

No. 11218

**ROMANIA
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

**Consular Convention (with exchange of notes of rectification).
Signed at Bucharest on 11 September 1968**

Authentic texts : Romanian and English.

Registered by Romania on 16 July 1971.

**ROUMANIE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**Convention consulaire (avec échange de notes rectificatives). Signée
à Bucarest le 11 septembre 1968**

Textes authentiques : roumain et anglais.

Enregistrée par la Roumanie le 16 juillet 1971.

CONSULAR CONVENTION¹ BETWEEN THE SOCIALIST REPUBLIC OF ROMANIA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Socialist Republic of Romania and the United Kingdom of Great Britain and Northern Ireland;

Animated by the desire further to strengthen the ties of friendship between them on the basis of respect for the principles of national sovereignty and independence, of non-interference in internal affairs, of equal rights and of the promotion of their mutual advantage;

Wishing to regulate their consular relations, to define the rights, immunities and privileges of their consulates and consular personnel and to ensure the protection of their interests and those of their nationals;

Have decided to conclude a Consular Convention and for this purpose have appointed as their Plenipotentiaries :

The Socialist Republic of Romania : His Excellency Mr. Corneliu Manescu, Minister for Foreign Affairs;

The United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom") : The Right Honourable Michael Stewart, M.P., Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

Who, having communicated to each other their respective full powers, which were found in good and due form, have agreed as follows :

Article 1

DEFINITIONS

For the purposes of this Convention :

(a) the term " sending State " shall mean the High Contracting Party by whom a consulate is established;

(b) the term " receiving State " shall mean the High Contracting Party in whose territory the consulate is established;

(c) the term " consulate " shall mean any consulate-general, consulate, vice-consulate or consular agency;

(d) the term " consular district " shall mean the area assigned for the performance of the duties of a consulate;

¹ Came into force on 21 April 1971, i.e. on the thirtieth day after the date of the exchange of the instruments of ratification, which took place at London on 22 March 1970, in accordance with article 51 (1) and (2).

(e) the term “ head of a consulate ” shall mean the person appointed to act in such capacity;

(f) the term “ consular officer ” shall mean any person, including the head of a consulate, who, in accordance with the provisions of the Convention, has been charged with the performance of consular duties;

(g) the term “ consular employee ” shall mean any person belonging to the technical and administrative staff of the consulate;

(h) the term “ member of the service staff ” shall mean any person belonging to the domestic staff of the consulate;

(i) the term “ members of a family ” shall mean the husband (wife), and minor children of a consular officer, consular employee or member of the service staff, together with any other person whom the receiving State agrees to recognise in this capacity;

(j) the term “ consular premises ” shall mean buildings, parts of buildings and the land attached thereto irrespective of ownership and used exclusively for the purposes of a consulate;

(k) the term “ consular archives ” shall include all official correspondence, documents and office equipment intended for official use, together with any article of furniture used for their protection and safekeeping;

(l) the term “ vessel of the sending State ” shall mean, as the case may be, any vessel which under Romanian law possesses Romanian nationality or any vessel registered at a port in any of the territories of the United Kingdom; the term shall not, however, include any ship of war.

PART I

CONSULAR RELATIONS

Article 2

ESTABLISHMENT OF CONSULATES

(1) Each High Contracting Party may establish consulates in the territory of the other High Contracting Party; the establishment of a consulate shall, in each case, be subject to the consent of the receiving State.

(2) The site of a consulate, its rank and the limits of the consular district shall be determined by agreement between the sending State and the receiving State.

(3) Any subsequent change as regards the site of the consulate, its rank or its consular district shall likewise be made only by agreement between the sending State and the receiving State.

Article 3

CONSULAR COMMISSION AND EXEQUATUR

(1) The sending State shall seek in advance through the diplomatic channel the agreement of the receiving State to the appointment of the head of a consulate.

(2) After such agreement has been obtained, the sending State shall transmit the consular commission to the ministry of foreign affairs of the receiving State through the diplomatic channel. The commission shall specify the forename, surname and rank of the head of the consulate, the limits of the consular district and the site of the consulate.

(3) Upon the grant of the exequatur the head of the consulate shall be admitted to the performance of his duties; the exequatur shall be granted as soon as possible and free of charge.

(4) Pending the grant of the exequatur, the receiving State may grant the head of a consulate a provisional authorisation authorising him to perform his duties. In any such case the provisions of this Convention shall apply.

(5) Upon the admission, including the provisional admission, of the head of the consulate to the performance of his duties, the receiving State shall immediately so inform the competent authorities within the consular district and shall take the necessary measures to ensure that he is enabled to perform his duties.

