

**No. 10724**

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**FRANCE  
and  
ROMANIA**

**Consular convention. Signed at Bucarest on 18 May 1968**

*h/h*

*Authentic texts: French and Romanian.*

*Registered by France on 3 September 1970.*

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**Convention consulaire. Signée à Bucarest le 18 mai 1968**

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*Enregistrée par la France le 3 septembre 1970.*

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE FRENCH  
REPUBLIC AND THE SOCIALIST REPUBLIC OF  
ROMANIA

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The President of the French Republic and the President of the Council of State of the Socialist Republic of Romania, desiring to regulate consular relations between the two States and thus to promote the development of their friendly relations on the basis of the principles of respect of national sovereignty and independence, non-intervention in internal affairs and equality of rights and mutual benefits, 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;

The President of the Council of State of the Socialist Republic of Romania:

Mr. George Macovescu, First Vice-Minister for Foreign Affairs;

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

*Article 1*

DEFINITIONS

For the purposes of this Convention:

(a) "Consular post" means any consulate-general, consulate, vice-consulate or consular agency;

(b) "Consular district" means the area assigned to a consular post for the exercise of consular functions;

(c) "Head of consular post" means the person charged with the duty of acting in that capacity;

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<sup>1</sup> Came into force on 16 July 1970, i.e. on the thirtieth day following the date of the exchange of the instruments of ratification, which took place at Paris on 16 June 1970, in accordance with article 46, paragraphs 1 and 2.

(d) “Consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

(e) “Consular employee” means any person employed in the administrative or technical service of a consular post;

(f) “Member of the service staff” means any person employed in the domestic service of a consular post;

(g) “Member of the consular post” means consular officers, consular employees and members of the service staff;

(h) “Member of the consular staff” means consular officers other than the head of a consular post, consular employees and members of the service staff;

(i) “Members of the private staff” means a person who is employed exclusively in the private service of a member of the consular post;

(j) “Member of the family” means a spouse, minor dependent children and the widowed father or mother living in the home of a member of the consular post;

(k) “Consular premises” means the buildings or parts of buildings and the land ancillary thereto, used exclusively for consular activities;

(l) “Consular archives” means all the documents, correspondence, papers, books, films, tapes and registers of the consular post, together with ciphers and codes, card-indexes and any article of furniture intended for their protection or safekeeping.

## CHAPTER I

### CONSULAR RELATIONS

#### *Article 2*

##### ESTABLISHMENT OF A CONSULAR POST

1. A consular post may be established in the territory of the receiving State only with that State's consent.

2. The sending and receiving States shall determine by agreement in each case the seat of the consular post, its classification and the consular district.

3. Subsequent changes in the seat of the consular post, its classification and the consular district may be made only by agreement between the sending State and the receiving State.

*Article 3*

## HEAD OF CONSULAR POST

1. Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.
2. Before appointing the head of a consular post the sending State shall obtain, through the diplomatic channel, the consent of the receiving State to such appointment.
3. The head of a consular post shall be provided by the sending State with a consular commission certifying his capacity and showing his full name, his category and class, the consular district and the seat of the consular post.
4. The sending State shall transmit the consular commission through the diplomatic channel to the Ministry of Foreign Affairs of the receiving State.
5. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an "exequatur".
6. Subject to the provisions of paragraph 7 of this article, the head of a consular post shall not enter upon his duties until he has received an exequatur.
7. The receiving State may grant the head of a consular post a provisional authorization for the exercise of his functions pending delivery of the exequatur. In that case, the provisions of this Convention shall apply.

*Article 4*

## ACTING HEADS OF POST

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, the functions of head of post may be provisionally exercised by a consular officer of the same or another consular post of the sending State in the receiving State or by a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State. The full name of the person appointed as acting head of post shall be notified to the Ministry of Foreign Affairs of the receiving State. This notification must be made in advance unless it is absolutely impossible to do so.
2. The acting head of post shall enjoy the rights, immunities and privileges accorded to the head of a consular post under this Convention.

*Article 5*

## NOTIFICATION TO THE AUTHORITIES OF THE CONSULAR DISTRICT

As soon as a head of a consular post is admitted even provisionally or in the capacity of acting head to the exercise of his functions, the receiving State shall notify the competent authorities of the consular district; it shall also ensure that the necessary measures are taken to enable the head of a consular post and the members of the consular staff to carry out the duties of their offices and to have the benefit of the provisions of this Convention.

