

Vatican City State

Fundamental Law of Vatican City State

26 November 2000

Pope John Paul II

Having taken into account the need to give a systematic and organic form to the changes introduced in successive phases in the juridical structure of Vatican City State and wishing to make it correspond always better to the institutional purposes of the State, which exists as an appropriate guarantee of the freedom of the Apostolic See and as a means of assuring the real and visible independence of the Roman Pontiff in the exercise of his mission in the world, We, on our own initiative (Motu Proprio) and with certain knowledge, with the fullness of Our sovereign authority, have established and hereby establish the following, to be observed as the Law of the State:

Art. 1

1. The Supreme Pontiff, Sovereign of Vatican City State, has the fullness of legislative, executive and judicial powers.

2. During the vacancy of the See, the same powers belong to the College of Cardinals which, however, can issue legislative dispositions only in a case of urgency and with efficacy limited to the time of the vacancy, unless they are confirmed by the Supreme Pontiff subsequently elected in conformity with Canon Law.

Art. 2

The representation of the State in relations with foreign states and with other subjects of international law, for the purpose of diplomatic relations and the conclusion of treaties, is reserved to the Supreme Pontiff, who exercises it by means of the Secretariat of State.

Art. 3

1. Legislative power, except for those cases which the Supreme Pontiff intends to reserve to himself or to other subjects (*istanze*), is exercised by a Commission composed of a Cardinal President and other Cardinals, all named by the Supreme Pontiff for a five-year term.

2. In case of the absence or impedance of the President, the Commission is presided over by the first of the Cardinal Members.

3. The meetings of the Commission are convoked and presided over by the President; the Secretary General and the Vice Secretary General participate in them with a consultative vote.

Art. 4

1. The Commission exercises its power within the limits of the Law concerning the sources of law, according to the indications to be given below and its proper Regulations (*Regolamento*).

2. In the drawing up of draft laws, the Commission makes use of the collaboration of the Councillors of the State, of other experts and of the Organizations of the Holy See and of the State which could be affected by them.

3. The draft laws are submitted in advance, through the Secretariat of State, for the consideration of the Supreme Pontiff.

Art. 5

1. Executive power is exercised by the President of the Commission, in conformity with the present Law and with the other normative dispositions in force.

2. In the exercise of such power, the President is assisted by the General Secretary and by the Vice General Secretary.

3. Questions of greater importance are submitted by the President to the Commission for its study.

Art. 6

Matters of greater importance are dealt with together with the Secretariat of State.

Art. 7

1. The President of the Commission can issue Ordinances, putting into effect legislative and regulatory norms.

2. In cases of urgent necessity, he can issue dispositions having the force of law, which however lose their force if they are not confirmed by the Commission within ninety days.

3. The power to issue general Regulations remains reserved to the Commission.

Art. 8

1. Without prejudice to what is established in articles 1 and 2, the President of the Commission represents the State.

2. He can delegate legal representation to the General Secretary for ordinary administrative activity.

Art. 9

1. The Secretary General assists the President of the Commission in his functions. According to the modalities indicated in the Laws and under the directives of the President of the Commission, he:

a) oversees the application of the Laws and of the other normative dispositions and the

putting into effect of the decisions and directives of the President of the Commission;

b) oversees the administrative activity of the Governorate and coordinates the functions of the various Directorates.

2. He takes the place of the President of the Commission when the latter is absent or impeded, except in what is determined in art. 7, n. 2.

Art. 10

1. The Vice Secretary General, in accord with the General Secretary, oversees the activity of the preparation and drafting of the various proceedings and of the correspondence and carries out the other activities attributed to him.

2. He takes the place of the General Secretary when the latter is absent or impeded.

Art. 11

1. In the preparation and the study of accounts and for other affairs of a general order concerning the personnel and activity of the State, the President of the Commission is assisted by the Council of Directors, which he periodically convenes and leads.

2. The Secretary General and the Vice Secretary General also take part in the Council.

Art. 12

The financial budgets and reports of the State, after their approval by the Commission, are submitted to the Supreme Pontiff through the Secretariat of State.

Art. 13

1. The Councillor General and the Councillors of the State, named by the Supreme Pontiff for a five-year term, offer their assistance in the drafting of Laws and in other matters of particular importance.

2. The Councillors can be consulted both individually and collegially.

3. The Councillor General presides over the meetings of the Councillors; he also exercises functions of coordination and representation of the State, according to the indications of the President of the Commission.

Art. 14

The President of the Commission, in addition to using the Corps of Vigilance, can request, for the purpose of security and policing, the assistance of the Pontifical Swiss Guard.

Art. 15

1. Judicial power is exercised, in the name of the Supreme Pontiff, by the organs constituted according to the judicial structure of the State.

2. The competence of the individual organs is regulated by the law.

3. Acts of jurisdiction must be carried out within the territory of the State.

Art. 16

In any civil or penal case and in any stage of the same, the Supreme Pontiff can defer the instruction and the decision to a particular subject (*istanza*), even with the faculty of pronouncing a decision according to equity and with the exclusion of any further recourse (*gravamen*).

Art. 17

1. Without prejudice to what is determined in the following article, whoever claims that a proper right or legitimate interest has been damaged by an administrative act can propose hierarchical recourse or approach the competent judicial authority.

2. Hierarchical recourse precludes a judicial action in the same matter, unless the Supreme Pontiff authorizes it in the individual case.

Art. 18

1. Controversies concerning labour relations between the employees (*dipendenti*) of the State and the Administration are within the competence of the Labour Office of the Apostolic See, according to its own Statute.

2. Recourses against disciplinary provisions taken in regard to the employees of the State can be proposed before the Court of Appeal, according to its own norms.

Art. 19

The faculty to grant amnesties, indults, remissions and favours is reserved to the Supreme Pontiff.

Art. 20

1. The flag of Vatican City State is constituted by two fields divided vertically, a yellow one next to the staff and a white one, and bears in the latter the tiara with the keys, all according to the model which forms attachment A of the present Law.

2. The coat of arms is constituted by the tiara and keys, according to the model which forms attachment B of the present Law.

3. The seal of the State bears in the centre the tiara with the keys and around it the words "Stato della Città del Vaticano", according to the model which forms attachment C to the present Law.

The present Fundamental Law replaces in its entirety the Fundamental Law of Vatican City, 7 June 1929, n. I. Likewise all the norms in force in the State which are not in agreement with the present Law are abrogated.

The Law will enter into force on 22 February 2001, Feast of the Chair of Saint Peter Apostle.

We order that the original of the present Law, bearing the seal of the State, be deposited in the Archive of the Laws of Vatican City State, and that the corresponding text be published in the Supplement to the Acta Apostolicae Sedis, enjoining upon all those concerned to observe it and to have it observed.

Given from Our Apostolic Vatican Palace on the Twenty-Sixth of November, Two Thousand, Solemnity of Our Lord Jesus Christ, King of the Universe, in the Twenty-Third year of Our Pontificate.

POPE JOHN PAUL II