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SALA STAMPA DELLA SANTA SEDE

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Explanatory note of the Presidency of the Governorate on the New Law on the Governance of Vatican City State

The Holy Father, by the Chirograph of 22 February 2017, delegated to His Eminence Cardinal Giuseppe Bertello “the power and all necessary faculty to draft a new Law on the Governance of Vatican City State and the related Regulations necessary for the functioning of the administrative apparatus of the State”, in view of “the urgent need to reorganize the structure of the State and enable it to respond to today’s needs”, in order to “render even clearer the special institutional purpose of Vatican City State, called by its nature to guarantee absolute and visible independence to the See of Peter”.

By the same Chirograph, a working Commission was set up to assist in the task assigned to the Cardinal President, which met for the first time on 21 March 2017 and then, periodically, until July 2018.

Premise

In carrying out its mandate, the Commission began its activity of drafting the regulatory framework of the new Law on Government, drawing on the work carried out by the Advisory Group, established by the Cardinal President on 16 October 2015, which had the aim of “providing opinions and proposals” with the development of a general organic framework for the structure of the Governorate and of a project for the modifications to be made to the Law on Governance, according to the principles of **rationalization**, **economy** and **simplification**, and following the criteria of **functionality**, **transparency**, **regulatory coherence** and **organizational flexibility**.

The subsequent phase of drafting and drafting the regulatory text permitted the re-examination of the observations and ideas for further study previously highlighted by the aforementioned Advisory Group.

Features

In line with the established objective of *rationalization*, *economy* and *simplification*, the new Law on Governance provides for the reduction of operational bodies: the Directorates are reduced from the current 9 to 7 (aside from

the Vatican Observatory, a scientific body), the Central Offices pass from the current 5 (following the unification of the Civil Status, Registry and Notary with the Juridical Office and the suppression of the Office of Pilgrims and Tourists) to 2 (*Title III: Articles 7-8, Title IV, Chapter I: Articles 9-16, Chapter II: Articles 17-18*).

The functions and responsibilities of the reorganized working bodies have been reviewed and aggregated according to the principles of *functionality* and *efficiency* (*Title VII*), so as to be able to operate effectively with respect to problems, emergencies and ordinary management.

Transparency is pursued with greater and more conscious responsibility by the managers of the working bodies, which are required to comply with the directives of the governing bodies and operating procedures, with the establishment of a Control and Inspection Unit within the Governorate. This new figure will have specific supervisory tasks regarding compliance with regulations and procedures and the evaluation of the efficiency and effectiveness of the activities of the bodies themselves (*Title I, Chapter III: Article 5, fourth paragraph, Title VII, Chapter II: Articles 24-26, Chapter III: Article 28-29*).

Regulatory consistency is implemented with a more stringent reference to the juridical principles of the canonical and Vatican regulations and is firmly anchored to the Lateran Treaty and to the Basic Law of the State (*Article 1, Article 2, second paragraph, Article 3, second paragraph, Article 4, Article 6, first paragraph, Article 11, third paragraph, Article 24 second paragraph, Article 29, fourth paragraph, Article 30, Article 32*).

The new Law on Governance concretely implements organizational *flexibility* by introducing the possibility of satisfying contingent operational needs without having to change the administrative structure (*Title I, Chapter III: Article 5, sixth paragraph; Title III: Article 7, fifth paragraph; Title VI: Article 20, second paragraph; Title VII, Chapter I: Article 23*).

Content

The centrality of the work contribution of each person who, “*in any capacity and with different functions and responsibilities*”, carries out his/her activity for the Governorate, forms the constitutive element of the working community and requires dedication, professionalism, spirit of service and responsibility (*Article 21*).

The new Law on Governance pays the utmost attention to the number and skills of staff, focusing in particular on the complexity and level of the functions required by each structure and those of the Managers, with an attentive and thoughtful regard for employees while at the same time expecting service provided with commitment and expertise together with the need for retraining of professional skills (*Article 22*).

The new Law on Governance tends towards a moderate decentralization, combined with the strengthening of internal audit activities (*Article 5, fourth paragraph, Article 18 second paragraph, Article 28 third paragraph*), strategic planning in the preparation of financial statements (*Article 6, Article 29*) and reporting (*Article 11*), with the awareness of having to take on the task of review and reworking of all working methods for greater and more efficient functionality.

The strengthening of the function of governance, relieved of multiple formal administrative obligations, linked to an excessive verticalization of procedures, renders responsible the Office Heads of the Directorates, called to respond to individual acts, for the results achieved in relation to the objectives assigned, workplace safety and data protection (*Article 24*).

In this sense, the possible use of flexible tools is anticipated, which are adapted to the variable characteristics of functions and professional roles: planning, delegation and advocacy (*Article 2, first paragraph, Article 7 fifth paragraph, Article 11, third paragraph, Article 20 second paragraph, Article 23, Article 25 first paragraph, Article 27, Article 29, Article 31, third paragraph*).

The new Law on Governance: structure

The structure that concerns the Government Bodies (Presidency and General Secretariat) (Articles 2-5) remains substantially unchanged in the structural aspect, but with a consistent strengthening of the functions of supervision and control of the various operational bodies.

The ***Board of Directors*** (Article 6) maintains its advisory competence and cooperation with the Cardinal President, as required by the Basic Law (L.F. Art. 11, first paragraph).

As mentioned above, in representing the functions of the ***General Secretariat*** (Article 5), greater development is outlined for the structures engaged in the support and assistance of the Government Bodies: for these reasons the current secretarial duties would be complemented by the functions of staff, which are added to the administrative and coordination activity required by the Basic Law, Article 9b), as well as an internal audit function, reporting directly to the Government Bodies.

