

EMPLOYMENT

**Agreement Between the
UNITED STATES OF AMERICA
and SAN MARINO**

Effected by Exchange of Notes at
Florence February 25 and
September 15, 2004



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

SAN MARINO

Employment

*Agreement effected by exchange of notes at Florence
February 25 and September 15, 2004;
Entered into force September 22, 2004.*



CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA

N. 1

THE CONSULATE GENERAL OF THE UNITED STATES OF AMERICA TO SAN MARINO PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF FOREIGN AFFAIRS OF THE REPUBLIC OF SAN MARINO AND HAS THE HONOR TO PROPOSE THAT OUR GOVERNMENTS CONCLUDE A BILATERAL WORK AGREEMENT FOR DEPENDENTS OF OFFICIALS SERVING IN OUR RESPECTIVE COUNTRIES.

THE CONSULATE GENERAL OF THE UNITED STATES OF AMERICA PROPOSES TO THE GOVERNMENT OF THE REPUBLIC SAN MARINO THAT, ON A RECIPROCAL BASIS, DEPENDENTS OF EMPLOYEES OF THE UNITED STATES GOVERNMENT ASSIGNED TO OFFICIAL DUTY IN THE REPUBLIC OF SAN MARINO AND DEPENDENTS OF EMPLOYEES OF THE GOVERNMENT OF THE REPUBLIC OF SAN MARINO ASSIGNED TO OFFICIAL DUTY IN THE UNITED STATES BE AUTHORIZED TO BE EMPLOYED IN THE RECEIVING COUNTRY.

FOR THE PURPOSE OF THIS AGREEMENT, "DEPENDENTS" SHALL MEAN: -

SPOUSES;

UNMARRIED DEPENDENT CHILDREN UNDER 21 YEARS OF AGE;

UNMARRIED DEPENDENT CHILDREN UNDER 23 YEARS
OF AGE WHO ARE IN FULL-TIME ATTENDANCE AS STUDENTS AT A
POST-SECONDARY EDUCATIONAL INSTITUTION; AND

UNMARRIED CHILDREN WHO ARE PHYSICALLY OR MENTALLY DISABLED.

FOR THE PURPOSES OF THIS AGREEMENT, IT IS UNDERSTOOD THAT EMPLOYEES ASSIGNED TO OFFICIAL DUTY MEANS DIPLOMATIC AGENTS, CONSULAR OFFICERS, AND MEMBERS OF THE SUPPORT STAFFS ASSIGNED TO DIPLOMATIC MISSIONS, CONSULAR OFFICES AND MISSIONS TO INTERNATIONAL ORGANIZATIONS.

IN THE CASE OF DEPENDENTS WHO SEEK EMPLOYMENT IN THE UNITED STATES, AN OFFICIAL REQUEST MUST BE MADE BY THE PERMANENT MISSION OF THE REPUBLIC OF SAN MARINO TO THE UNITED NATIONS TO THE UNITED STATES MISSION TO THE UNITED NATIONS. UPON VERIFICATION THAT THE PERSON IS A DEPENDENT OF AN OFFICIAL EMPLOYEE OF THE GOVERNMENT OF THE REPUBLIC OF SAN MARINO, AND PROCESSING OF THE OFFICIAL REQUEST, THE PERMANENT MISSION OF THE REPUBLIC OF SAN MARINO TO THE UNITED NATIONS WILL BE INFORMED BY THE UNITED STATES MISSION TO THE UNITED NATIONS THAT THE DEPENDENT MAY ACCEPT EMPLOYMENT.

IN THE CASE OF DEPENDENTS OF EMPLOYEES WHO SEEK EMPLOYMENT IN THE REPUBLIC OF SAN MARINO, AN OFFICIAL REQUEST MUST BE MADE BY THE UNITED STATES CONSULATE GENERAL TO SAN MARINO TO THE REPUBLIC OF SAN MARINO'S DEPARTMENT OF FOREIGN AFFAIRS, WHICH, AFTER VERIFICATION, SHALL THEN INFORM THE UNITED STATES CONSULATE GENERAL TO SAN MARINO THAT THE DEPENDENT MAY ACCEPT EMPLOYMENT.