*Article 6*

## MEMBERS OF THE CONSULAR POST

1. The sending State shall determine the size of the consular staff in the light of the importance of the post and the needs of the normal development of its activities; the receiving State may, however, require the size of the consular staff to be kept within limits which it considers to be reasonable and normal, having regard to conditions in the consular district and the actual needs of the consular post.

2. The full name and title of consular officers other than the head of a consular post and the full name of consular employees and members of the service staff shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

3. Consular officers shall have the nationality of the sending State only; they shall not be permanently resident in the receiving State or be in that State for the performance of other functions

4. The receiving State shall issue to every consular officer a document certifying that he possesses that status.

5. Consular employees and members of the service staff shall have the nationality of the sending State or of the receiving State only.

6. Members of the consular post shall not engage in any other occupation or any commercial activity in the territory of the receiving State.

7. The High Contracting Parties shall not make use of honorary consuls in consular relations between them.

*Article 7*

## TERMINATION OF THE FUNCTIONS OF A MEMBER OF A CONSULAR POST

1. The functions of a member of a consular post shall come to an end *inter alia*:

(a) On notification by the sending State to the receiving State that his functions have come to an end;

(b) On withdrawal of the exequatur;

(c) On notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff.

2. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that another member of the consular staff is not acceptable. In that event, the sending State shall recall the member of the consular post or, if necessary, terminate the functions of the consular employee or member of the service staff.

3. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 2 of this article, the receiving State may, as the case may be, either withdraw the exequatur from the head of the consular post or cease to consider the person concerned as a member of the consular staff, after having notified this decision to the sending State through the diplomatic channel.

4. In the cases mentioned in paragraphs 2 and 3 of this article, the receiving State is not obliged to give to the sending State reasons for its decision.

## CHAPTER II

## CONSULAR FUNCTIONS

*Article 8*

## EXERCISE OF CONSULAR FUNCTIONS

Consular functions are exercised with a view to:

(a) Defending in the receiving State the rights and interests of the sending State and of its nationals;

(b) Furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State;

- (c) Ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State;
- (d) Otherwise promoting friendly relations between the two States;
- (e) Helping and assisting nationals of the sending State.

### *Article 9*

#### REGISTRATION OF NATIONALS AND ISSUE OF TRAVEL DOCUMENTS AND VISAS

Consular officers shall be entitled:

- (a) To keep a register of nationals of the sending State who are domiciled or resident in their consular district, without prejudice to the obligation of such nationals to comply with the laws of the receiving State relating to the sojourn of aliens;
- (b) To issue passports and other travel documents to nationals of the sending State and to renew them;
- (c) To issue visas to persons wishing to travel to the sending State and to extend their validity.

### *Article 10*

#### CONSULAR ASSISTANCE TO NATIONALS

Subject to observance of the laws of the receiving State, consular officers are authorized to extend consular assistance and arrange for appropriate representation for nationals of the sending State before the judicial and other authorities of the receiving State, for the purpose of requesting, in conformity with the laws of that State, the adoption of measures to safeguard the rights and interests of the nationals of the sending State where owing to their absence or for any other reason they are unable to defend their rights and interests at the proper time.

### *Article 11*

#### ASSISTANCE TO PERSONS LACKING LEGAL CAPACITY

1. Within the limits permitted by the laws of the receiving State, consular officers shall be entitled to take steps for the appointment of a guardian or trustee for the purpose of protecting the interests of minors and other persons lacking legal capacity who are nationals of the sending State.

2. The competent authorities of the receiving State shall notify without delay to the consular post all cases where a guardian or trustee should be appointed for a minor or other person lacking legal capacity who is a national of the sending State, where those authorities have information to that effect.

### Article 12

#### TRANSMISSION OF DOCUMENTS

Consular officers shall be entitled to transmit to nationals of the sending State who are domiciled or resident in the territory of the receiving State judicial and extra-judicial documents received from the sending State, provided that such nationals are willing to accept them.

