

## AGREEMENT

### BETWEEN THE ITALIAN REPUBLIC AND THE REPUBLIC OF SAN MARINO CONCERNING THE USE BY THE REPUBLIC OF SAN MARINO OF THE ITALIAN AIRPORT OF RIMINI- MIRAMARE FOR THE OPERATION OF SCHEDULED INTERNATIONAL AIR SERVICES.

The Government of the Italian Republic and the Government of the Republic of San Marino, hereinafter referred to as the Contracting Parties,

considering the specificity of the relations existing between the Contracting Parties, as well as the small territorial dimensions and the specific orographic conformation of the Republic of San Marino,

desiring, in the reciprocal interest and with a view to further developing the existing relations, to guarantee the Republic of San Marino the possibility of autonomously establishing its own scheduled international air services, necessary to overcome, also from a legal point of view, the present inadequate situation, which the Republic of San Marino is experiencing in this sector,

taking into account that the territory of the Republic of San Marino is included in the traffic basin of the near Italian airport of Rimini-Miramare,

have agreed as follows:

## Article 1

The Italian airport of Rimini-Miramare shall be used to meet the needs of international civil traffic between Italy and San Marino in conformity with the provisions to be agreed upon by the Contracting Parties in an additional Protocol to this Agreement.

## Article 2

The Protocol referred to in Article 1 shall also regulate the operation of the aforementioned international air services aimed at meeting the needs of San Marino users.

## Article 3

Starting from the date of entry into force of this Agreement, the Italian airport of Rimini-Miramare shall be denominated as "Airport of Rimini/San Marino".

The change in the name shall imply no changes in the Italian sovereignty regime.

## Article 4

In a spirit of close collaboration, the aviation Authorities of the Contracting Parties shall consult each other from time to time, with a view to guaranteeing the application of the provisions of this Agreement.

## Article 5

1. In case a Contracting Party intends to amend, in full or in part, this Agreement and/or the additional Protocol, it may, at any time, propose these amendments in writing to the other Contracting Party. The consultations concerning these proposed amendments shall be held, unless otherwise agreed, within 60 days following the date of the request.
2. The amendments to this Agreement other than those concerning the additional Protocol shall enter into force in the same way as this Agreement

enters into force.

The amendments to the additional Protocol shall enter into force following an exchange of diplomatic notes which confirms the agreements reached by the aviation Authorities of the two Parties.

#### Article 6

Each Contracting Party may, at any time, notify the other Contracting Party of its decision to terminate this Agreement.

This Agreement shall cease to have effect six months following the date on which the other Contracting Party has received this notification, unless the notification is withdrawn by mutual agreement before the expiry of this term.

#### Article 7

This Agreement shall enter into force on the date on which the instruments of ratification are exchanged.

IN WITNESS WHEREOF the undersigned, duly authorised by the respective Governments, have signed this Agreement.

Done at San Marino, on 11 June 1990

For the Government of the Italian Republic

Gianni De Michelis

For the Government of the Republic of San Marino

Gabriele Gatti

**PROTOCOL BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SAN MARINO  
AND THE GOVERNMENT OF THE ITALIAN REPUBLIC CONCERNING THE USE OF  
THE AIRPORT OF RIMINI-SAN MARINO**

The Government of the Republic of San Marino and the Government of the Italian Republic (hereinafter the Parties), wishing to facilitate and develop the use of the international airport of Rimini, taking into account the provisions of the Agreement in this field between the Republic of San Marino and the Italian Republic concluded in San Marino on 11 June 1990, have agreed as follows:

**Article 1**

The use of the airport of Rimini-San Marino by all air carriers of the States recognised by the Government of the Republic of San Marino and by that of the Italian Republic, for the transport of passengers and goods, shall be guaranteed, without prejudice to the provisions on the protection of public order, security and public health.

**Article 2**

Civil aircraft flying the flag of San Marino shall be allowed to use the airport of Rimini-San Marino as fitting-out basis in compliance with internationally recognised provisions for aircraft parking at airports, as well as in areas reserved to commercial operations and in the area destined to the stationing of aircraft being repaired, manufactured or being removed from service. San Marino aircraft and crews, during operations at the airport, shall also comply with all provisions concerning the security of the airport, which are issued by the Italian aviation Authorities.