Article 4

TEMPORARY CHARGE

(1) If the head of a consulate is unable to perform his duties as such or if the post becomes vacant, a consular officer belonging to the same consulate or to another consulate of the sending State in the receiving State, or a member of the diplomatic staff of the diplomatic mission of the sending State in that State, may be placed in temporary charge of the consulate.

(2) The forename and surname of any person temporarily placed in charge of a consulate in conformity with paragraph (1) of this Article shall be notified in advance to the ministry of foreign affairs of the receiving State.

(3) The person temporarily in charge shall be granted the facilities, immunities and privileges due to the head of the consulate under this Convention.

Article 5

NUMBER OF MEMBERS OF THE CONSULATE

The sending State shall be free to assign to a consulate consular officers, consular employees and members of the service staff in such numbers as it may deem appropriate in view of the volume of work and other factors regulating the proper activity of the consulate; the receiving State may, however, require that these numbers shall be kept within limits which it considers reasonable having regard to conditions in the consular district and to the effective requirements of the work of the consulate.

Article 6

NATIONALITY AND NOTIFICATION OF APPOINTMENT OF CONSULAR OFFICERS

(1) A person appointed as a consular officer shall be a national of the sending State only and shall not be permanently resident in the receiving State or already present in that State for other purposes. The last mentioned provision shall not apply, however, in the case of a national of the sending State who is a member of the staff of a consulate, or of the diplomatic mission, of the sending State in the receiving State, provided that he is not permanently resident in that State.

(2) The forename, surname and rank of a consular officer, other than the head of the consulate, shall be notified in advance by the sending State to the ministry of foreign affairs of the receiving State.

Article 7

NATIONALITY AND NOTIFICATION OF APPOINTMENT OF EMPLOYEES AND MEMBERS OF THE SERVICE STAFF OF THE CONSULATE

(1) A consular employee or member of the service staff of a consulate shall be only a national of the sending State or of the receiving State.

(2) The forename and surname of a consular employee or of a member of the service staff of the consulate shall be notified in advance by the sending State to the ministry of foreign affairs of the receiving State.

Article 8

IDENTITY DOCUMENTS

(1) A consular officer shall be given an appropriate document indicating his identity and capacity by the competent authority of the receiving State.

(2) The provisions of this Article shall also apply to consular employees and to members of the families of consular officers and employees, residing with

them, provided that the person concerned is neither a national of the receiving State nor permanently resident in that State.

Article 9

PROHIBITION OF CERTAIN ACTIVITIES

(1) Consular officers, consular employees and members of the service staff shall not engage in commercial activities or any occupation for gain other than their consular duties or work at the consulate.

(2) In the conduct of their relations the High Contracting Parties shall not make use of the services of honorary consular officers.

Article 10

TERMINATION OF FUNCTIONS OF A MEMBER OF THE CONSULATE

(1) The receiving State may at any time notify the sending State through the diplomatic channel that a consular officer is *persona non grata* or that a consular employee or member of the service staff is unacceptable. The sending State shall thereupon recall the person concerned or terminate his appointment at the consulate.

(2) If the sending State fails to carry out this obligation within a reasonable period, the receiving State may, in the case of the head of a consulate, withdraw the exequatur or other authorisation or, in the case of a consular officer, consular employee or member of the service staff of the consulate, notify the sending State through the diplomatic channel that it declines to continue to recognise the person concerned in such capacity.

(3) In any case to which the provisions of paragraphs (1) or (2) of this Article apply, the receiving State shall not be obliged to explain the reason for its decision.

PART II

CONSULAR FUNCTIONS

Section I

Article 11

PURPOSES OF CONSULAR DUTIES

The performance of consular duties has as its object,

(a) to protect, defend and promote the rights and interests of the sending State and of its nationals within the limits of international law. The provisions of

this Convention relative to nationals of the sending State shall, where the context so permits, apply also to juridical persons possessing the nationality of that State conferred under its law;

- (b) to further the development of good relations between the High Contracting Parties in the economic, commercial, cultural and scientific fields and in the field of tourism and to contribute towards the growth of friendly ties between them in these and other aspects of their mutual relations.

Article 12

CONSULAR PROTECTION AND ASSISTANCE

(1) A consular officer shall be entitled to afford the requisite consular protection and assistance to nationals of the sending State; he may communicate with a national of the sending State, visit him, advise him and, where necessary, aid him in defending the rights accorded to him under the law of the receiving State or arising under agreements in force between the High Contracting Parties.

(2) A national of the sending State shall likewise be entitled to communicate with and to visit the consular officer.

Article 13

PERFORMANCE OF CONSULAR DUTIES

(1) The performance of consular duties shall be assigned to the consular officers of the sending State.

(2) Consular duties may also be performed, where necessary, by the diplomatic agents of the diplomatic mission of the sending State in the receiving State; in this case the rights and obligations of the diplomatic agents shall be observed.