### Article 13

#### FUNCTIONS IN RESPECT OF VARIOUS INSTRUMENTS AND DOCUMENTS

1. Where the laws of the receiving State so permit, consular officers shall be entitled to perform the following functions at the request of nationals of the sending State, at the premises of consular posts or, if they deem necessary, at the domicile of the national of the sending State or on board vessels under the flag of the sending State or aircraft registered in that State:

(a) To accept, draw up and authenticate documents containing declarations by nationals of the sending State;

(b) To accept, draw up and authenticate documents concerning the testamentary dispositions of nationals of the sending State;

(c) To accept, draw up and authenticate documents concerning other legal acts of nationals of the sending State, provided that such acts are to have legal effect outside the territory of the receiving State and do not relate to immovable property situated in the territory of the receiving State or to rights *in rem* in respect of such property;

(d) To indicate the correct date on documents, attest signatures on documents by nationals of the sending State and the signatures of the judicial or other authorities of the sending State or of the receiving State on documents issued by those authorities;

(e) To legalize copies or translations of or extracts from any documents;

(f) To accept for safekeeping documents belonging to or intended for nationals of the sending State.



2. The documents referred to in paragraph 1 above shall have the same legal effect and evidential value in the receiving State as documents authenticated, legalized or certified by the judicial or other competent authorities of that State.

#### *Article 14*

##### FUNCTIONS IN RESPECT OF CIVIL REGISTRATION

1. Consular officers shall be entitled to register births and deaths of nationals of the sending State and to issue the appropriate certificates.

2. Consular officers shall be entitled to solemnize marriages between nationals of the sending State and to issue the appropriate certificates. They shall immediately notify the competent authorities of the receiving State of the marriages that they have performed.

3. The provisions of paragraphs 1 and 2 of this article shall not exempt the persons concerned from the obligation to make such declarations as are prescribed by the laws of the receiving State.

4. The competent local authorities of the receiving State shall immediately notify the consular post of the death of nationals of the sending State.

#### *Article 15*

##### FUNCTIONS IN RESPECT OF SUCCESSION

1. The competent authority of the receiving State shall without delay notify the consular post of the sending State when a statutory or testamentary heir in a succession opened in the territory of the receiving State is a national of the sending State; however, this notification shall only be made if the person concerned is neither resident nor legally represented in the receiving State.

2. The competent authority of the receiving State shall on request notify the consular post of the sending State without delay of the measures taken for the protection and administration of an estate left in the territory of the receiving State by a deceased national of the sending State.

Consular officers may assist, directly or through a representative, in carrying out the measures referred to in the preceding paragraph.

They may also:

(a) Ensure that the rights of succession of nationals of the sending State are respected;

(b) Ensure the transmission to nationals of the sending State of any money, valuables or other movable property deriving from their rights of succession in the territory of the receiving State. The transmission shall be effected in accordance with the law of the receiving State.

3. If, after the completion of succession proceedings in the territory of 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 who is a national of the sending State and who is not resident in the receiving State and has not taken part in the succession proceedings or appointed a representative, such estate or proceeds shall be delivered to the consular post of the sending State, for transmission to that statutory or testamentary heir, provided that:

(a) The competent authorities have authorized delivery of the estate or proceeds;

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

(c) The status of the statutory or testamentary heirs has been proved;

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

4. If a national of the sending State temporarily in the territory of the receiving State dies in that territory, any personal effects and money left by the deceased which have not been claimed by an heir who is present shall be delivered to the consular post of the sending State, without formal proceedings, for temporary safekeeping subject to the right of the administrative or judicial authorities of the territory to take possession of the property in question in the interests of justice.

The consular post shall deliver such personal effects and money to any authority of the receiving State appointed to arrange for the administration or disposal of the property. It must observe the laws of the receiving State with regard to the export of the effects and the transfer of money.

### *Article 16*

#### FUNCTIONS IN RESPECT OF MARITIME AND INLAND NAVIGATION

1. Consular officers shall be entitled to extend assistance to vessels under the flag of the sending State which enter or are in a port within their consular district.

2. To the extent permissible under the laws of the sending State, consular officers shall be entitled to establish contact with the crews of vessels under the

flag of the sending State, to visit them, to examine and stamp ship's papers and documents relating to the cargo and in general to ensure the application of the shipping laws of the sending State on such vessels. Without prejudice to the powers of the competent authorities of the receiving State and if the laws of the sending State permit, consular officers shall also be entitled to take the necessary steps to ensure order and discipline on board such vessels.

