

**No. 10204**

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**ROMANIA  
and  
MONGOLIA**

**Consular Convention. Signed at Bucharest on 29 April 1967**

*Authentic texts: Romanian, Mongolian and Russian.*

*Registered by Romania on 20 January 1970.*

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**ROUMANIE  
et  
MONGOLIE**

**Convention consulaire. Signée à Bucarest le 29 avril 1967**

*Textes authentiques: roumain, mongol et russe.*

*Enregistrée par la Roumanie le 20 janvier 1970.*

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE SOCIALIST  
REPUBLIC OF ROMANIA AND THE MONGOLIAN  
PEOPLE'S REPUBLIC

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The Socialist Republic of Romania and the Mongolian People's Republic, desiring to develop further the friendly relations existing between the two States and to regulate consular relations between them, have decided to conclude a Consular Convention and have for that purpose appointed as their plenipotentiaries :

The Council of State of the Socialist Republic of Romania :

Constantin Flitan, Deputy Minister for foreign Affairs;

The Presidium of the Great People's Khural of the Mongolian People's Republic :

Togoochiin Genden, Ambassador Extraordinary and Plenipotentiary of the Mongolian People's Republic to the Socialist Republic of Romania,

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

CHAPTER I

DEFINITIONS

For the purposes of this Convention :

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

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

(c) The expression "head of a consular post" means a consul-general, consul, vice-consul or consular agent placed in charge of a consular post;

(d) The expression "consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions;

(e) The expression "consular employee" means any person performing administrative or technical duties at a consular post or belonging to the service staff of a consular post;

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<sup>1</sup> Came into force on 31 October 1968 by the exchange of the instruments of ratification, which took place at Ulan-Bator, in accordance with article 31.

(f) The expression "consular premises" means the buildings or parts of buildings and the land appurtenant thereto, irrespective of ownership, used exclusively for the performance of consular activities;

(g) The expression "members of the family" means a spouse, and also minor children or other relatives of a consular officer or consular employee or of his spouse who are supported by him and form part of his household.

## CHAPTER II

### ESTABLISHMENT OF CONSULAR POSTS, APPOINTMENT OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES AND TERMINATION OF THEIR FUNCTIONS

#### *Article 1*

1. Each Contracting Party may, in accordance with this Convention, establish consular posts in the territory of the other Contracting Party.

2. Consular posts, their seat and classification and the consular district shall be established in each individual case by agreement between the sending State and the receiving State.

3. Any change in the seat of a consular post, its classification or the consular district shall be made by agreement between the sending State and the receiving State.

#### *Article 2*

1. 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.

2. The sending State shall, through the diplomatic channel, transmit the consular commission to the Ministry of Foreign Affairs of the receiving State.

3. The consular commission shall specify the full name of the head of the consular post, his class, the seat of the consular post and the consular district.

4. The head of a consular post shall not be admitted to the exercise of consular functions until an exequatur has been granted to him by the receiving State. The receiving State may, however, permit the head of a consular post to exercise consular functions on a provisional basis before the exequatur is granted to him.

#### *Article 3*

1. If the head of a consular post is unable to carry out his functions or his position is vacant, his functions may be temporarily exercised by one of

the consular officers of the same or another consular post or by one of the members 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 the consular post shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. The acting head of a consular post shall enjoy the rights, immunities and privileges accorded by this Convention to the head of a consular post.

#### *Article 4*

1. The necessary number of staff may be assigned to a consular post at the discretion of the sending State. The full name and class of consular officers, other than the head of a consular post, and the full name of consular employees shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. Consular officers shall have the nationality of the sending State. They shall not engage in commercial activity or exercise any other occupation in the territory of the receiving State.

3. The Contracting Parties shall not make use of honorary consuls in relations between them.

4. Consular employees may be nationals only of the sending State or of the receiving State.

#### *Article 5*

The functions of the head of a consular post, of consular officers and of consular employees shall come to an end *inter alia* upon recall, upon withdrawal of the exequatur or upon notification by the receiving State to the sending State that the receiving State has ceased to consider the person in question as a member of the consular post.

### CHAPTER III

## CONSULAR FUNCTIONS

#### *Article 6*

1. Consular functions shall be exercised by consular officers of the sending State within the consular district of each consular post; they shall also, in the cases provided for by article 3 of this Convention, be exercised by members of the diplomatic staff of the diplomatic mission of the sending State in the receiving State, subject to the rights and obligations of diplomatic staff.

2. The exercise of consular functions shall have as its purpose : to protect the rights and interests of the sending State, of its nationals and of bodies corporate having its nationality in relations with the receiving State; to further the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and to promote friendly relations between them in every possible way; to help and assist nationals of the sending State.

3. The exercise of all the consular functions provided for in this Convention and of such other functions as may be entrusted to consular posts by agreement between the two Parties and the exercise of any rights accorded to consular officers shall be subject to compliance with the laws of the receiving State.

