

No. 10031

**FRANCE
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Consular Convention (with Protocol). Signed at Paris on
8 December 1966**

Authentic texts: French and Russian.

Registered by France on 19 November 1969.

**FRANCE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Convention consulaire (avec Protocole). Signée à Paris le
8 décembre 1966**

Textes authentiques: français et russe.

Enregistrée par la France le 19 novembre 1969.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE FRENCH
REPUBLIC AND THE UNION OF SOVIET SOCIALIST
REPUBLICS

The President of the French Republic and the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, desiring to regulate consular relations between the two States and thus to promote the further development of their relations in the spirit of the traditional friendship between the two peoples, have decided to conclude a Consular Convention and have for that purpose appointed as their plenipotentiaries :

The President of the French Republic : Mr. Maurice Couve de Murville,
Minister for Foreign Affairs of France;

The Presidium of the Supreme Soviet of the Union of Soviet Socialist
Republics : Mr. Andrei Andreevich Gromyko, Minister for Foreign
Affairs of the Union of Soviet Socialist Republics,

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

PART I

DEFINITIONS

Article 1

For the purposes of this Convention :

1. The term " consulate " shall mean a consulate-general, consulate or vice-consulate;
2. The term " head of consulate " shall mean a consular officer who is in charge of a consulate;
3. The term " consular officer " shall mean any person, including the head of a consulate, who is authorized to perform consular duties; the term " consular officer " shall also include persons assigned to the consulate for training in consular duties (trainees);
4. The term " consular employee " shall mean any person who performs administrative or technical duties in the consulate;

¹ Came into force on 19 September 1969, i.e., the thirtieth day after the exchange of the instruments of ratification, which took place at Moscow on 20 August 1969, in accordance with article 45.

5. The term “ member of the service staff ” shall mean any person who performs domestic duties in the consulate;

6. The term “ member of the consular staff ” shall mean a consular officer, consular employee or member of the service staff;

7. The term “ member of the private staff ” shall mean any person who is employed exclusively in the private service of a member of the consular staff.

PART II

ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULAR OFFICERS AND EMPLOYEES

Article 2

1. The opening of a consulate in the receiving State shall be subject to the consent of that State.

2. The sending and receiving States shall determine by agreement the seat of the consulate and its classification and district.

Article 3

The sending State shall request in advance through the diplomatic channel the agreement of the receiving State to the appointment of a head of consulate.

Article 4

1. The diplomatic mission of the State appointing a head of consulate shall present to the Ministry of Foreign Affairs of the receiving State the consular commission specifying the full name of the head of consulate, his rank, his consular district and the seat of the consulate.

2. The head of consulate may enter upon his duties after the receiving State has recognized him in that capacity. Such recognition shall be granted in the form of an exequatur.

3. As soon as the head of consulate has been recognized, the authorities of the receiving State shall make the necessary arrangements to enable him to perform his duties and to enjoy the rights, privileges and immunities to which he is entitled under this Convention.

Article 5

1. If the head of a consulate is unable for any reason to act as such or if the post is temporarily vacant, the sending State may authorize a consular officer belonging to the same or another consulate or a member of the diplomatic staff of its diplomatic mission to act as temporary head of the consulate; the name of

the person concerned shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. A person authorized to act as temporary head of a consulate shall enjoy the rights, privileges and immunities accorded to the head of a consulate under this Convention.

3. The appointment of a member of the diplomatic staff of the diplomatic mission of the sending State to a consulate in accordance with paragraph 1 of this article shall not affect the privileges and immunities accorded to him by virtue of his diplomatic status.

Article 6

A consular officer shall be a national of the sending State.

Article 7

The receiving State may notify the sending State through the diplomatic channel that a member of the consular staff is unacceptable.

On receiving such notification, the sending State shall terminate the functions of the member of the consular staff concerned.

If the sending State refuses to fulfil this obligation or does not fulfil it within a reasonable period of time, the receiving State may refuse to recognize the person concerned as a member of the consular staff.