The forename and surname of a diplomatic agent charged with the performance of consular duties shall be notified in advance to the ministry of foreign affairs of the receiving State.

(3) Consular duties shall be performed within the consular district. The performance of consular duties outside that district shall be subject to the prior consent of the receiving State.

Article 14

COMMUNICATION WITH AUTHORITIES OF THE RECEIVING STATE

(1) In connexion with the performance of his duties under this Convention, a consular officer shall be entitled to apply,

- (a) to the competent local authorities within his consular district;
(b) to the central authorities of the receiving State to such extent as the law and usages of the receiving State permit.

(2) A consular officer may not, however, except in the absence of a diplomatic representative of the sending State, apply direct to the ministry of foreign affairs of the receiving State.

Article 15

PERFORMANCE OF CONSULAR DUTIES ON BEHALF OF A THIRD STATE

Subject to the prior consent of the receiving State, a consular officer shall be entitled to perform consular duties on behalf of a third State.

Section II

Article 16

REGISTRATION OF NATIONALS OF THE SENDING STATE

(1) A consular officer shall be entitled to keep a register of nationals of the sending State present in the consular district.

(2) Such registration by a consular officer shall not exempt a national from the obligation to comply with the law and regulations of the receiving State with regard to the registration of aliens.

Article 17

REPRESENTATION OF NATIONALS BEFORE COURTS AND OTHER AUTHORITIES OF THE RECEIVING STATE

(1) Subject to compliance with the law of the receiving State, a consular officer shall be entitled to take steps to ensure the proper representation of nationals of the sending State before the courts or other authorities of the receiving State. He may request that, in accordance with the law and regulations of the receiving State, provisional measures be taken for the purpose of preserving the rights and interests of a national in any case where, because of absence or any other reason, he is unable to assume at the proper time the defence of his rights and interests.

(2) A consular officer may, likewise, propose to the competent court or authority that consideration of the matter in question be postponed until such time as the national has been informed and has had reasonable opportunity to be present or represented.

Article 18

PROTECTION OF NATIONALS OF THE SENDING STATE

(1) In any case where a national of the sending State has been placed under detention pending trial or subjected to any other deprivation of personal

liberty, the competent authorities of the receiving State shall notify the appropriate consulate of the sending State accordingly. Such notification shall be made without delay and in any event within three days.

(2) The consular officer shall be entitled, under the conditions laid down by the law and regulations of the receiving State, to receive correspondence or other communications from a national who has been so placed under detention pending trial or subjected to any other form of deprivation of personal liberty and to take the necessary steps to provide him with legal assistance and representation.

The consular officer shall likewise be entitled to visit, to converse with and to communicate with the national under the conditions laid down by the law and regulations of the receiving State. Such visits shall be permitted after the expiry of five days from the date on which the national was placed under detention pending trial or subjected to any other deprivation of liberty.

(3) The competent authorities of the receiving State shall, without delay, inform a national of the sending State of the rights of communication with the consular officer granted to him under this Article.

(4) A consular officer shall be entitled under the conditions laid down by the law and regulations of the receiving State, to visit, converse with and communicate on a recurrent basis with a national of the sending State who is serving a sentence of imprisonment in the receiving State.

Article 19

ISSUE OF PASSPORTS AND VISAS

A consular officer shall be entitled,

- (a) to issue passports or other travel documents to nationals of the sending State and to renew, amend, extend and revoke such passports and documents;
- (b) to issue entry and transit visas to persons wishing to enter or pass through the sending State.

Article 20

DUTIES RELATING TO CIVIL STATUS

(1) A consular officer shall be entitled to register the birth or death of a national of the sending State and to issue the appropriate certificate in accordance with the law of that State.

Nothing in the provisions of this paragraph shall exempt the person concerned from any obligation under the law of the receiving State as regards the notification of a birth or death.

(2) A consular officer shall be entitled to keep a record of a marriage solemnised under the law of the receiving State, or of a divorce granted under

that law, provided that at least one of the parties to such a marriage or divorce is a national of the sending State.

(3) Where it comes to the knowledge of the competent authorities of the receiving State that a national of the sending State has died on the territory of the former State, they shall promptly so notify the consulate.

Article 21

DUTIES RELATING TO GUARDIANSHIP AND TRUSTEESHIP

(1) A consular officer shall be entitled, in so far as the law of the receiving State permits, to make representations to the competent authorities of that State in any case where a national of the sending State has been, or is about to be, placed under guardianship or trusteeship (*curatela*) in the receiving State or with a view to ensuring the proper supervision of the property of a national who is absent. He may propose to the competent authorities of the receiving State the names of appropriate persons to act as guardians or trustees (*curatori*).

