

No. 9872

**BULGARIA
and
GERMAN DEMOCRATIC REPUBLIC**

Consular Convention. Signed at Berlin on 18 April 1958

Authentic texts: Bulgarian and German.

Registered by Bulgaria on 5 September 1969.

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et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

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Enregistrée par la Bulgarie le 5 septembre 1969.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE PEOPLE'S
REPUBLIC OF BULGARIA AND THE GERMAN DEMO-
CRATIC REPUBLIC

The Presidium of the National Assembly of the People's Republic of Bulgaria and the President of the German Democratic Republic, desiring to establish closer relations in the consular field as well as in other fields, have decided to conclude a Consular Convention and have for this purpose appointed as their plenipotentiaries :

The Presidium of the National Assembly of the People's Republic of Bulgaria :

Mr. Karlo Lukanov, Minister for Foreign Affairs;

The President of the German Democratic Republic :

Dr. Lothar Bolz, Deputy Chairman of the Council of Ministers and Minister for Foreign Affairs,

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

I. ACCEPTANCE OF CONSULS

Article 1

Each Contracting Party shall accept in its territory consuls-general, consuls, and vice-consuls (hereinafter referred to as "consuls") from the other Party. The posts of the consuls to be appointed, and their consular districts, shall be determined by special agreements between the Contracting Parties.

Article 2

Before appointing a consul, the sending State shall obtain through the diplomatic channel the consent of the other Contracting Party to the appointment of the person in question.

Article 3

(1) Consuls appointed by each of the Contracting Parties may enter upon the performance of their duties as soon as they have been granted an exequatur. The consular district must be specified in the document of appointment (consular commission).

¹ Came into force on 17 October 1958 by the exchange of the instruments of ratification, which took place at Sofia, in accordance with article 26.

(2) Once the exequatur has been granted, the authorities of the receiving State shall take the necessary measures to enable the consul to perform his duties without hindrance and to enjoy the exemptions and privileges provided for under this Convention and under the laws of the receiving State.

Article 4

(1) The functions of a consul be terminated by his recall, by the revocation of his exequatur or by this death.

(2) If a consul is recalled or his exequatur is revoked, or if he dies, or if he is temporarily absent or unable for any other reason to perform his official duties, the sending State shall authorize a deputy to perform the duties of the consul after the competent authority of the receiving State has been notified of his official status.

(3) The deputy placed in temporary charge of a consulate shall enjoy all the rights, privileges and exemptions accorded to consuls under this Convention.

II. EXEMPTIONS AND PRIVILEGES OF CONSULS

Article 5

(1) The offices of consulates shall be inviolable. The authorities of the receiving State shall not take coercive action of any kind in the offices or residence of a consul, without the consul's consent.

(2) Consular archives shall be inviolable. Private papers shall not be kept in consular archives.

(3) Official correspondence shall be inviolable and shall not be subject to examination. This shall also apply to telegrams, telephone conversations and teletype and radio communications.

(4) In their communications with the authorities of the sending State, consuls shall be entitled to employ cyphers and to make use of diplomatic couriers. Consuls shall be charged at the same rate as diplomatic representatives for the use of public means of communication.

Article 6

Consuls shall be entitled to affix to consulate buildings the coat of arms of the sending State and an inscription designating the consulate. They may fly the flag of the sending State at consulate buildings, at their residence and on vehicles used by them for official purposes.

Article 7

Consuls and members of their staff who are nationals of the sending State shall be immune from the jurisdiction of the receiving State in respect of any act performed in their official capacity.

Article 8

Consuls and members of their staff may be required to give evidence before the competent authorities of the receiving State on any matter not connected with their official duties. If a consul is unable to appear, he shall be questioned at his residence or shall make a deposition in writing, in so far as this is permissible under the laws of the sending State. A summons addressed to a consul must not contain any threat of penalties or other coercive action in the event of failure to appear.

Article 9

(1) Consuls and members of their staff who are nationals of the sending State shall be exempt from military and other forms of service and from direct taxes. Immovable property belonging to the sending State and used for official or residential purposes shall be exempt from taxes.

(2) Land and buildings shall be exempt from use for military and other purposes, only if they are employed for official or residential purposes by consuls and members of their staff who are nationals of the sending State.

(3) Consuls and members of their staff who are nationals of the sending State shall be accorded, on the basis of reciprocity, the same exemptions with regard to customs duties as members of the staff of diplomatic missions.

Article 10

The provisions of article 9 shall apply also to the spouses and minor children of consuls living with them.

III. CONSULAR FUNCTIONS

Article 11

(1) Consuls shall, in their consular district, protect the rights and interests of the sending State and of its nationals and legal persons.

(2) In the performance of their official duties, consuls may apply to the authorities of their consular district and may make representations to the said authorities in the event of any violation of the rights and interests of the sending State or of its nationals or legal persons.

Article 12

Consuls shall be entitled, in proceedings before the courts and other public authorities of the receiving State, to represent nationals or legal persons of the sending State who, owing to their absence or for any other valid reasons, are unable to protect their rights and interests when circumstances so require. Such representation shall continue until the person represented appoints an authorized representative or himself assumes the protection of his rights and interests.

Article 13

Consuls shall be entitled to keep a register of nationals of the sending State who are permanently or temporarily resident in their consular district.