3. The authorities of the receiving State shall not intervene in any matter arising on board the vessel, with the exception of disorder liable to disturb the peace and public order, on shore or in the port, or to affect public health or security, or in which persons other than crew members are involved.

4. Where a vessel under the flag of the sending State is damaged, stranded or wrecked in the inland or territorial waters of the receiving State, the competent authorities of that State shall immediately notify the consular post nearest to the place of the accident, informing it of the measures taken to save and protect the vessel, the crew, the passengers, the cargo and supplies. These authorities shall also extend to the consular officers the necessary assistance for the adoption of any measures required in connexion with the damage, stranding or shipwreck. If the laws of the receiving State permit, the competent authorities of that State shall invite the consular officers to be present at the investigation conducted to determine the causes of the damage, stranding or shipwreck. The consular officers may request the authorities of the receiving State to take the necessary measures to save and protect the vessel, crew, passengers, cargo and supplies.

5. Where the owner or operator of a vessel which has been damaged, stranded or wrecked, or any other person authorized to act on behalf of the owner or operator is unable to take the necessary measures with regard to the vessel and its cargo and supplies, the consular officers may take such measures on behalf of the owner or operator or of the authorized persons. Consular officers may also take such measures in respect of any article belonging to a national of the sending State and forming part of the cargo or supplies brought into a port or found on or near the coast or on board the stranded or wrecked vessel. No customs duties shall be levied on a wrecked vessel or its cargo and supplies unless they are released for use or consumption in the receiving State.

6. Where the authorities of the receiving State intend to take interim execution or coercive measures, within the limits of their competence, on board a vessel under the flag of the sending State, they shall first notify the consular post so as to enable a consular officer to be present when the measures are carried out. If owing to the urgency of the case the consular post could not be notified and no consular officer was present when the measures were carried

out, the authorities of the receiving State shall immediately inform the consular post of the measures which they have taken. The consular post shall also be notified when a member of the crew of the vessel is to be interrogated by the authorities of the receiving State.

The provisions of this paragraph shall not apply to customs, public health or passport clearance.

7. The provisions of this article shall not apply to warships.

### *Article 17*

#### FUNCTIONS IN RESPECT OF AIR TRANSPORT

1. To the extent permissible under the laws and regulations of the receiving State, consular officers may exercise such control and inspection rights in relation to aircraft registered in the sending State and their crews as are provided for by the laws and regulations of that State. They may also extend assistance to such aircraft and crews.

2. If an aircraft registered in the sending State suffers an accident in the territory of the receiving State the competent authorities of the latter State shall immediately notify the consular post nearest to the place of the accident.

### *Article 18*

#### OTHER CONSULAR FUNCTIONS

In addition to the functions provided for by this Convention, consular officers may exercise any other consular function in respect of which the receiving State, having been previously notified, has expressed no objection.

### CHAPTER III

#### FACILITIES, PRIVILEGES AND IMMUNITIES

### *Article 19*

#### FACILITIES GRANTED TO THE CONSULAR POST AND ITS STAFF

1. The receiving State shall accord full facilities for the performance of the functions of the consular post and shall take appropriate measures to enable the members of the consular post to perform their work and to enjoy the immunities and privileges accorded under this Convention.

2. The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

### SECTION I

#### *Article 20*

##### USE OF THE NATIONAL COAT OF ARMS AND FLAG

1. The coat of arms of the sending State together with an appropriate inscription designating the consular post may be displayed on the building occupied by the post and on the residence of the head of the consular post.

2. The national flag of the sending State may be flown at the seat of the consular post. It may likewise be flown on the means of transport of the head of the consular post when he uses them in the performance of his official duties.

3. In the exercise of the right accorded by this article regard shall be had to the laws, regulations and usages of the receiving State.

#### *Article 21*

##### FACILITIES FOR OBTAINING CONSULAR PREMISES AND ACCOMMODATION FOR MEMBERS OF THE CONSULAR POST

The receiving State shall facilitate the acquisition in its territory, in accordance with its laws, by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way. The receiving State shall also assist the consular post in obtaining suitable accommodation for its members.