(2) If it comes to the knowledge of the competent authorities of the receiving State that measures require to be taken for the appointment of a guardian or trustee (*curator*) of a national of the sending State, they shall promptly so inform the consular officer.

Article 22

NOTARIAL DUTIES

(1) To the extent that the law of the receiving State so permits, a consular officer shall be entitled,

- (a) to receive, draw up and authenticate declarations of nationals of the sending State;
- (b) to receive, draw up and authenticate declarations relative to the testamentary dispositions and other declarations relating to the estates of nationals of the sending State;
- (c) to receive, draw up and authenticate other acts and documents of a juridical character of nationals of the sending State, provided that they do not relate to immovable property situated in the receiving State or to real rights affecting such property;
- (d) to give a certain date to acts and documents of a juridical character of nationals of the sending State and to legalise signatures and seals on such acts and documents;
- (e) to legalise the signatures and seals on acts and documents of a juridical character emanating from the courts or other authorities of the sending State;
- (f) to legalise copies of, translations of and extracts from acts and documents of a juridical character at the request of nationals of the sending State;

- (g) to legalise signatures and seals on acts and documents of a juridical character emanating from the courts or other authorities of the receiving State and intended for use in the sending State;
- (h) to receive for safe keeping acts and documents of a juridical character appertaining to nationals of the sending State or addressed to them.

(2) The duties enumerated in paragraph (1) of this Article may be performed at the consulate or, if the person concerned is unable for good reason to come to the consulate, elsewhere.

Article 23

DUTIES RELATING TO ESTATES

(1) In any case where a national of the sending State dies on the territory of the receiving State the competent authorities of that State shall promptly supply the consulate of the sending State with any information which may be at their disposal relative to the estate of the deceased person.

(2) In any case where it comes to the knowledge of the competent authorities of the receiving State that there is in that State an estate of a deceased person under which a national of the sending State not resident in the receiving State or represented there claims or holds an interest in case of intestacy or as executor or beneficiary under a will or under any other title, they shall promptly so inform the consulate and shall provide it with the information at their disposal.

(3) In any case where a consular officer receives, in advance of the competent authorities of the receiving State, information relative to an estate to which the provisions of paragraph (1) or (2) of this Article apply he shall promptly so inform the said authorities.

(4) In the case of any estate to which the provisions of paragraphs (1) or (2) of this Article apply, the competent authorities of the receiving State shall promptly inform the consulate of any measures which they have taken or, where feasible, which they intend to take for the preservation or administration of the estate. The consular officer may take the initiative in requesting the local authorities to take appropriate measures.

The consular officer may lend his assistance personally or through an authorised representative in the taking of these measures.

(5) A consular officer may likewise, in conformity with the law of the receiving State,

- (a) concern himself with safeguarding the rights in an estate of nationals of the sending State;
- (b) watch over the transfer to nationals of the sending State of money and other property due to them under an estate.

(6) In any case where money or property (or the proceeds of the sale of

any such property) due under an estate to a national of the sending State, not present or represented in the receiving State, is given to the consulate for transmission to that national, the consulate may receive such money or property, provided that all the liabilities of the estate declared within the legal limits of time as also any taxes leviable under the law of the receiving State shall first be paid or guaranteed and that the consent of the competent authorities of the receiving State to the transfer of the money or property from that State to the sending State shall be obtained.

(7) If a national of the sending State dies while temporarily present in, or in transit through, the territory of the receiving State, money and personal effects in his possession (other than effects acquired by him in the receiving State and subject at the time of death to prohibitions upon export) shall be handed over to the consulate of the sending State on a provisional basis and without formality.

The export to the sending State of the personal effects and the transmission of money shall be subject to compliance with the law and regulations of the receiving State.

(8) The consulate of the sending State shall provide the authority or person concerned with a document acknowledging the receipt of money or property handed over to it in accordance with the provisions of paragraph (6) or of (7) of this Article.

(9) A national of the sending State shall enjoy in the receiving State the same rights as a national of the latter State with regard to the acquisition, or disposal, of property upon death.

(10) In so far as the provisions of this Article do not otherwise provide, the provisions of Article 17 shall also apply in relation to the rights and duties of a consulate in respect of the estate of a deceased person.

Article 24

TRANSMISSION OF DOCUMENTS

To the extent that the law of the receiving State permits, a consular officer shall be entitled to serve judicial or extra-judicial documents, emanating from the courts of the sending State, upon a national of the sending State who is temporarily or permanently resident in the receiving State, provided that the national accepts service of the document in question.

Article 25

DUTIES RELATING TO SEA AND RIVER SHIPPING

(1) A consular officer shall be entitled to render assistance to a vessel of the sending State which has come to a port or other place of anchorage within

the consular district. He may facilitate the entry into, stay in and departure of the vessel from a port of the receiving State.