#### *Article 7*

Consular officers shall be entitled :

(a) To keep a register of nationals of the sending State who are permanently or temporarily resident in their consular district.

The foregoing provision shall not exempt nationals of the sending State from the obligation to comply with the legal provisions of the receiving State relating to the registration of aliens;

(b) To issue passports and travel documents to nationals of the sending State and visas to persons wishing to travel to the sending State;

(c) To represent or arrange appropriate representation for nationals of the sending State, without special authorization, before the judicial and other authorities of the receiving State for the purpose of protecting the rights and interests of the said nationals in cases where, owing to absence or for other reasons, such nationals are unable to defend their rights and interests at the proper time. In exercising this right, however, they shall not violate the laws and procedures of the receiving State relating to the right of representation before judicial authorities;

(d) Subject to the laws and procedures of the receiving State, to take steps to appoint a guardian or curator for the purpose of protecting the interests of minors and persons lacking legal capacity who are nationals of the sending State.

#### *Article 8*

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

*Article 9*

1. Where the laws of the receiving State so permit, consular officers shall be entitled to perform the following acts at the premises of consular posts, at their residences, at the residences of nationals of the sending State and on board aircraft having the nationality of the sending State :

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

(b) To accept, draw up and attest declarations concerning rights of succession by nationals of the sending State;

(c) To accept, draw up and attest declarations concerning other legal acts of nationals of the sending State, provided that such acts are to have legal effects 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* over such property;

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

(e) To attest copies and translations of and extracts from declarations at the request of nationals of the sending State;

(f) To attest signatures and seals on documents issued by the authorities or judicial organs of the receiving State;

(g) To accept for safekeeping documents and movable property from nationals of the sending State or intended for such nationals, provided that to do is not contrary to the laws of the receiving State. Documents and property so received may be removed from the territory of the receiving State only if the legal provisions of that State are duly complied with.

2. The declarations referred to in paragraph 1 (a)-(e) shall have the same legal effect and evidential value in the receiving State as declarations attested or legalized by the competent authorities or judicial organs of that State.

*Article 10*

1. Consular officers shall be entitled, in accordance with the laws of their State, to register births and deaths of nationals of the sending State, to register marriages between nationals of the sending State and to issue the appropriate certificates.

2. The provisions of paragraph 1 shall not exempt the persons concerned from the obligation to make such declarations as are required by the laws of the receiving State.

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

#### *Article 11*

1. Where a deceased national of the sending State leaves property in the territory of the receiving State, the competent organs of the latter State shall take measures to protect the estate in accordance with the laws of their State. The said organs shall immediately notify the consular post if there is reason to believe that nationals of the sending State have rights of succession to an estate arising in the territory of the receiving State.

2. Consular officers shall, subject to compliance with the legal provisions of the receiving State, be entitled to be present when measures are taken for the inventorying and protection of the property referred to in paragraph 1 of this article and when the rights of succession of nationals of the sending State are exercised. Consular officers shall also be entitled to observe the implementation of the above-mentioned measures.

#### *Article 12*

1. Consular officers shall be entitled to extend assistance to aircraft having the nationality of the sending State, to the members of their crew and to their passengers.

2. Where an aircraft having the nationality of the sending State is wrecked or involved in an accident, consular officers shall be entitled to take the necessary measures to rescue the crew, passengers and cargo and to request assistance from the authorities of the receiving State in applying such measures.

3. The authorities of the receiving State shall not levy any customs duty on cargo or provisions on board an aircraft which has been wrecked or involved in an accident, save in cases where such cargo or provisions are sold in the territory of the receiving State.

#### *Article 13*

Consular officers may perform any other consular functions entrusted to them by the sending State which are not prohibited by the laws of the receiving State or to which no objection is made by the receiving State or which are referred to in international agreements in force between the sending State and the receiving State.

## CHAPTER IV

## IMMUNITIES AND PRIVILEGES OF CONSULAR POSTS

*Article 14*

1. A shield bearing the coat-of-arms of the sending State and an inscription designating the post may be affixed to the building of a consular post.

2. The flag of the sending State may be flown on the building of a consular post. The said flag may also be flown on means of transport used by the head of a consular post in the performance of his official duties.

*Article 15*

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

The authorities of the receiving State shall not enter the premises of a consular post or the residence of the head of a consular post save with the consent of the head of the post or of the head of the diplomatic mission of the sending State.

*Article 16*

Buildings which are intended for use in carrying on consular activities or as the residence of consular officers or consular employees and of which the sending State is the owner or lessee shall be exempt from all taxes and charges other than such as are levied for specific services rendered.

*Article 17*

Consular archives — namely all documents, correspondence, papers, books, films, recording tape and registers of a consular post as well as ciphers and codes, filing cabinets and furniture intended for their protection and safekeeping — shall be inviolable at all times and wherever they may be.

*Article 18*

1. The receiving State shall permit and protect free 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 legal means of communication, including diplomatic or consular couriers, diplomatic or consular bags and coded or uncoded messages.