#### *Article 22*

##### INVIOLABILITY OF THE CONSULAR PREMISES AND THE RESIDENCE OF THE HEAD OF THE CONSULAR POST

1. Consular premises and the residence of the head of the consular post shall be inviolable.

2. The authorities of the receiving State shall not enter the consular premises or the residence of the head of the consular post except with the consent of the head of the post or his designee or of the head of the diplomatic mission of the sending State.

3. The receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

4. The means of transport of the consular post and all property intended for use in the exercise of the functions of the consular post, even if not the property of the sending State, shall be immune from any form of requisition, sequestration or execution.

### *Article 23*

#### EXEMPTION FROM TAXATION OF CONSULAR PREMISES AND ACCOMMODATION OF CONSULAR OFFICERS

1. Buildings owned or rented by the sending State which are used exclusively for consular purposes or which serve as the residence of consular officers shall be exempt from all national, regional, provincial or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. In the case of buildings rented by the sending State, the exemption from taxation shall not apply to dues and taxes which under the laws of the receiving State are not payable by the tenant.

### *Article 24*

#### INVIOABILITY OF THE CONSULAR ARCHIVES

The consular archives and documents shall be inviolable at all times and wherever they may be.

### *Article 25*

#### FREEDOM OF COMMUNICATION

1. The receiving State shall permit and facilitate freedom of communication by consular posts of the sending State with their Government and with diplomatic missions and other consular posts of the sending State situated in the receiving State and in other States. For that purpose, consular posts may employ all public means of communication, diplomatic or consular couriers, diplomatic or consular bags and coded or uncoded messages. However, the consular post may install or use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. "Official correspondence" means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this article, they may request that the bag be returned to its place of origin.

4. The consular bag, whether consisting of one package or more than one package, shall be sealed and shall bear visible external marks of its character; it may contain only official correspondence and documents or articles relating exclusively to the activities of the consular post.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. The consular courier may not be a national of or permanently resident in the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to arrest or to any form of detention or restriction on his personal freedom.

### *Article 26*

#### COMMUNICATION WITH AND PROTECTION OF NATIONALS OF THE SENDING STATE

1. Consular officers shall have the right, within their consular district, to communicate with nationals of the sending State, to visit them, to advise them and, where necessary, to arrange for them to receive legal assistance and legal representation. Nationals of the sending State may communicate with and visit consular officers.

2. The competent authorities of the receiving State shall without delay and in any case within 10 days inform the consular post of the sending State if, within its consular district, a national of that State is arrested or subjected to any other form of restriction on his personal freedom.

3. Consular officers shall have the right to receive correspondence or any other communication from a national of the sending State who is in custody pending trial or subjected to any other form of restriction on his personal freedom, to visit him on one or more occasions and to communicate with him. The exercise of this right may not be deferred by the authorities of the receiving State for more than 15 days from the date of the arrest of the person concerned or the beginning of any form of restriction on his personal freedom.

4. When a national of the sending State has been convicted and is serving a sentence of imprisonment, consular officers shall have the right to communicate with him and to visit him on a recurrent basis.

5. The rights referred to in paragraphs 3 and 4 of this article shall be exercised in conformity with the procedure laid down by the laws and regulations of the receiving State for visiting and communicating with persons in detention.

6. The competent authorities of the receiving State shall inform the national of the sending State who is in custody pending trial or subjected to any other form of restriction on his personal freedom of the possibility of communication afforded to him under this article.

#### *Article 27*

##### COMMUNICATION WITH THE AUTHORITIES OF THE RECEIVING STATE

In the exercise of their functions, consular officers may address:

- (a) The competent local authorities of their consular district;
- (b) The competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

#### *Article 28*

##### FREEDOM OF MOVEMENT

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security or public interest, the receiving State shall ensure freedom of movement and travel in its territory to members of the consular post.

#### *Article 29*

##### CONSULAR FEES AND CHARGES

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this article and the receipts for such fees and charges shall be exempt from all dues and taxes in the receiving State.



## SECTION II

*Article 30*

## IMMUNITY FROM JURISDICTION AND PERSONAL INVIOABILITY

1. Members of the consular post shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of their functions.

The provisions of the preceding paragraph shall not, however, apply in respect of a civil action by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

2. In respect of acts performed outside the exercise of their functions, consular officers shall not be liable to arrest, detention pending trial or any other form of deprivation of or restriction on their personal freedom unless they have been charged with a grave crime by the competent judicial authority or a judicial sentence of final effect has been imposed on them.