Article 8

The sending State shall notify the receiving State through the diplomatic channel :

1. Of the appointment and arrival of members of the consular staff, of any changes in their status, of the termination of their functions, and of the arrival and departure of members of their families residing with them ;

2. Of the engagement and discharge of members of the private staff.

Article 9

1. The sending State may, under the conditions and in the form provided for in the law of the receiving State, acquire as property, hold or lease any land, buildings and appurtenances required for the purposes of establishing a consulate and for living quarters for members of the consular staff who are nationals of the sending State.

2. Where necessary, the receiving State shall assist the sending State in acquiring, erecting or leasing land, buildings or parts of buildings for the purposes indicated in the preceding paragraph.

3. Nothing in the provisions of this article shall be deemed to exempt the sending State from the obligation to comply with any building or town-planning laws or regulations applicable to the area in which the land, buildings or parts of buildings concerned are situated.

Article 10

The receiving State shall afford protection to consular officers and shall make the necessary arrangements to enable them to perform their duties and to enjoy the rights, privileges and immunities to which they are entitled under this Convention.

PART III

RIGHTS, PRIVILEGES AND IMMUNITIES

Article 11

1. Consular officers, consular employees and members of the service staff, shall not be subject to the jurisdiction of the receiving State in matters connected with their official duties.

2. Where a consular officer has committed, in the territory of the receiving State and while not acting in his official capacity, an act punishable under the law of that State, the sending State shall be immediately notified through the diplomatic channel.

3. A consular officer shall not be subject to arrest or deprivation of liberty in any other form unless he is charged by the judicial authorities with a grave crime punishable under the law of the receiving State by deprivation of liberty for a period of at least five years or unless a final judicial sentence has been imposed on him.

Article 12

1. Members of the consular staff may give evidence as witnesses in civil or criminal cases if requested to do so by the judicial or administrative authorities of the receiving State. However, no coercive measures may be applied against consular officers.

2. The judicial or administrative authorities of the receiving State requesting a consular officer to give evidence as a witness shall take all reasonable measures to avoid interfering with the work of the consulate and shall, wherever possible, arrange for the taking of such evidence, orally or in writing, at the consulate or at the residence of the consular officer.

3. A consular officer called upon to give evidence may testify without taking an oath.

4. Members of the consular staff and members of their families may refuse to give evidence concerning matters connected with the official duties of members of the consular staff.

Article 13

1. The sending State may waive the immunities of members of the consular staff and members of their families. Such waivers shall in all cases be express, and the receiving State shall be notified thereof in writing through the diplomatic channel.

2. Waiver of immunity from jurisdiction in respect of civil and administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgement, for which a separate waiver must be made.

Article 14

The national flag of the sending State may be flown from the consulate building, at the residence of the head of the consulate and on the latter's means of transport when they are used by him in the performance of his official duties.

A shield bearing the coat-of-arms of the sending State and the title of the consulate in the language of both the sending and the receiving State may be affixed to the consulate building.

Article 15

1. Members of the consular staff who are nationals of the sending State shall be exempt from the payment of all taxes and charges on the emoluments, salaries, wages or allowances received by them from the sending State for the performance of their official duties.

Consular officers and employees and members of their families residing with them shall, provided that they are nationals of the sending State, be exempt from the payment of all other taxes and similar charges of any kind, national, regional and local, including, notwithstanding the provisions of paragraph 2 (*d*) below, taxes, charges and duties on any movable property belonging to them which is used for official purposes or for their normal personal needs.

These provisions shall apply on condition that the person concerned is a full-time officer of the sending State, does not carry on any private gainful occupation in the receiving State, and is not a national or permanent resident of the latter State.

