

No. 4352

**UNION OF SOVIET SOCIALIST REPUBLICS
and
BULGARIA**

Consular Convention. Signed at Sofia, on 12 December 1957

Official texts: Russian and Bulgarian.

Registered by the Union of Soviet Socialist Republics on 21 May 1958.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
BULGARIE**

Convention consulaire. Signée à Sofia, le 12 décembre 1957

Textes officiels russe et bulgare.

Enregistrée par l'Union des Républiques socialistes soviétiques le 21 mai 1958.

[TRANSLATION — TRADUCTION]

No. 4352. CONSULAR CONVENTION¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE PEOPLE'S REPUBLIC OF BULGARIA. SIGNED AT SOFIA, ON 12 DECEMBER 1957

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, on the one hand, and the Presidium of the National Assembly of the People's Republic of Bulgaria, on the other hand,

Being desirous of determining and regulating consular relations between the two States,

Have resolved to conclude a Consular Convention and have appointed as their plenipotentiaries for this purpose :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics : Mr. Y. K. Prikhodov, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics to the People's Republic of Bulgaria,

The Presidium of the National Assembly of the People's Republic of Bulgaria : Mr. Zhivko Zhivkov, First Deputy Minister of Foreign Affairs of the People's Republic of Bulgaria,

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

ESTABLISHMENT OF CONSULATES, APPOINTMENT AND ACCEPTANCE OF CONSULS,
CONSULAR STAFF

Article 1

1. Either Contracting Party shall be entitled to establish consulates in the territory of the other Contracting Party in accordance with this Convention.
2. The places of residence and the districts of consuls shall be determined by agreement between the Parties in each individual case.

Article 2

Before a consul is appointed the sending State shall obtain, through the diplomatic channel, the consent of the other Contracting Party to such appointment.

¹ Came into force on 28 March 1958, the date of the exchange of the instruments of ratification at Moscow, in accordance with article 24.

Article 3

1. The diplomatic mission of the sending country shall present to the Ministry of Foreign Affairs of the receiving country the consular commission setting forth the consul's citizenship, rank, surname and first name, the consular district determined for him and his place of residence.

2. A consul may not enter upon his duties until the Government of the receiving country has recognized him in that capacity. The said recognition shall be granted in the form of an exequatur after the presentation of the consular commission.

3. After the consul has been recognized, the authorities of the receiving country shall make the necessary arrangements to enable him to perform his duties and to enjoy the exemptions and privileges to which he is entitled under this Convention and under the laws of the receiving country.

Article 4

1. In the event of the consul's absence, illness or death, the sending country may authorize an officer of its diplomatic mission or an officer of the consular service stationed at the consulate in question or at another consulate to take temporary charge of the consulate; the officer's name shall be communicated beforehand to the Ministry of Foreign Affairs of the receiving country.

2. A person authorized to take temporary charge of a consulate shall enjoy the rights and privileges accorded to consuls by this Convention.

Article 5

1. For the purposes of this Convention, the term "consulate" means a consulate-general, consulate, vice-consulate or consular agency, and the term "consul" means a consul-general, consul, vice-consul or consular agent.

2. The term "consular staff" means the consul, consular officers and consular employees.

3. The term "consular officer" means the consulate secretaries, advisers and trainees.

4. The term "consular employees" means chief clerks, translators, shorthand-typists, typists, bookkeepers, housekeepers, etc.

RIGHTS, EXEMPTIONS AND PRIVILEGES OF CONSULS, CONSULAR OFFICERS AND CONSULAR EMPLOYEES

Article 6

The consuls, consular officers and consular employees of the Contracting Parties who are citizens of the sending country shall not be subject to the jurisdiction of the receiving State in respect of the performance of their official duties.

Article 7

Consuls shall be entitled to affix to consulate buildings shields bearing the coat-of-arms of their country and the designation of the consulate, and to fly flags of the sending country at the said buildings and on the vehicles used by them (motor vehicles, launches, etc.).

Article 8

Consuls, consular officers and consular employees and their spouses and minor children who are nationals of the sending country shall be exempt from all forms of personal service and direct taxes imposed upon citizens of the receiving country.

Article 9

Immovable property of the sending country which is used for the purposes of consular premises or of living quarters for consuls and other members of the consular staff shall be exempt from all direct taxes.

Article 10

Subject to reciprocity, consuls, consular officers and consular employees who are citizens of the sending country shall be granted the same exemptions with regard to customs duties as members of diplomatic missions.

Article 11

The provisions of article 10 above shall apply also to the spouses of consuls and to their minor children who reside with them.

Article 12

1. Consuls and other members of consulate staffs may be required by the judicial authorities to give evidence before the judicial organs of the receiving country.

2. If consuls or other members of the consular staff should be prevented, by reason of their official duties or of illness, from appearing before the judicial organs, they shall make a deposition at the consulate or at their residence, or, if permitted to do so by the laws of the receiving country, they shall make a deposition in writing.

3. Consuls and consular officers may refuse to make a deposition concerning matters connected with their official duties.

Article 13

1. The official correspondence of consuls shall be inviolable and shall not be subject to examination. This shall apply also to telegraphic communications.

2. The offices of consulates shall be inviolable. The authorities of the receiving country shall not use force, in any form whatsoever, in the offices or in the personal living quarters of consuls.