**Article 3**

The Italian Party shall adopt the necessary measures to facilitate, from a technical point of view, the completion of customs formalities, in compliance with the legislation in force, for the immediate shipping of goods transiting from or to the Republic of San Marino.

**Article 4**

The Italian Civil Aviation Authority, by agreement, shall facilitate the multi-year availability, within the maximum limit envisaged by the Italian legislation in force, inside airport premises, of space for passenger and freight terminals, as well as of aircraft parking areas, both indoor and outdoor, which are large enough and in return for a rent. The Republic of San Marino shall have the right to apply, as regards matters within its competence, the fees relative to the airport operations of embarkation, disembarkation, deposits, transshipment and movement of passengers and goods, as well as take-off and landing fees and embarkation and disembarkation fees for passengers.

**Article 5**

Taking into account the particular location of the airport and the primary needs of Air Force, specific limitations may be established in relation to the commercial activities carried out by countries not members of the European Union, NATO and/or Nations that are hostile, including



## EMBASSY OF ITALY

## VERBAL NOTE

Ref. 742

The Embassy of Italy in San Marino presents its compliments to the Ministry of Foreign Affairs of the Republic of San Marino and has the honour to refer to the Protocol concerning the use of the Airport of Rimini-San Marino, signed in Rome on 31 March 2000, to propose the following clarifications in the text of said Protocol:

- a) Airlines substantially owned and effectively controlled by the Republic of San Marino shall have the right to freely make stops in the Italian territory for flights from or to Rimini;
- b) these Airlines may operate flights for stops in the territory of EU Countries from and to Rimini, within the limits of the relevant authorisations granted by the competent Authorities of the various EU Countries; the above-mentioned Airlines shall undergo the security procedures envisaged for all air carriers, or the development of an airline's security programme - to be approved by ENAC - as provided for by Regulation EU 2320/2002 and subsequent amendments and by the National Security Programme, as well as the introduction of controls on passengers, mail and goods on the basis of what envisaged in the above-mentioned National Security Programme;
- c) in conformity with the Community provisions on the Application of Article 1 of the Protocol, Airlines shall not be authorised to introduce new fare products or fares lower than those existing for identical fare products on air services for transport completely within the European Community;
- d) considering what envisaged by Articles 3 and 4 of the above-mentioned Protocol, the competent Italian Authority shall grant a person established in the European Community, as indicated by the Republic of San Marino, within the limits of and in respect for Community and national provisions, the authorisation to manage, on behalf of the Republic of San Marino, a customs warehouse within the airport premises to store and process goods. The Republic of San Marino may provide ordinary and extraordinary services of aircraft technical maintenance, provided that this does not undermine the operational and functional needs of the airport, while respecting security standards. In particular, companies carrying out maintenance interventions on public transport aircraft registered in a EU member State shall hold an Approval Certificate issued under Annex II/Part 145 of Commission Regulation 2042/2003 and subsequent amendments; moreover, the staff employed by these companies shall meet the requirements of said Part 145: in particular, those certifying the release to service of the aircraft at the completion of any maintenance ("certifying staff") shall hold a specific Aircraft Maintenance Licence issued by a EU member State under Annex III/Part 66 of Commission Regulation 2042/2003 and subsequent amendments;
- e) with reference to connections to territories of non-EU Countries, operated in the framework of the above-mentioned Protocol, the San Marino Party shall notify, sixty days before the formal beginning of negotiations or of authorisation procedures, the proposed connections to the competent Italian Authority.

The above-mentioned Italian Authority may, within thirty days following said notification, express its disagreement. In this case, a joint procedure shall be started with a view to

examining implications on the Italian or Community legal order, as well as on the Italian aeronautical policy. In case an agreement is not reached, no new service shall be established. In particular cases and on the basis of an adequate informative report, the times referred to in the preceding paragraphs may be reduced if necessary.

The time-limits for the implementation of the Protocol shall be agreed, while fully complying also with the Community legislation in force, by the working group envisaged in Article 6 of the Protocol itself, which shall meet as soon as possible after the entry into force of the Protocol.

If the San Marino Government agrees with the preceding proposals, this Note and the reply Note of the same content by the Ministry of Foreign Affairs of the Republic of San Marino shall constitute an additional agreement of the above-mentioned Protocol concerning the use of the Airport of Rimini-San Marino, which shall have the same duration as the 2000 Protocol and which shall enter into force on the same date as the Protocol to which it refers.