2. The exemption provided for in paragraph 1 of this article shall not apply to :

- (a) Indirect taxes of a kind which are normally included in the price of goods or services;
- (b) Taxes on the acquisition, ownership, occupation or disposal of private immovable property situated in the receiving State, subject to the exceptions provided for in article 16;
- (c) Taxes on income of any kind derived from sources within the receiving State, including capital gains;
- (d) Taxes and charges on transactions or on instruments recording or relating to transactions, including State duties (stamp duties) of any kind imposed or collected in connexion therewith, subject to the exceptions provided for in article 16;
- (e) Taxes on the transfer of property within the receiving State, including transfers by way of gift or succession, except in the cases provided for in article 18;
- (f) Charges levied for specific services rendered.

Article 16

1. The sending State shall be exempted by the receiving State from the payment of national, regional and local taxes or other similar taxes and charges of any kind on :

- (a) Land, buildings or parts of buildings used exclusively for consular purposes, including the living quarters of consular officers and employees, provided that the property concerned is owned by the sending State or is leased on behalf of the sending State or any natural or juridical person acting on behalf of that State;
- (b) Transactions or instruments relating to the acquisition of the immovable property referred to in sub-paragraph (a);
- (c) Movable property owned by the sending State and used for consular purposes.

2. The provisions of paragraph 1 (a) of this article shall not apply to charges levied for specific services rendered.

3. The exemption from taxation provided for in paragraph 1 of this article shall not apply to charges, duties and taxes which are payable by persons who have contracted with the sending State or with a person acting on its behalf.

Article 17

1. The receiving State shall, in accordance with the laws and regulations in force, permit the entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services to :

- (a) Articles, including motor vehicles, intended for the official use of the consulate;

(b) Articles intended for the personal use of a consular officer or members of his family residing with him.

2. Consular employees shall enjoy the exemptions provided for in paragraph 1 (b) of this article in respect of articles imported at the time of first installation.

3. Nationals and permanent residents of the receiving State shall not enjoy the privileges provided for in paragraph 1 (b) and paragraph 2 of this article.

Article 18

If a member of the consular staff or a member of his family residing with him dies and leaves movable property in the receiving State, no tax or other similar charge of any kind shall be imposed on such property, provided that the deceased was not a national or permanent resident of the receiving State and that the presence of the property in that State was due solely to the presence of the deceased in his capacity as a member of the consular staff or member of the family.

The receiving State shall authorize the export of the deceased's movable property, except for articles acquired in that State whose export is prohibited.

Article 19

1. A consulate shall have the right to communicate with its Government, with the diplomatic mission and consulates of the sending State in the receiving State, and with other diplomatic missions and consulates of the sending State. For this purpose the consulate may use all ordinary means of communication, diplomatic couriers, officially sealed diplomatic bags, cipher and code. The same rates shall apply to a consulate in the use of ordinary means of communication as to the diplomatic mission of the sending State.

2. The official correspondence of a consulate, regardless of the means of communication used, and officially sealed diplomatic bags bearing visible external marks of their official character shall be inviolable and shall not be subject to examination or detention by the authorities of the receiving State.

Article 20

Subject to the laws and regulations of the receiving State concerning areas entry into which is prohibited or restricted for reasons of national security, members of the consular staff shall be permitted to travel freely within the limits of the consular district in the performance of their official duties.

Article 21

Buildings or parts of buildings used exclusively for consular purposes, land appurtenant thereto and the residence of the head of the consulate shall be invio-

lable. The authorities of the receiving State may not enter such premises except with the consent of the head of the consulate, the head of the diplomatic mission of the sending State or a person designated by one of them.

Article 22

The consular archives shall be inviolable at all times and wherever they may be. Unofficial papers shall not be kept in the consular archives.

Article 23

Members of the consular staff and members of their families residing with them shall, provided that they are not nationals of the receiving State, be exempt in that State from service in the armed forces.

They shall also be exempt from compulsory public service of any kind, provided that in each case the person concerned is not a national or permanent resident of the receiving State.

Article 24

Consular officers and employees and members of their families residing with them shall, provided that they are not permanent residents of the receiving State, be exempt from requirements under the laws and regulations of the receiving State relating to registration, residence and work permits, and other similar formalities to which foreigners are subject.

Article 25

In the performance of their duties, consular officers shall be entitled to apply to and correspond with the competent authorities within the consular district, including representatives of the central authorities.