The following work within the structure of the Secretariat:

- the ***General Protocol*** and the ***Central Archive***;
- the ***Control and Inspection Unit***,
- ***Events Coordination***.

With regard to the ***Auxiliary Bodies*** (Article 20), the new Law provides for the maintenance of the ***Disciplinary Committee***, the ***Personnel Commission***, the inclusion of the ***Committee for monetary matters*** (already established in compliance with the Monetary Agreement between the European Union and Vatican City State), the ***Commission for the selection of lay personnel*** (established by Decree of the President of the Governorate on 30.05.2017) and the suppression of the ***Security Committee***.

The functional, historical and scientific peculiarities of the ***Vatican Observatory*** (Article 19) have led the Commission not to change the status of the ***Scientific Bodies***.

There remain two ***Central Offices*** (Article 8):

The Personnel Office (Article 18), which, alongside the current tasks performed, without prejudice to the competence of the "President of the Commission [...] assisted by the Board of Directors" (Fundamental Law, Article 11), functionally supports the ***Personnel Commission*** and the ***Commission for the selection of lay personnel***, confirms the correct application of the General Regulations for the staff of the Governorate and the rules on labour relations, verifies the need and appropriateness of the recourse to external labour, monitors the regularity of the employment relationships of employees of foreign companies operating in the State, and promotes and plans the training of personnel.

The Legal Office (Article 17), which maintains the current functions of State Attorney (legal advice and assistance, and procedural representation), Registry Office, Civil Status and Notary, together with that of depositary of the laws of the State (Archive of the Laws of the State), according to the Law on Sources of Law, art. 2.3.

This office includes the functions relating to the keeping of the registers of Vatican legal persons (canons, civilians, voluntary organizations and non-profit organizations), the Vatican Vehicles Register (administrative and insurance functions), and the Naval Register, and the management of the Register of Suppliers to Vatican City State with the connected activity of continuous surveillance of registration requirements.

The new Law on Governance, following the principles of simplification and rationalization of the administrative organization, outlines the “operational areas”, where the Directorates (*Article 7*) are located, which are reduced to seven, besides the Vatican Observatory.

It should be noted that each Directorate has its own Secretariat (*Article 16*) with tasks of assistance and coordination at the staff level.

Infrastructure and General Services

The Directorate for Infrastructures and Services operates in this field (*Article 9*); it is divided into two sectors of different rank:

- the *infrastructure sector*, which includes the offices of ***Study and Planning, Building*** (Internal and External), ***Laboratory and Plant Engineering***, and ***Procurement and Central Warehouse***;
- the area of *logistic and environmental services*, which includes the service of ***Gardens and Environment*** and the ***Floreria***.

Telecommunications

The ***Directorate of Telecommunications and Information Systems*** (*Article 10*) operates in this field; maintaining the previous functions with the exclusion of the powers that have been transferred to the Secretariat for Communication.

The Management consists of the ***Post and Philately*** service (which concerns the issue of postage stamps), the ***Telephony*** services, the ***Internet service provider*** and the ***Information Systems service***.

Financial-Accounting and Economy

The ***Directorate for the Economy*** (*Article 11*) operates in this field, divided into:

- the *financial-accounting sector*, consisting of ***State Accounting*** (Financial Statements and Accounting, Asset and Financial Management, Internal Audit, State Mint and Coinage);
- the *economic activities sector*, consisting of the ***Management of Commercial Activities***, the ***Goods Transit Service*** and ***Parking***.

Numismatic marketing will also be included in the management of the commercial activities of Vatican City State.

Security Services and Civil Protection

The ***Directorate of Security and Civil Protection Services*** operates in this field (*Article 12*), which maintains the functions carried out so far.

The Department is structured in the ***Vatican Gendarmerie Corps*** (police functions and services including judicial and penitentiary services, detention and prison services - pursuant to the 1984 Convention against Torture, to which the Holy See has adhered “on behalf of *Vatican City State*” - employed by the Judicial Authority of the State in addition to the tasks that are requested by the Holy See: security of the Supreme Pontiff in collaboration with the Pontifical Swiss Guard) and in the ***Fire Brigade and Civil Protection***.

The Commander of the Gendarmerie Corps may be assigned to the Directorate.

Healthcare

The ***Directorate of Health and Hygiene*** (*Article 13*) operates in this field, with the annexed ***Health and Safety Service for Workers***, which maintains the same functions assigned to it thus far.

Responding to the need to comply with the criteria of rationalization and consistency in health and hygiene functions, the Vatican Pharmacy also operates in this area, maintaining its “technical and administrative autonomy” due to its historical and traditional characteristics.

Artistic Cultural Monumental area

The ***Directorate of Museums and Cultural Heritage*** (*Article 14*), which administers the Vatican Museums, with the same current functions now carried out by the Directorate of Museums, together with the museum activity at the Pontifical Palace and the Villas of Castel Gandolfo , which will be implemented through collaboration with the Directorate of the Pontifical Villas.

The activity of the Directorate, which is divided into an ***Artistic-Scientific Sector*** and a ***Management-Administrative Sector***, is also carried out by the Supervisor for the artistic and cultural patrimony of the Holy See and in the protection of cultural heritage, in accordance with the law of the State.

Management of the Pontifical Villas

The Directorate of the Pontifical Villas (*Article 15*) maintains a separate organizational unit for the management of the extraterritorial area of Castel Gandolfo, for the maintenance of the building complex, the gardens, and for the management of the connected farm.

Vatican City 4 December 2018
