive and particular situations and if it is fitting and proportioned in comparison with what above mentioned.

The mean by which all requests need to come in is the Note Verbale (in PDF format) addressed to the Diplomatic Protocol, Office III (ceri3@esteri.it). These kinds of notifications are requested to come in <u>at least three days before</u> the day of the arrival or the day of the stopover of the considered personality in Italy.

The Ministry of Foreign Affairs thanks Diplomatic Missions in Italy for the attention that surely will be given to the new provisions and avails itself of this opportunity to renew the assurance of its highest consideration.

Rome, 8 July 2014

TO DIPLOMATIC MISSIONS IN ITALY

Ministero degli Affari Esteri

Ref. 1510/266183

Note Verbale no. 1510/266183 of 1 December 2014

The Ministry of Foreign Affairs and International Cooperation presents its compliments to Diplomatic Missions and International Organizations in Italy and has the honour to announce that public expense curtailing has imposed certain modifications on airport courtesy protocol (civilian airports).

The regulations herein contained annul and replace those previously established with the Note Verbale no. 66963 issued on 12 March 2012.

1. VIP Lounge Beneficiaries
   Access to the State Protocol VIP lounge at Fiumicino Leonardo da Vinci Airport in Rome from 8am to 8pm and other Italian cities Airport VIP lounges (where available) is exclusively reserved for:

   - Heads of State –and if applicable, with spouses- during official, work and private visits;
   - Directors General/ Secretaries General of an International Organization on an official or work visit;
   - Heads of Government and Government Ministers on official or work visits;
   - Presidents of the European Parliament, European Council, European Commission and European Court of Justice on an official or work visit;
   - Deputy Presidents of the European Commission, High Representative of the European Union for Foreign Affairs and Security Policy and European Commissioners on an official or work visit;
   - Their Eminences Cardinals of the Roman Catholic Church;
   - High Ranking Constitutional Officials (e.g., President of the Parliament; President of the Constitutional Court) on official or work visits;
   - Royal families members limited to first-degree kinship to Head of State;
   - Ambassadors accredited to the Italian Republic, the Holy See, the Sovereign Military Order of Malta and International Organizations with headquarters in Italy, limited to the first entry on the Italian soil and the last official departure (start and end of mission).

TO FOREIGN DIPLOMATIC MISSIONS IN ITALY

TO THE EMBASSY OF ITALY TO THE HOLY SEE

TO THE PERMANENT DIPLOMATIC REPRESENTATION OF ITALY TO THE UN IN ROME

We take this opportunity to inform that in view of this reform, the responsible Italian authorities are evaluating the future possibility of arranging airport courtesy privileges on a private and upon payment basis for any foreign public dignitary not present in the aforementioned list.

2. Planeside Assistance
   At Fiumicino – Rome Airport, planeside pickup is offered, for a maximum of 3 people, only in the following instances:

   - Heads of State –and if applicable, with spouses- during official or work Visits;
   - The UN Secretary General on official or work visits;
   - Directors General/ Secretaries General of an International Organization with headquarters in Italy;
   - Heads of Government on official or work visits;
   - Ministers of Foreign Affairs on official or work visits;
   - Presidents of the European Parliament, European Council, European Commission and High Representative of the European Union for Foreign Affairs and Security Policy on official or work visit;
   - Ambassadors accredited to the Italian Republic, the Holy See, the Sovereign Military Order of Malta and International Organizations with headquarters in Italy, limited to the first entry on the Italian soil and the last official departure (start and end of mission).

For all other foreign personalities who are not included in the above mentioned list, planeside pickup can be directly requested by Diplomatic Missions, that will cover the costs, through the private company offering the service at the airport of Fiumicino, *Groundcare*: tel 06.65954151; leanfore@groundcare.it; manuela.brioschi@groundcare.it; chiara.terranova@groundcare.it.

We remind that at Fiumicino – Rome Airport it is not possible, for technical and security reasons, allowing the entrance on the tarmac of the motorcade of the foreign dignitary on visit to Italy.

This Ministry reserves the right to assess the possible requests of planeside pickup benefitting the aforementioned personalities for their arrival or departure at other Italian Airports.