3. For the purposes of this article, "grave crime" means any offence committed with intent which is punishable under the laws of the receiving State by deprivation of freedom for a term of not less than five years.

4. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 2 of this article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

5. In the event of a measure involving deprivation of freedom being applied to a member of the consular post or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

*Article 31*

## THE GIVING OF EVIDENCE AND EXPERT OPINIONS

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. If a consular officer should decline to give evidence, no coercive measure or penalty may be applied

to him. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence.

2. The authority of the receiving State receiving the deposition of a consular officer or employee shall avoid interference with the performance of his official functions. It may take evidence from a consular officer at the premises of the consular post or at his domicile or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce correspondence or other documents from the consular archives.

4. A consular officer called upon to give evidence may make a statement without taking oath.

5. Members of the consular post are under no obligation to act as experts.

### *Article 32*

#### EXEMPTION FROM PERSONAL SERVICES AND OTHER OBLIGATIONS

1. Members of the consular post shall be exempt in the receiving State from all national service, all obligations of a military nature and personal services of all kinds and from any contribution required in lieu thereof.

2. Consular officers and consular employees shall also be exempt in the receiving State from all obligations under the laws and regulations of that State relating to the registration of aliens and residence permits.

### *Article 33*

#### CUSTOMS EXEMPTIONS

1. The receiving State shall, in accordance with its laws and regulations, permit entry of and grant exemption from all customs duties, taxes and related charges on:

(a) Articles for the official use of the consular post;

(b) Articles for the personal use of a consular officer, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

The exemptions so granted shall not include charges for storage, cartage and similar services.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from customs inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph (b) of paragraph 1 of this article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

### Article 34

#### EXEMPTION FROM TAXATION

1. Consular officers and consular employees shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) Indirect taxes of a kind normally incorporated in the price of goods or services;

(b) Dues and taxes on private immovable property situated in the territory of the receiving State;

(c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of article 35;

(d) Dues and taxes on private income having its source in the receiving State, including capital gains;

(e) Charges levied for specific services rendered to consular officers and employees;

(f) Registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 23.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose salaries or wages are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose concerning the levying of income tax.

*Article 35*EXEMPTIONS GRANTED IN THE EVENT OF THE DEATH OF A MEMBER  
OF THE CONSULAR POST

In the event of the death of a member of the consular post, the receiving State shall:

(a) Permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death, provided that the property is exported within a reasonable time;

(b) Exempt the movable property of the estate from dues, taxes and other similar charges of any kind provided that such property is in the territory of the receiving State solely by reason of the presence of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

*Article 36*

## EXEMPTION FROM WORK PERMITS

1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.

2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other private gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this article.

*Article 37*

## SOCIAL SECURITY EXEMPTION

1. Subject to the provisions of paragraph 3 of this article, members of the consular post, with respect to services rendered by them for the sending State, shall be exempt from any social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall also apply to members of the private staff who are in the sole employ of members of the consular post, on condition:

(a) That they are not nationals of or permanently resident in the receiving State; and

(b) That they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

### *Article 38*

#### EXCEPTIONS TO IMMUNITIES AND PRIVILEGES

1. Consular employees and members of the service staff of the consular post who are nationals of the receiving State or nationals of the sending State permanently resident in the receiving State shall enjoy only the immunities and privileges provided for in articles 30, paragraph 1, and 31, paragraph 3 of this Convention.

2. Members of the families of members of the consular post shall enjoy, so far as the context permits, the privileges accorded to the latter unless they are nationals of or permanently resident in the receiving State or carry on a private gainful occupation in that State.

3. The receiving State shall exercise its jurisdiction in respect of the persons referred to in paragraphs 1 and 2 of this article in such a way as not to hamper unduly the exercise of the functions of the consular post.

### *Article 39*

#### WAIVER OF IMMUNITIES AND PRIVILEGES

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in articles 30 and 31.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a member of the consular post in a matter where he might enjoy immunity from jurisdiction under article 30,

paragraph 1, shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

#### *Article 40*

##### BEGINNING AND END OF IMMUNITIES AND PRIVILEGES

1. Every member of the consular post shall enjoy the privileges and immunities provided for in this Convention from the moment he crosses the frontier of the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of members of the consular post shall enjoy the privileges and immunities provided for in this Convention as from:

(a) The moment when the member of the consular post begins to enjoy immunities and privileges in accordance with paragraph 1;

(b) The moment when they pass the frontier of the receiving State, if they do so after the date referred to in subparagraph (a) above;

(c) The moment when they become members of the family of the member of the consular post, if this occurs after the dates referred to in subparagraphs (a) and (b) above.