Article 14

(1) Consuls shall be entitled to issue passports and other identity documents to nationals of the sending State.

(2) Consuls shall issue the necessary visas for entry into, or exit from, the sending State.

Article 15

Consuls shall receive, from aliens and stateless persons, applications for the nationality of the sending State.

Article 16

Consuls shall be entitled to perform the following acts at consulates, at their residences, at the residences of nationals of the sending State, and on board vessels or aircraft flying the flag or bearing the national insignia of that State, in so far as the said acts are not prohibited by the laws of the receiving State :

1. To receive or certify declarations by nationals of the sending State;
2. To draw up and certify the wills or unilateral legal instruments of nationals of the sending State;
3. To receive or certify legal instruments concerning transactions between nationals of the sending State; this shall not apply to legal instruments relating to the establishment or transfer of rights to buildings and land situated in the receiving State;
4. To receive or certify legal instruments concerning transactions between nationals of the sending State and nationals of the receiving State, provided that such legal instruments relate exclusively to interests in the territory of the sending State or are to be executed in the territory of that State;

5. To certify the signatures of the nationals of the sending State on documents of any kind; to legalize documents issued by the authorities or officials of the sending or the receiving States, and to certify copies of and extracts from such documents;

6. To certify translations of documents issued by the authorities and officials of the sending or the receiving State;

7. To accept for safekeeping property and documents from or intended for nationals of the sending State;

8. To perform such other acts as may be required of them by the sending State.

Article 17

The documents, copies or translations thereof or extracts therefrom referred to in article 16 which have been drawn up or certified by a consul shall have the same standing in law and the same evidential value in the receiving State as if they had been drawn up, translated or certified by the competent authorities and officials of the receiving State.

Article 18

The functions of consuls in matters of succession and social policy with regard to nationals of the sending State shall be determined by the Agreement concerning legal assistance in civil, family and criminal matters concluded between the People's Republic of Bulgaria and the German Democratic Republic on 27 January 1958 and by the Agreement concerning co-operation in matters of social policy concluded between the People's Republic of Bulgaria and the German Democratic Republic on 20 February 1958.¹

Article 19

(1) Consuls may solemnize marriages, in accordance with the laws of the sending State, where both spouses are nationals of the sending State.

(2) The competent authority of the receiving State must be notified of any marriage solemnized.

Article 20

(1) Consuls may, in accordance with the laws of the sending State, register the birth or death of a national of the sending State.

¹ See p. 207 of this volume.

(2) The competent authority of the receiving State must be notified of any such births or deaths.

Article 21

A consul may appoint a guardian or curator for nationals of the sending State and their property, where authorized to do so by the laws of the sending State. In such cases, the consul shall be entitled to supervise such guardianship or curatorship.

Article 22

(1) Consuls may extend every assistance to vessels sailing under the flag of the sending State which have called at a port within their consular district. They may, in particular, communicate with the vessel's crew and passengers, examine the ship's papers, and prepare reports concerning the cargo, the purpose of the voyage and any special incidents. Consuls shall assist the masters of vessels in maintaining order on board. The authorities of the receiving State shall, at the request of the consul or the master of the vessel, provide co-operation and assistance in this connexion.

(2) If the authorities of the receiving State intend to take any coercive action in regard to merchant vessels of the sending State, the consul shall be notified in advance so that he may be present when such action is taken. This provision shall not apply to the customs, passport and health control of the vessel, crew and passengers before the vessel receives *pratique* or before it leaves port.

Article 23

If a vessel sailing under the flag of one of the Contracting Parties is wrecked, runs aground or is swept ashore on the coast of the other Contracting Party, or sustains any other damage, the competent authorities shall immediately notify the appropriate consul or officer and inform him of the measures they have taken to save the crew and passengers, and the vessel and its cargo. The said authorities shall provide the necessary assistance to the consul in any measures he may take in connexion with the damage to the vessel.

Article 24

(1) The provisions of articles 22 and 23 of this Convention shall apply, *mutatis mutandis*, to aircraft.

(2) The foregoing provisions shall not affect the provisions of other agreements concerning mutual assistance in the case of shipwreck or damage to vessels or in the case of air disasters or accidents to aircraft.

IV. FINAL PROVISIONS

Article 25

(1) The provisions of this Convention shall apply *mutatis mutandis* to members of the staff of diplomatic missions charged with the performance of consular duties. This provision shall not affect the diplomatic privileges and immunities of such members of the staff of diplomatic missions.

(2) Direct communications with the authorities of the receiving State shall be regulated by agreement between the Ministries of Foreign Affairs of the Contracting Parties.

Article 26

(1) This Convention is subject to ratification and shall enter into force on the date of exchange of the instruments of ratification, which shall take place as soon as possible at Sofia.

(2) This Convention is concluded for a period of five years. It shall be extended for successive periods of five years unless it is denounced by one of the Contracting Parties six months before the expiry of the current period.

DONE at Berlin on 18 April 1958, in duplicate in the Bulgarian and German languages, both texts being equally authentic.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting Parties have signed this Convention and have thereto affixed their seals.

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

Karlo LUKANOV

For the President
of the German Democratic
Republic :

Dr. Lothar BOLZ