The Embassy of Italy in San Marino avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of San Marino the assurances of its highest consideration.

San Marino, 31 March 2009

Honourable Ministry of  
Foreign Affairs of the  
Republic of San Marino

Republic of San Marino - Ministry of Foreign Affairs

Ref. 3866/DD/11

The Ministry of Foreign Affairs of the Republic of San Marino presents its compliments to the Honourable Embassy of Italy and has the honour to acknowledge receipt today of Verbal Note n. 742, which has the following content:

"The Embassy of Italy in San Marino presents its compliments to the Ministry of Foreign Affairs of the Republic of San Marino and has the honour to refer to the Protocol concerning the use of the Airport of Rimini-San Marino, signed in Rome on 31 March 2000, to propose the following clarifications to the text of said Protocol:

- a) Airlines substantially owned and effectively controlled by the Republic of San Marino shall have the right to freely make stops in the Italian territory for flights from or to Rimini;
- b) these Airlines may operate flights for stops in the territory of EU Countries from and to Rimini, within the limits of the relevant authorisations granted by the competent Authorities of the various EU Countries; the above-mentioned Airlines shall undergo the security procedures envisaged for all air carriers, or the development of an airline's security programme - to be approved by ENAC - as provided for by Regulation EU 2320/2002 and subsequent amendments and by the National Security Programme, as well as the introduction of controls on passengers, mail and goods on the basis of what envisaged in the above-mentioned National Security Programme;
- c) in conformity with the Community provisions on the Application of Article 1 of the Protocol, Airlines shall not be authorised to introduce new fare products or fares lower than those existing for identical fare products on air services for transport completely within the European Community;

Honourable  
Embassy of Italy  
SAN MARINO



d) considering what envisaged by Articles 3 and 4 of the above-mentioned Protocol, the competent Italian Authority shall grant a person established in the European Community, as indicated by the Republic of San Marino, within the limits of and in respect for Community and national provisions, the authorisation to manage, on behalf of the Republic of San Marino, a customs warehouse within the airport premises to store and process goods. The Republic of San Marino may provide ordinary and extraordinary services of aircraft technical maintenance, provided that this does not undermine the operational and functional needs of the airport, while respecting security standards. In particular, companies carrying out maintenance interventions on public transport aircraft registered in a EU member State shall hold an Approval Certificate issued under Annex II/Part 145 of Commission Regulation 2042/2003 and subsequent amendments; moreover, the staff employed by these companies shall meet the requirements of said Part 145: in particular, those certifying the release to service of the aircraft at the completion of any maintenance ("certifying staff") shall hold a specific Aircraft Maintenance Licence issued by a EU member State under Annex III/Part 66 of Commission Regulation 2042/2003 and subsequent amendments;

e) with reference to connections to territories of non-EU Countries, operated in the framework of the above-mentioned Protocol, the San Marino Party shall notify, sixty days before the formal beginning of negotiations or of authorisation procedures, the proposed connections to the competent Italian Authority.

The above-mentioned Italian Authority may, within thirty days following said notification, express its disagreement. In this case, a joint procedure shall be started with a view to examining implications on the Italian or Community legal order, as well as on the Italian aeronautical policy. In case an agreement is not reached, no new service shall be established. In particular cases and on the basis of an adequate informative report, the times referred to in the preceding paragraphs may be reduced if necessary.

The time-limits for the implementation of the Protocol shall be agreed, while fully complying also with the Community legislation in force, by the working group envisaged in Article 6 of the Protocol itself, which shall meet as soon as possible after the entry into force of the Protocol.

If the San Marino Government agrees with the preceding proposals, this Note and the reply Note of the same content by the Ministry of Foreign Affairs of the Republic of San Marino shall constitute an additional agreement of the above-mentioned Protocol concerning the use of the Airport of Rimini-San Marino, which shall have the same duration as the 2000 Protocol and which shall enter into force on the same date as the Protocol to which it refers.

The Embassy of Italy in San Marino avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of San Marino the assurances of its highest consideration."

The Ministry of Foreign Affairs of the Republic of San Marino has the honour to inform that the San Marino Government agrees with the preceding content and avails itself of this opportunity to renew to the Honourable Embassy of Italy the assurances of its highest consideration.