2. The consular bag and the official correspondence of consular posts shall not be opened or detained; they shall be inviolable.

3. The consular bag and its parts, if it consists of more than one package, shall be sealed, shall bear visible external marks of their character and may contain only official correspondence or documents and articles intended exclusively for the needs of the consular post.

4. Consular couriers shall carry with them an official document confirming their status and the number of packages constituting the consular bag. They shall be nationals of the sending State. In the exercise of their functions, consular couriers shall be protected by the receiving State and shall enjoy personal inviolability.

#### *Article 19*

In the exercise of the functions entrusted to them under this Convention, consular officers may apply directly to the local authorities of their consular district for assistance in the performance of their functions.

#### *Article 20*

Consular posts may, in accordance with the laws of the sending State, levy fees for consular acts performed in the territory of the receiving State.

### CHAPTER V

## IMMUNITIES AND PRIVILEGES OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES

#### *Article 21*

The receiving State shall take all measures to ensure that consular officers and consular employees are able to carry on their activities and to enjoy the immunities and privileges accorded by this Convention.

#### *Article 22*

1. Consular officers and consular employees shall not be subject to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed by them in the exercise of their official functions.

2. In respect of acts performed outside their official functions, consular officers and those consular employees who are not nationals of the receiving

State shall not be liable to arrest, detention pending trial or any other form of restriction on their personal freedom, save in the case of grave crimes committed in the territory of the receiving State.

#### *Article 23*

1. Consular officers and consular employees may be summoned in writing by the competent authorities of the receiving State to give evidence before judicial or administrative authorities. Where a consular officer or a consular employee who is a national of the sending State declines to appear in order to give evidence, no coercive measure or penalty may be applied to him.

2. The authority of the receiving State taking the evidence shall ensure that the consular officer or consular employee is not impeded in the performance of his functions. It may take such evidence from the consular officer or consular employee at the premises of the consular post or at his residence or accept a statement from him in writing.

3. Consular officers and consular employees are under no obligation to give evidence concerning matters connected with the exercise of their functions or relating to their functions, nor are they under any obligation to produce official correspondence or other material from the consular archives.

#### *Article 24*

1. Consular officers and those consular employees who are nationals of the sending State shall be exempt in the receiving State from obligations and measures of a military character, from all personal services and from any contribution required in lieu thereof.

2. Consular officers and those consular employees who are nationals of the sending State shall also be exempt in the receiving State from all obligations relating to the registration, residence and movement of aliens.

#### *Article 25*

1. The receiving State shall exempt consular officers and those consular employees who are nationals of the sending State from payment of all customs duty on articles intended for :

(a) The use of the consular post;

(b) The personal use of consular officers and of those consular employees who are not permanently resident in the receiving State, including articles intended for their installation.

This exemption shall not apply to charges for storage, cartage and similar services.

2. The personal baggage of consular officers and of those consular employees who are nationals of the sending State and are not permanently resident in the receiving State shall be exempt from customs inspection.

#### *Article 26*

1. Consular officers and those consular employees who are nationals of the sending State shall be exempt from taxes and charges payable under the laws of the receiving State in respect of remuneration received by them for the performance of their functions.

2. Consular officers and those consular employees who are nationals of the sending State shall be exempt from taxes and charges on buildings which they own and in which they reside together with their families, with the exception of charges for services rendered to them.

#### *Article 27*

Those members of the families of consular officers or consular employees who are nationals of the sending State shall, subject to reciprocity, enjoy the same exemptions with regard to the registration and control of aliens, personal services and customs duty as the receiving State accords to the corresponding categories of members of diplomatic missions.

### CHAPTER VI

### FINAL PROVISIONS

#### *Article 28*

Without prejudice to the immunities and privileges provided for in this Convention, it shall be the duty of persons enjoying such immunities and privileges to comply with the laws of the receiving State and not to interfere in the internal affairs of that State.

#### *Article 29*

1. The exercise of consular functions by diplomatic staff shall not affect the latter's diplomatic immunities and privileges. This provision shall also apply in cases where a diplomatic agent is appointed as acting head of a consular post.

2. The names of diplomatic staff exercising consular functions shall be notified to the Ministry of Foreign Affairs of the receiving State.

*Article 30*

The provisions of this Convention relating to nationals of the sending State shall also, where necessary, apply *mutatis mutandis* to bodies corporate having the nationality of one of the Contracting Parties.

*Article 31*

1. This Convention is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Ulan Bator.

2. This Convention is concluded for a term of five years. It shall be automatically extended for successive five-year terms unless one of the Contracting Parties denounces it at least six months before the expiry of the current term

DONE at Bucharest on 29 April 1967, in duplicate in the Romanian, Mongolian and Russian languages, all of the texts being equally authentic. In the event of a divergence of interpretation as between the Romanian and Mongolian texts, the Russian text shall prevail.

For the Council of State  
of the Socialist Republic  
of Romania :

C. FLITAN

For the Presidium of the Great  
People's Khural of the Mongolian  
People's Republic :

T. GENDEN