As soon as *pratique* has been obtained the consular officer shall be entitled to proceed on board a vessel of the sending State in order to interview the master and members of the crew. The master and members of the crew shall be permitted to communicate with the consular officer and to visit him at the port or within the municipal area incorporating the port.

Subject to the provisions of Article 13, the consular officer shall be entitled to invoke the aid of the competent authorities of the receiving State in any matter relating to the performance of his duties with respect to a vessel of the sending State or to the master and members of the crew of such a vessel.

(2) A consular officer shall be entitled,

- (a) to take measures for the enforcement of the law of the sending State relative to shipping;
- (b) to examine, verify and confirm the vessel's papers, together with any documents relative to the cargo, and to take statements with regard to the vessel's voyage and destination;
- (c) to arrange for the replacement of the master or any member of the crew in accordance with the law of the sending State;
- (d) to take measures to ensure the maintenance of good order and discipline on board the vessel;
- (e) to arrange, where necessary, for the treatment in a hospital or the repatriation of the master or any member of the crew of the vessel.

(3) A consular officer shall be entitled, in conformity with the law of the sending State, to receive declarations and issue certificates with regard to,

- (a) the entry in, or the removal from, the register of the sending State of a vessel;
- (b) the purchase of a vessel intended for entry in the register of the sending State or the sale abroad of any vessel on that register;
- (c) the putting into service, or taking out of service, of a vessel on the register of the sending State;
- (d) the loss of, or any damage sustained by, a vessel on the register of the sending State;
- (e) the transfer from one owner to another of a vessel on the register of the sending State or the registration of any mortgage or charge on a vessel so registered;
- (f) the replacement of the master or a member of the crew of a vessel on the register of the sending State;
- (g) the breaking-up of any vessel of the sending State.

In any case where a vessel of the sending State is due to be put into service, taken out of service, overhauled or broken-up in a port of the receiving State, the consular officer shall consult the authorities of that State.

(4) If a vessel of the sending State is wrecked, runs aground or otherwise sustains damage in the national or territorial waters of the receiving State, the competent authorities of that State shall, without delay, so notify the appropriate consulate of the sending State and shall provide information with regard to the circumstances and the measures taken to safeguard and preserve the vessel, the crew, the passengers, the cargo, the equipment and supplies.

The competent authorities of the receiving State shall invite the consular officer to be present at any enquiry to establish the cause of the occurrence and to collect evidence for this purpose.

The consular officer may request the competent authorities of the receiving State to take, or to continue to take, measures for the purposes specified in the preceding paragraph, or to provide him with assistance in taking measures for the said purposes.

The authorities of the receiving State shall accord the consular officer the necessary assistance in taking measures required as a result of the wreck, running aground or damage of the vessel.

(5) In any case where a vessel of a third State is wrecked, runs aground or otherwise sustains damage in the receiving State, and has on board cargo belonging to a national of the sending State, the competent authorities of the receiving State shall, without delay, notify the appropriate consulate of the sending State of the measures taken to safeguard and preserve such cargo. The consular officer may request the competent authorities of the receiving State to take, or to continue to take, the necessary measures for the safeguarding and preservation of such cargo.

(6) In any case where the provisions of paragraph (4) of this Article apply to a vessel of the sending State, the consular officer shall be entitled, in the absence of the owner or other authorised person, to make, on his behalf, arrangements for the conservation and custody of the vessel and its equipment and supplies.

He may likewise, in the absence of the owner or other person competent to act, make such arrangements on his behalf in any case where the cargo of such a vessel belongs to a national of the sending State.

In any case where cargo belonging to a national of the sending State and coming from a vessel of a third State to which the provisions of paragraph (5) of this Article apply is found on or near the coast of the receiving State, or is brought into a port of that State, and the owner or other person competent to act is absent, the consular officer shall be entitled to make on his behalf arrangements for the conservation and custody of the cargo.

(7) In any case where the provisions of paragraphs (4), (5) or (6) of this Article apply, the authorities of the receiving State shall refrain from levying, in relation to a vessel of the sending State, charges other than charges of the same kind and amount as would be levied in similar circumstances in relation to a vessel of the receiving State, its cargo, equipment or supplies.

(8) No customs duties, taxes or other similar charges of any kind shall be levied on a wrecked vessel or on her cargo, equipment or supplies, unless they are delivered for use or consumption in the receiving State.

The competent authorities of the receiving State, if they think fit, may require a guarantee, based on the value of the articles in question, in respect of cargo, equipment or supplies temporarily deposited in the receiving State.

(9) If a vessel of the sending State is wrecked within a port or constitutes a navigational hazard within the internal, territorial or national waters of the receiving State, the competent authorities of that State may order any measure which they consider necessary to be taken for the purpose of avoiding any damage or obstruction that might otherwise be caused by the vessel to the approaches or the facilities of the port or to other vessels.