Article 26

1. A consulate may, in connexion with the exercise of consular functions, levy the fees prescribed by the law of the sending State.

2. The sending State shall be exempt from the payment of all national, regional and local taxes or similar charges of any kind in respect of sums levied under paragraph 1 of this article.

PART IV

CONSULAR FUNCTIONS

Article 27

A consular officer shall, within his consular district, be entitled :

- (a) To protect the rights and interests of the sending State and of its nationals, including juridical persons;
- (b) To promote the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State;
- (c) To contribute in other ways to the development of friendly relations between the sending State and the receiving State.

Article 28

1. A consular officer shall be entitled, subject to the laws and regulations of the receiving State, to take steps to ensure that nationals of the sending State are suitably represented before the courts and other authorities of the receiving State where such nationals are unable, owing to absence or for other valid reasons, to protect their own rights and interests within the appropriate time-limits. The same provision shall apply to juridical persons of the sending State.

2. The representation provided for in paragraph 1 of this article shall cease when the persons represented appoint their own agents or themselves assume the protection of their rights and interests. •

Article 29

A consular officer shall be entitled :

- (a) To keep a register of nationals of the sending State;
- (b) To issue, renew, amend and revoke passports, visas and other similar documents.

Article 30

1. A consular officer shall, where authorized to do so by the law of the sending State, be entitled :

- (a) To issue certificates of the birth or death of nationals of the sending State;
- (b) To solemnize marriages where both parties are nationals of the sending State;
- (c) To register divorces granted in accordance with the law of the sending State;
- (d) To carry out adoptions where the adopter and the person being adopted are nationals of the sending State.

2. The foregoing provisions shall not exempt the persons concerned from the obligation to make such declarations as may be required by the law of the receiving State.

3. The competent authority of the receiving State shall, at the request of the consulate, transmit to it, free of charge, the death certificates of nationals of the sending State.

Article 31

A consular officer shall be entitled to perform the following acts at the consulate, at his residence, at the residences of nationals of his country, and on board vessels of the sending State :

1. To draw up and certify instruments and agreements between nationals of the sending State, provided that such instruments and agreements are not contrary to the law of the receiving State and do not relate to the establishment or transfer of rights to immovable property situated in that State;

2. To draw up and certify instruments and agreements between nationals of the sending State, on the one hand, and nationals of other States, on the other hand, provided that such instruments and agreements relate exclusively to property or rights in the sending State or to business to be transacted in that State and provided that such instruments and agreements are not contrary to the law of the receiving State.

Article 32

A consular officer shall be entitled :

1. To receive and certify declarations from nationals of the sending State;
2. To translate instruments and documents and to certify such translations;
3. To certify the signatures of nationals of the sending State;
4. To legalize documents and to certify copies of documents;
5. To draw up, attest and accept for safekeeping the wills and other instruments and declarations of nationals of the sending State.

Article 33

1. The authorities of the receiving State shall recognize the validity of instruments and documents referred to in articles 31 and 32 which have been drawn up or certified by a consular officer and which bear an official seal, and of copies and translations of such instruments and documents and extracts therefrom certified by a consular officer and bearing an official seal, where such instruments and documents are required for use in the receiving State, in so far as that is consistent with the law of the receiving State.

2. Instruments, documents, copies, translations and extracts referred to in paragraph 1 which are to be submitted to the authorities of the receiving State shall be subject to legalization if the law of that State so requires.

Article 34

A consular officer shall be entitled to accept for safekeeping, from nationals of the sending State, documents, money, valuables and other property belonging to them.

Such documents, money, valuables and property may be exported from the receiving State only if the law of that State is duly complied with.

Article 35

1. The competent authorities of the receiving State shall notify the consulate of the death of nationals of the sending State and of the opening of a succession in the receiving State where a statutory or testamentary heir is a national of the sending State not resident in the receiving State and not represented there.