3. Consular archives shall be inviolable in all circumstances. Personal papers shall not be kept in consular archives.

4. In their communications with the authorities of the sending country, consuls shall be entitled to use codes and to use the services of a diplomatic courier. Consuls shall be charged at the same rates as diplomatic representatives for the use of ordinary means of communications.

FUNCTIONS OF CONSULS

Article 14

1. Consuls shall be entitled, within their consular district, to protect the rights and interests of their State and of the citizens and legal persons of the sending State.

2. In the performance of their duties, consuls may apply to the authorities of their consular district and may make representations to them concerning violations of the rights and interests of their State or of citizens or legal persons of the sending country.

Article 15

Consuls shall be entitled to represent in court and before other authorities of the receiving country citizens and legal persons of the sending country who, owing to absence or some other cause, are unable to protect their own rights and interests within the appropriate time-limits. Such representation shall continue until the persons represented appoint their own agents or themselves assume the protection of their rights and interests.

Article 16

1. Consuls shall be entitled to keep a register of citizens of their country, and to issue or renew their passports and other identity documents, and to carry on any other activity connected with the registration of citizens of the sending country and the delivery of documents to them.

2. Consuls shall issue the necessary visas to their own and to foreign citizens and to stateless persons.

3. Consuls shall, where authorized to do so by the laws of the sending country, be entitled to issue certificates of the birth and death of citizens of their country and to register marriages where both parties to the marriage are citizens of the sending country.

The provisions of paragraph 3 of the article shall apply also to the registration of the dissolution of marriages.

The foregoing shall not, however, exempt the persons concerned from the obligation to make the appropriate declarations or to effect the appropriate registration as required by the local laws.

Article 17

Consuls shall be entitled to carry on the following activities at consulates, at their residences, at the residences of citizens of their country and on board vessels sailing under that country's flag :

- (a) To receive and certify declarations from citizens of the sending country,
- (b) To draw up, attest and accept for safekeeping the wills and other unilateral instruments and declarations of citizens of the sending country and to accept for safekeeping the property and documents of such citizens;
- (c) To draw up or certify agreements concluded between citizens of the sending country, provided that such agreements are not contrary to the laws of the receiving country. A consul may not draw up or certify any agreement concerning the establishment or alienation of property rights in buildings and land situated in the receiving country;
- (d) To draw up or certify agreements between citizens of the sending country and citizens of the receiving country provided that such agreements relate exclusively to interests situated in the territory of the State which the consul represents or to transactions to be carried out in the territory of that State, and provided that such agreements are not contrary to the laws either of the sending country or of the receiving country;
- (e) To certify the signatures on documents of all kinds, of citizens of the country which the consul represents; to legalize documents issued by the authorities or officials of the sending country or the receiving country, and to certify copies of such documents;
- (f) To certify translations of documents issued by the authorities and officials of the sending country or the receiving country;
- (g) To accept for safekeeping money and valuables from citizens of the sending country or intended for such citizens;
- (h) To perform such other acts as may be required of them, provided that such acts are not contrary to the laws of the receiving country.

Article 18

The documents referred to in article 17 above, copies or translations thereof or extracts therefrom which have been drawn up or certified by a consul shall be regarded in the receiving country as documents, copies, translations and extracts having the same legal significance and validity as evidence as if they had been drawn up, translated or certified by the competent authorities and institutions of the receiving country.

Article 19

1. A consul may appoint trustees and guardians for citizens of the sending country. He shall be entitled to supervise the activities of trustees and guardians.

2. If a consul learns that the property of a citizen of the sending country is without an administrator, he may appoint a trustee.

A consul may not perform the functions referred to in this article unless he is authorized to do so by the laws of the sending country.

Article 20

1. A consul may, personally or through his agents, extend every assistance and co-operation to merchant vessels and warships which sail under his country's flag and which enter a port in his consular district.

2. If the authorities of the receiving country intend to carry out any measures of constraint on board merchant vessels of the sending country, the appropriate consul shall be notified in advance so that he may be present when the said measures are carried out. This provision shall not apply to customs, passport and health control of the vessel, crew and passengers.

Article 21

If a vessel sailing under the flag of one of the Contracting Parties is wrecked, runs aground or is stranded on the coast of the other Contracting Party, or is otherwise damaged, the competent authorities shall immediately notify the consul of the occurrence and inform him of the measures they have taken to save lives, the vessel and the cargo. They shall extend the necessary co-operation to the consul in his action in connexion with the damage to the vessel.

Article 22

The provisions of articles 20 and 21 of this Convention shall apply *mutatis mutandis* to aircraft.

FINAL PROVISIONS

Article 23

The provisions of this Convention concerning the rights and duties of consuls shall apply also to members of diplomatic missions who perform consular functions in the country in which they are stationed. The performance of consular functions by such persons shall not affect their diplomatic privileges and immunities.

Article 24

This Convention shall be ratified and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Moscow.

The Convention shall remain in force until six months after the date on which either Contracting Party informs the other Contracting Party that it wishes to terminate the Convention.

DONE at Sofia, on 12 December 1957, in duplicate, in the Russian and Bulgarian languages, both texts being equally authentic.

For the Presidium
of the Supreme Soviet
of the Union of Soviet
Socialist Republics :
PRIKHODOV

For the Presidium
of the National Assembly
of the People's Republic
of Bulgaria :
ZHIVKOV