(10) The judicial authorities of the receiving State shall not be competent to entertain any proceedings relating to the remuneration, or to a contract of service, of the master or a member of the crew of a vessel of the sending State.

However, in any case where the proceedings referred to in the previous sentence are instituted before the judicial authorities of the receiving State, the said authorities shall be competent to entertain them, provided that the consular officer has been notified and has not raised objection.

(11) In any case where it is their intention within the limits of their competence to hold an enquiry or to take measures of seizure or execution, or to take other coercive measures on board a vessel of the sending State, the competent authorities of the receiving State shall so notify, in advance, the consulate of the sending State in order that a consular officer may be present. If, in view of the urgency of the matter, it was not practicable so to notify the consulate and a consular officer was not present the competent authorities shall, without delay, inform the consulate of the measures taken.

The competent authorities of the receiving State shall, in addition, notify the consulate in advance in any case where it is their intention to question the master or a member of the crew ashore.

The provisions of this paragraph shall not apply to any examination by the competent authorities with regard to customs, control of the admission of aliens, public health, wireless telegraphy, the safety of life at sea, the prevention of the pollution of the sea or, subject to agreement between the High Contracting Parties, any similar matter.

Article 26

DUTIES RELATING TO CIVIL AIR NAVIGATION

The provisions of Article 25 shall also apply, to the extent that they are capable of such application, to civil aviation, provided that this is not contrary to the provisions of any agreements in force between the High Contracting Parties.

Article 27

PERFORMANCE OF OTHER CONSULAR DUTIES

Provided that, upon notification to this effect, the receiving State gives its consent or does not raise objection, a consular officer may also perform duties assigned to him by the sending State other than those specified in this Convention.

PART III

FACILITIES, IMMUNITIES AND PRIVILEGES

*Article 28*DUTY OF THE RECEIVING STATE TO ACCORD THE FACILITIES AND PROTECTION
DUE TO THE CONSULATE AND ITS MEMBERS

(1) The receiving State shall take all necessary measures to ensure that the consulates, consular officers, consular employees and members of the service staff of the sending State are enabled to perform their duties and that they receive the facilities, immunities and privileges due to them under this Convention or, subject to reciprocity, under the law of the receiving State.

(2) The receiving State shall be under a duty to accord to a consular officer the respect due to him and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Section I

Article 29

USE OF THE COAT-OF-ARMS AND FLAG

(1) The coat-of-arms of the sending State together with an appropriate inscription designating the consulate in the language of that State and of the receiving State, may be affixed to the consulate as also on or by the entrance door.

(2) Flags may be flown at the consulate and at the residence of the head

of the consulate as also on the means of transport used by him in connexion with the performance of his official duties.

(3) In the exercise of the rights accorded under this Article respect shall be paid to the law, regulations and usages of the receiving State.

Article 30

FACILITIES FOR ACQUIRING PREMISES AND HOUSES

(1) The sending State may acquire, hold or occupy under any form of tenure permissible under the law of the receiving State, land, buildings, or parts of buildings for the purpose of providing premises for a consulate or for a residence for a consular officer or consular employee or member of the service staff; it may likewise construct or adapt buildings for the said purposes subject to the law and regulations of the receiving State.

(2) The receiving State shall either facilitate in accordance with its law the purchase of land, buildings or parts of buildings by the sending State for the purposes specified in paragraph (1) of this Article or shall assist the sending State in their acquisition under some other form of tenure.

(3) Nothing in the provisions of this Article shall be construed so as to exempt the sending State from compliance with any law or regulation relative to town planning or building applicable to the area where the land, buildings or parts of buildings in question are situated.

Article 31

INVIOABILITY OF CONSULAR PREMISES AND THE RESIDENCE OF THE HEAD OF A CONSULATE

(1) The consular premises as also the residence of a head of a consulate shall be inviolable.

(2) The authorities of the receiving State shall not enter the consular premises except with the consent of the head of the consulate of the sending State, of the head of the diplomatic mission of that State or of a person nominated by one of them. In the case of the residence of the head of a consulate, entry shall not be made except with his consent or with the consent of the head of the diplomatic mission of the sending State.

(3) The receiving State shall take all necessary measures to ensure the safety of the consular premises and to prevent forcible entry or damage to the consular premises as also any action involving disturbance or detriment to the dignity of the consulate.

(4) Property used exclusively for the purposes of the consular activities of the sending State, including means of transport, shall not, irrespective of

ownership, be subject to any measure of requisitioning, seizure or execution in so far as this would prevent the effective performance of the work of the consulate; means of transport shall not be subject to search by the authorities of the receiving State outside the consular premises except with the consent of the head of the consulate or of the head of the diplomatic mission.