2. (a) A consular officer may request the competent authorities of the receiving State to take measures for the protection and administration of an estate left in that State to a national of the sending State and to inform him of such measures where they have already been taken by the said authorities;

(b) The consular officer may assist, either directly or through a representative, in carrying out the measures referred to in sub-paragraph (a).

3. If, after the completion of succession proceedings in the receiving State, the movable estate or the proceeds of the sale of the movable or immovable estate are to descend to a statutory or testamentary heir being a national of the sending State who is not resident in the receiving State and has not appointed a representative, such estate or proceeds shall be delivered to the consulate of the sending State, provided that :

(a) The competent authorities of the receiving State have authorized delivery of the estate or proceeds where such authorization is required;

(b) All claims on the estate presented within the period prescribed by the law of the receiving State have been paid or secured;

(c) The estate duties have been paid or secured.

4. If a national of the sending State not permanently resident in the receiving State dies while travelling, any articles, money and valuables in his possession shall be delivered to the consulate, without formal proceedings, for temporary safekeeping. Any subsequent measures, including, where necessary, the export of such property, shall be subject to compliance with the law of the receiving State.

Article 36

Where the authorities of the receiving State have knowledge of a case in which it is necessary to appoint a guardian or curator for a national of the sending State, they shall so inform the competent consulate.

Consular officers may apply to the competent authorities of the receiving State with regard to the appointment of guardians or curators and, in particular, may propose candidates for the exercise of those functions.

Article 37

1. A consular officer shall be entitled, within the consular district, to meet and communicate with any national of the sending State, to aid and advise such nationals and, where necessary, to make arrangements for providing them with legal assistance. The receiving State shall do nothing to restrict the access of nationals of the sending State to the consulate.

2. Where a national of the sending State is arrested, detained or otherwise deprived of liberty within the consular district, the competent authorities of the receiving State shall so notify the consulate of the sending State.

3. Where a national of the sending State has been arrested, detained or otherwise deprived of liberty or is serving a term of imprisonment within the consular district, the consular officer shall be entitled to visit and communicate with him.

The rights referred to in this paragraph shall be exercised in accordance with the laws and regulations of the receiving State, provided, however, that the said laws and regulations do not invalidate these rights.

Article 38

1. A consular officer may extend aid and assistance to vessels of the sending State which enter a port or other place of anchorage within the consular district. He may proceed on board a vessel of the sending State after it has received *pratique*.

2. A consular officer may, without prejudice to the rights of the authorities of the receiving State, investigate any incident occurring on board a vessel of the sending State during its voyage, question the master and any member of the crew, examine the vessel's papers, take statements with regard to its voyage and destination, settle disputes of any kind between the master of the vessel, the officers and other members of the crew, make arrangements for the treatment in hospital and the repatriation of the master or any member of the crew, and facilitate the vessel's entry, departure and stay in the port.

The consular officer may, when performing these duties, request assistance from the competent authorities of the receiving State.

3. Where the competent authorities of the receiving State intend to take coercive measures on board a vessel of the sending State which is in the waters of the receiving State, they shall notify the consulate before such measures are initiated so as to enable the consular officer to be present. Where the consular officer or his representative has not been present at the proceedings, he shall be entitled, upon request, to receive full information from the said authorities regarding what has taken place.

The provisions of the preceding sub-paragraph shall also apply in cases where the master or any member of the crew of the vessel is to be interrogated by the above-mentioned authorities.

4. Paragraph 3 of this article shall not apply to customs, passport or public health examinations or to any measures taken at the request or with the consent of the master of the vessel.

5. The term " vessel " shall not, for the purposes of this Convention, include military vessels.

Article 39

1. Where a vessel of the sending State is wrecked, runs aground, is stranded or is otherwise damaged in the receiving State, the competent authorities of the latter State shall notify the consulate as soon as possible of the occurrence and of the measures taken to save lives, the vessel and the cargo.

A consular officer may extend all possible assistance to the vessel, the members of its crew and its passengers and may take measures to safeguard the cargo and repair the vessel. He may also request the authorities of the receiving State to take such measures.