THE UNITED STATES GOVERNMENT AND THE GOVERNMENT OF THE REPUBLIC OF SAN MARINO CONFIRM THAT DEPENDENTS WHO OBTAIN EMPLOYMENT UNDER THIS AGREEMENT AND WHO HAVE IMMUNITY FROM THE JURISDICTION OF THE RECEIVING COUNTRY IN ACCORDANCE WITH ARTICLE 31 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OR ANY OTHER APPLICABLE INTERNATIONAL AGREEMENT, ENJOY NO IMMUNITY FROM CIVIL AND ADMINISTRATIVE JURISDICTION WITH RESPECT TO MATTERS ARISING OUT OF SUCH EMPLOYMENT. SUCH DEPENDENTS ARE ALSO LIABLE FOR PAYMENT OF INCOME AND SOCIAL SECURITY TAXES ON ANY REMUNERATION RECEIVED AS A RESULT OF EMPLOYMENT IN THE RECEIVING STATE. DEPENDENTS CONTINUE TO ENJOY ALL OTHER PRIVILEGES AND IMMUNITIES TO WHICH THEY ARE ENTITLED.

THE GOVERNMENT OF THE UNITED STATES FURTHER PROPOSES THAT, IF THESE PROVISIONS ARE ACCEPTABLE TO THE GOVERNMENT OF THE REPUBLIC OF SAN MARINO, THIS NOTE AND THE GOVERNMENT OF THE REPUBLIC OF SAN MARINO'S REPLY CONCURRING THEREIN SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE ON THE DATE OF THAT REPLY NOTE. THIS AGREEMENT SHALL REMAIN IN FORCE UNTIL NINETY DAYS AFTER THE DATE OF THE WRITTEN NOTIFICATION FROM EITHER GOVERNMENT TO THE OTHER OF INTENTION TO TERMINATE.

THE CONSULATE GENERAL OF THE UNITED STATES OF AMERICA TO SAN MARINO AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE DEPARTMENT OF FOREIGN AFFAIRS OF THE REPUBLIC OF SAN MARINO THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA
FLORENCE, FEBRUARY 25th, 2004





REPUBBLICA DI SAN MARINO
SEGRETERIA DI STATO PER GLI AFFARI ESTERI

NOTA VERBALE

Prot. n. 6998/EE/213

La Segreteria di Stato per gli Affari Esteri della Repubblica di San Marino presenta i suoi complimenti all'Onorevole Consolato Generale degli Stati Uniti d'America a Firenze e ha l'onore di fare riferimento alla Nota Verbale n. 1 del 25 febbraio 2004 in relazione all'Accordo bilaterale in materia di occupazione per le persone a carico di funzionari che prestano servizio nei rispettivi Paesi.

In riferimento a ciò, la Segreteria di Stato per gli Affari Esteri della Repubblica di San Marino concorda con quanto riportato nella Nota Verbale menzionata, che, con la presente, costituisce formale Accordo in materia di occupazione per le persone a carico di funzionari che prestano servizio nei rispettivi Paesi. In merito all'entrata in vigore dell'Accordo medesimo si fa presente che per la Repubblica di San Marino esso entrerà in vigore alla data dell'avvenuto espletamento delle procedure previste dall'Ordinamento interno per la ratifica, data che verrà comunicata all'Onorevole Consolato Generale degli Stati Uniti d'America con successiva Nota Verbale.

La Segreteria di Stato per gli Affari Esteri della Repubblica di San Marino si avvale dell'occasione per rinnovare all'Onorevole Consolato Generale degli Stati Uniti d'America a Firenze i sensi della più alta considerazione.

San Marino, 15 settembre 2004/1704 d.F.R.

Onorevole
Consolato Generale
degli Stati Uniti d'America
= FIRENZE =





Translation

[emblem
REPUBLIC OF SAN MARINO
MINISTRY FOR FOREIGN AFFAIRS]

NOTE VERBALE

Ref. No. 6998/EE/213

The Ministry for Foreign Affairs of the Republic of San Marino presents its compliments to the Consulate General of the United States of America at Florence and has the honor to refer to Note Verbale No. 1 of February 25, 2004, concerning the Bilateral Work Agreement for dependents of officials serving in our respective countries.

In reference to which, the Ministry for Foreign Affairs of the Republic of San Marino is in agreement with the content of the aforesaid Note Verbale, which, together with this Note, shall constitute a formal Work Agreement for dependents of officials serving in our respective countries. In regard to the entry into force of the Agreement itself, we advise that for the Republic of San Marino, it will enter into force on the date of completion of the procedures prescribed by our domestic legal system for ratification; that date will be communicated to the Consulate General of the United States of America by a subsequent Note Verbale.

The Ministry for Foreign Affairs of the Republic of San Marino avails itself of this opportunity to renew to the Consulate General of the United States of America at Florence the assurances of its highest consideration.

San Marino, September 15, 2004/the 1704th year since the Republic's founding

[signature, illegible]

[round stamp:
MINISTRY FOR FOREIGN AFFAIRS [ETC.]
[emblem]
REPUBLIC OF SAN MARINO]

Consulate General
of the United States of America
- FLORENCE -