Article 32

FISCAL EXEMPTIONS REGARDING CONSULAR PREMISES AND THE RESIDENCE OF THE HEAD OF THE CONSULATE

(1) No tax or other similar charge of any kind, including municipal dues, shall be imposed by the receiving State in respect of,

- (a) land, buildings or parts of buildings owned or leased by the sending State or by a natural or juridical person acting on behalf of that State and used exclusively to serve as the consular premises or as the residence of the head of the consulate, with the exception of any payment due in respect of specific services rendered;
- (b) transactions or instruments relative to the acquisition of such land, buildings or parts of buildings.

(2) The exemptions provided under paragraph (1) of this Article shall not apply in respect of leased property in any case where under the law of the receiving State the burden of the tax or charge falls upon some person other than the lessee.

Article 33

INVIOABILITY OF ARCHIVES

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

Article 34

FREEDOM OF COMMUNICATION

(1) A consulate shall be entitled to exchange communications with the Government of the sending State and with the diplomatic mission or other consulates of that State in the receiving State, or in any other State. The receiving State shall grant appropriate facilities for this purpose. The consulate may employ all lawful means of communication; they may make use of diplomatic or consular couriers, diplomatic or consular bags, plain language or cyphers.

(2) In respect of public means of communication, the same tariffs shall be applied in the case of a consulate as are applied in the case of the diplomatic mission of the sending State.

(3) The consular bag and the official correspondence of a consulate shall be inviolable. The authorities of the receiving State shall not examine or detain them.

(4) The consular bag and its components shall be sealed, shall bear physical external marks of their official character and shall contain only official correspondence and documents and objects exclusively intended for the official use of the consulate.

(5) The consular courier shall be a national of the sending State and not permanently resident in the receiving State. He shall be provided with an official document indicating his status and the number of packages constituting the consular bag.

The consular courier shall be protected by the receiving State in the performance of his duties, shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

Article 35

FREEDOM OF MOVEMENT

Subject to the laws and regulations of the receiving State with regard to areas entry into which is prohibited or restricted for reasons of national security, a consular officer, consular employee or member of the service staff shall be permitted to travel freely in that State. Such travel shall be subject to the conditions laid down under the law and regulations in force in the receiving State.

Article 36

CONSULAR FEES AND CHARGES

(1) A consulate shall be entitled to levy in the receiving State the fees prescribed under the law and regulations of the sending State for the performance of consular services.

(2) No tax or other similar charge of any kind shall be levied by the receiving State in respect of fees so levied.

Section II

Article 37

IMMUNITY FROM JURISDICTION AND PERSONAL INVIOABILITY OF THE HEAD OF THE CONSULATE

(1) The head of the consulate shall not be subject to the criminal, civil or administrative jurisdiction of the receiving State.

- The provisions of the preceding paragraph shall not apply to a civil action,
- (a) arising out of a contract concluded by him in which he did not contract expressly or impliedly on behalf of the sending State;
 - (b) brought by a third party in respect of damage resulting from an accident in the receiving State caused by a vehicle, vessel or aircraft.

(2) The person of the head of a consulate shall be inviolable. No measure of execution may be taken against him except where the provisions of subparagraph (a) or (b) of paragraph (1) of this Article apply and where the execution can be carried out without prejudice to the inviolability of his person or residence.

Article 38

IMMUNITY FROM JURISDICTION AND PERSONAL INVIOABILITY OF MEMBERS OF THE CONSULATE

(1) A consular officer, consular employee or member of the service staff shall not be subject to the criminal, civil or administrative jurisdiction of the receiving State in respect of an act performed in his official capacity.

(2) The provisions of paragraph (1) of this Article shall not, however, apply to a civil action,

- (a) arising out of a contract concluded by a consular officer, consular employee or member of the service staff in which he did not contract expressly or impliedly on behalf of the sending State;
- (b) brought by a third party in respect of damage resulting from an accident in the receiving State caused by a vehicle, vessel or aircraft.

(3) In respect of an act performed otherwise than in his official capacity a consular officer shall be treated as exempt from,

- (a) detention in custody or preventive arrest except in the case of an offence committed on the territory of the receiving State and involving a penalty of deprivation of liberty for at least five years and only on the basis of a decision by the competent judicial authority of the receiving State;
- (b) any other measure of deprivation of liberty except in execution of a judicial decision of final effect.

(4) Where criminal proceedings are instituted against a consular officer he shall appear before the competent authorities of the receiving State. In any such case the proceedings shall be instituted with the minimum of delay; they shall be conducted with the respect due to the consular officer by virtue of his official position and, except where the provisions of paragraph (3) of this Article apply, so as to avoid interference with the performance of his duties to the least extent possible.