3. After-Hours VIP Lounge Beneficiaries
   For arrivals and departures outside of the State Protocol VIP lounge at Fiumicino Airport in Rome, afterhours access (before 08:00, after 20:00) is guaranteed only in the following cases:

   - Heads of State –and if applicable, with spouses- on official or work visits;
   - The UN Secretary General during on official or work visits;
   - Directors General/ Secretaries General of an International Organization with headquarters in Italy;

- Heads of Government on official or work visit;
- Ministers of Foreign Affairs on official or work visits;
- Presidents of the European Parliament, European Council, European Commission, High Representative of the European Union for Foreign Affairs and Security Policy and European Commissioners on an official or work visit.

For all other foreign personalities who are not included in the above mentioned list, VIP Lounge after hours assistance can be directly requested by Diplomatic Missions, that will cover the costs, through the private company offering the service at the airport of Fiumicino, *Groundcare*: tel.06.65954151; leanfore@groundcare.it; manuela.brioschi@groundcare.it; chiara.terranova@groundcare.it.

This Ministry reserves the right to assess requests for the access to the after-hours VIP lounge benefitting the aforementioned personalities for their arrival or departure at other Italian Airports.

4. Airport courtesies and security measures application

Applications for the use of the State Protocol VIP lounge at Fiumicino Airport must be submitted electronically, through the *Cerionline* portal (https://cerionline.esteri.it.

For all other Italian airports, applications for transit through the VIP lounges must be submitted:

- in the form of a Note Verbale sent by email to ceri3@esteri.it, up to 31 December 2014;
- only through the *Cerionline* portal (https://cerionline.esteri.it) from 1 January 2014;

Applications for the airport courtesies must be submitted electronically, through the *Cerionline* portal (https://cerionline.esteri.it), no later than 13.00 of the working day preceding the arrival of the foreign dignitary. Late applications or applications sent by fax will not be accepted.

The Note Verbale must include a detailed programme of the visit, starting with the time and airport of arrival and departure and the place the foreign dignitary will be staying, and should also include any other useful information.

If so requested by the Ministry of Foreign Affairs and International Cooperation, the Ministry for Home Affairs will put in place any security measures it deems to be appropriate. Requests must be submitted in the form of a Note Verbale (only in PDF format) addressed to the Diplomatic Protocol, Office III (ceri3@esteri.it) at least three days before the day of the arrival or transit of the foreign dignitary in Italy. The entrance of armed security agents in Italy is regulated by Note Verbale 1513/152923 issued on 8 July 2014.

5. Gate for the holders of diplomatic passport at Fiumicino airport (arrivals)

A 24/7 open gate for the holders of diplomatic passport has been implemented at Fiumicino Airport international, in the area of international arrivals on the right of the control gate entrance, close to the office of Polizia di Stato. In this way, it will be possible to facilitate and expedite the procedures related to the

entrance of all the holders of diplomatic passport.

The Ministry of Foreign Affairs thanks Diplomatic Missions and International Organizations in Italy for the attention that surely will be given to the new provisions that will enter into force from 1 January 2015.

Requests of information should be addressed to the Diplomatic Protocol, Office III, from Monday to Friday, 9.00 – 16.00: tel. 06.3691.2061; ceri3@esteri.it.

The Ministry of Foreign Affairs avails itself of this opportunity to renew the Diplomatic Missions and International Organizations the assurances of its highest consideration.

Ministero degli Affari Esteri

Ref. 1513/64119

Note Verbale no. 1513/64119 of March 25th, 2015

The Ministry of Foreign Affairs and International Cooperation presents its compliments to Diplomatic Missions and International Organizations in Italy and, with reference to Note Verbale no. 266183 issued on December 1st 2014, has the honour to inform that, from April 1st, Ambassadors accredited to the Italian Republic, the Holy See, the Sovereign Military Order of Malta and International Organizations with headquarters in Italy, can access to the State Protocol VIP lounge at Fiumicino Airport in Rome (from 8am to 8pm) and to other Italian cities Airport VIP lounges, where available.

The Ministry of Foreign Affairs and International Cooperation has decided to strengthen the security measures for Ambassadors in Italy, due to the latest international events. This decision is implemented thanks to the kind assistance of Italian Civil Aviation Authority (ENAC).

Applications for the VIP lounges must be submitted electronically via *Cerionline* (https://cerionline.esteri.it). Requests of information should be addressed to the Diplomatic Protocol, Office III: tel. 06.3691.2061; ceri3@esteri.it.

The Ministry of Foreign Affairs and International Cooperation avails itself of this opportunity to renew the assurance of its highest consideration to Diplomatic Missions and International Organizations in Italy.

Rome, 25 March 2015