3. When the functions of a member of the consular post have come to an end, his immunities and privileges and those of members of his family shall cease at the moment when the person concerned leaves the territory of the receiving State or on the expiry of a reasonable period in which to do so.

The immunities and privileges of a consular employee or a member of the service staff who is a national of the receiving State or who, being a national of the sending State, is permanently resident in the receiving State shall cease at the moment when the person concerned loses his status as a consular employee or member of the service staff.

4. The privileges of members of the family shall come to an end when they cease to belong to the family of the member of the consular post. However, if such persons declare that they intend to leave the territory of the receiving State within a reasonable period thereafter, their privileges shall subsist until the time of their departure.

5. In the event of the death of a member of the consular post, the members of his family shall continue to enjoy the privileges accorded under this Convention until they leave the territory of the receiving State or until the expiry of a reasonable period enabling them to do so.

6. Members of the private staff shall enjoy the rights and facilities accorded to them under this Convention for such time as they are employed in this capacity.

#### *Article 41*

#### NOTIFICATION TO THE RECEIVING STATE OF CERTAIN DEPARTURES AND ARRIVALS

1. The Ministry of Foreign Affairs of the receiving State shall be notified of:

(a) The arrival and final departure of a member of the family of a member of the consular post and, where appropriate, the fact that a person becomes or ceases to be a member of the family;

(b) The arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;

(c) The engagement and discharge of persons resident in the receiving State as consular employees, members of the service staff or members of the private staff.

#### CHAPTER IV

#### FINAL PROVISIONS

#### *Article 42*

#### EXERCISE OF CONSULAR FUNCTIONS

1. Consular functions shall be exercised by the consular officers of the sending State within the district of each consular post; they may also be exercised, where appropriate, in conformity with the rules of international law, by the diplomatic mission of the sending State in the receiving State, subject to the rights and obligations of the members of diplomatic missions.

2. The exercise of consular functions by members of the diplomatic mission shall not affect their diplomatic immunities and privileges. This provision shall also apply in cases where a diplomatic agent is appointed acting head of a consular post.

3. The names of members of the diplomatic mission assigned to exercise consular functions shall be notified to the Ministry of Foreign Affairs of the receiving State.

#### *Article 43*

##### RESPECT FOR THE LAWS OF THE RECEIVING STATE

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State and not to interfere in the internal affairs of that State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

#### *Article 44*

##### INSURANCE AGAINST THIRD PARTY RISKS

1. All means of transport belonging to the sending State which are used by consular posts and all means of transport belonging to members of the consular post or members of their families shall be insured against third party risks.

2. Unless otherwise provided by the laws of the receiving State, the foregoing provisions shall not apply to consular employees, members of the service staff or members of the families of members of the consular post who are nationals of or permanently resident in the receiving State.

#### *Article 45*

##### PROVISIONS APPLICABLE TO BODIES CORPORATE

The provisions of this Convention concerning nationals of the sending State shall be applicable in a similar manner, where appropriate, to bodies corporate of either of the High Contracting Parties.

#### *Article 46*

##### RATIFICATION, ENTRY INTO FORCE, DENUNCIATION

1. This Convention shall be ratified. The exchange of the instruments of ratification shall take place at Paris as soon as possible.



2. This Convention shall enter into force on the thirtieth day after the date of the exchange of instruments of ratification. It shall remain in force for ten years, and shall continue in force thereafter unless it is denounced in the manner prescribed in the following paragraph.

3. Either of the Contracting Parties may denounce this Convention at the end of the initial ten-year period or at any time thereafter by giving one year's written notice to the other High Contracting Party.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE at Bucharest, on 18 May 1968, in two original copies, each in French and Romanian, both texts being equally authentic.

For the French Republic:  
Maurice COUVE DE MURVILLE  
[SEAL]

For the Socialist Republic of Romania:  
George MACOVESCU  
[SEAL]