2. Where neither the owner, the master nor any other authorized person is in a position to make the necessary arrangements for the custody or disposal of the vessel or its cargo, a consular officer may, on behalf of the owner of the vessel, make such arrangements as the owner himself could have made for such purposes.

3. The provisions of paragraph 2 of this article shall also apply to any article belonging to a national of the sending State and forming part of the cargo of a vessel of the sending State or of a third State which is found on or near the coast of the receiving State or brought into a port in the consular district.

4. The competent authorities of the receiving State shall extend the necessary assistance to the consular officer on his action in connexion with the damage to the vessel.

5. The damaged vessel and its cargo and supplies shall not be subject to customs duty in the territory of the receiving State unless they are transferred for use in that State.

Article 40

A consular officer may perform such control and inspection duties in relation to aircraft of the sending State and their crews as are provided for by the law of that State. He may also extend assistance to such aircraft and crews.

Article 41

In addition to the functions provided for by this Convention, a consular officer may exercise other consular functions which are not contrary to the law of the receiving State.

PART V

GENERAL AND FINAL PROVISIONS

Article 42

All persons enjoying privileges and immunities under this Convention shall be obligated, without prejudice to their privileges and immunities, to comply with the laws and regulations of the receiving State, including those relating to traffic and vehicle insurance.

Article 43

1. The provisions of this Convention shall also apply to consular functions performed by the diplomatic mission of the sending State. Members of the staff of the diplomatic mission of the sending State who are entrusted with the performance of consular functions and whose names have been notified to the Ministry of Foreign Affairs of the receiving State shall be accorded the same rights and subject to the same obligations as are provided for by this Convention in the case of consular officers and employees.

2. The performance of consular functions by members of the staff of the diplomatic mission referred to in paragraph 1 of this article shall not affect the privileges and immunities to which they are entitled as members of the diplomatic mission.

Article 44

This Convention is subject to ratification. The exchange of the instruments of ratification shall take place at Moscow.

Article 45

This Convention shall enter into force on the thirtieth day after the exchange of the instruments of ratification and shall remain in force until such time as one of the High Contracting Parties denounces it after giving the other High Contracting Party six months' notice to that effect.

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

DONE at Paris on 8 December 1966, in duplicate in the French and Russian languages, both texts being equally authentic.

For the President
of the French Republic :¹

M. COUVE DE MURVILLE

For the Presidium
of the Supreme Soviet of the Union
of Soviet Socialist Republics :¹

A. GROMYKO

PROTOCOL TO THE CONSULAR CONVENTION BETWEEN THE
FRENCH REPUBLIC AND THE UNION OF SOVIET SOCIALIST
REPUBLICS, SIGNED AT PARIS ON 8 DECEMBER 1966

At the time of signing the Consular Convention of today's date between the French Republic and the Union of Soviet Socialist Republics (hereinafter referred to as "the Convention"), the plenipotentiaries of the High Contracting Parties have agreed as follows :

1. The notification to the consulate provided for in article 37, paragraph 2, of the Convention shall take place within one to ten days from the date on which the national of the sending State is arrested, detained or otherwise deprived of liberty.

2. The right of the consular officer, as provided in article 37, paragraph 3, of the Convention, to visit and communicate with a national of the sending State shall be accorded within two to fifteen days from the date on which the national is arrested, detained or otherwise deprived of liberty.

3. The right of the consular officer, as provided in article 37, paragraph 3, of the Convention, to visit and communicate with a national of the sending State who has been arrested, detained or otherwise deprived of liberty or is serving a term of imprisonment shall be accorded on a continuing basis.

4. This Protocol shall form an integral part of the Convention.

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

DONE at Paris on 8 December 1966, in duplicate in the French and Russian languages, both texts being equally authentic.

For the President
of the French Republic :¹

Maurice COUVE DE MURVILLE

For the Presidium
of the Supreme Soviet of the Union
of Soviet Socialist Republics :¹

A. GROMYKO

¹ Appears in the Russian text only.