(5) In any case where a consular officer, consular employee or member of the service staff or a member of the family of one of them has been arrested,

detained or subjected to any other deprivation of liberty or where criminal proceedings have been instituted against him, the competent authorities of the receiving State shall immediately inform the head of the consulate accordingly.

(6) The provisions of this Article relative to consular officers shall not apply to heads of consulates.

Article 39

THE GIVING OF EVIDENCE AS A WITNESS

(1) The competent authorities of the receiving State may request a consular officer, consular employee or member of the service staff of the consulate to appear as a witness in judicial or administrative proceedings.

If the consular officer declines to comply with such a request, no coercive measures shall be taken against him and no penalty imposed.

A consular employee or member of the service staff of a consulate shall not be entitled to decline to comply with such a request except in cases where the provisions of paragraph (3) of this Article apply.

(2) The authority requesting the evidence of a consular officer shall avoid interference with the performance of his duties. Such evidence may, where possible and permissible, be given orally or in writing at the consulate or at the residence of the consular officer. In the case of a consular employee all reasonable steps shall be taken to avoid interference with the work of the consulate.

(3) A consular officer, consular employee or member of the service staff of a consulate shall be entitled to decline to give evidence with regard to any matter within the scope of his official duties or to produce any document or object from the consular archives. He may likewise decline to give evidence in the capacity of an expert witness with regard to the law of the sending State.

(4) A consular officer requested to give evidence shall be entitled to make an affirmation in lieu of an oath.

Article 40

EXEMPTION FROM PERSONAL SERVICES AND OTHER OBLIGATIONS

(1) A consular officer, consular employee or member of the service staff shall be exempt in the latter State from service in the armed forces, from public service of any kind or from contributions in lieu thereof.

(2) Consular officers, consular employees and members of the service

staff shall be exempt from all requirements under the law and regulations of the receiving State relative to the registration of aliens and permission to reside in the receiving State.

Article 41

FISCAL EXEMPTIONS

(1) A consular officer, consular employee or member of the service staff of a consulate shall be exempt from all taxes or other similar charges of any kind imposed in the receiving State in respect of the official emoluments received by him as compensation for his official duties.

(2) A consular officer or consular employee shall, in addition, be exempt from all taxes or other similar charges of any kind imposed in the receiving State except,

- (a) indirect taxes which are normally incorporated in the price of goods or services;
- (b) without prejudice to the provisions of Article 32, taxes or other similar charges of any kind on immovable property situated in the territory of the receiving State;
- (c) without prejudice to the provisions of Article 43 (b), taxes or other similar charges of any kind on estates or on the passage of property on death and duties on other transfers of property;
- (d) taxes or other similar charges of any kind on other income deriving from sources in the receiving State together with those on the growth in value of property upon sale in that State;
- (e) without prejudice to the provisions of Article 32, registration, court or record fees, mortgage dues and stamp duties.

(3) Consular officers, consular employees and members of the service staff of the consulate employing persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the law and regulations of that State impose upon employers concerning the levying of income tax.

Article 42

CUSTOMS EXEMPTIONS

(1) The sending State shall be permitted to import into the receiving State, and subsequently to re-export therefrom, articles, such as furniture, equipment and motor vehicles, intended for use or consumption in connexion with the official purposes of a consulate and shall be exempt in respect of all such articles from all customs duties or other taxes or similar charges of any kind imposed by the receiving State upon or by reason of importation or re-exportation.

(2) A consular officer shall be permitted to import into the receiving State, and subsequently to re-export therefrom, all baggage, effects and other articles, including motor vehicles, intended exclusively for his use or consumption or for the use and consumption of members of his family residing with him and shall be exempt in respect of all such articles from all customs duties or other taxes or similar charges of any kind imposed by the receiving State upon or by reason of importation or re-exportation. The exemption provided in this paragraph shall apply to all such articles imported or re-exported throughout the period of appointment of the consular officer.

(3) A consular employee or member of the service staff of the consulate shall be accorded the exemptions provided under paragraph (2) of this Article in respect of articles imported in connexion with his first installation.

(4) The receiving State may, as a condition to the granting of the exemptions provided in this Article, require that a notification of any importation or re-exportation be given in such manner as it may prescribe.

(5) The exemptions provided in this Article being in respect of articles imported for official or personal use only shall not extend to articles imported as an accommodation to others or for sale or for other commercial purpose; this provision shall not, however, be regarded as precluding the importation of articles as samples of commercial products solely for display within a consulate, provided that they are subsequently re-exported or destroyed.

(6) The receiving State retains the right to impose any duty, tax or charge in the event of the sale or disposal of any article imported in conformity with this Article except where the other party to the transaction would himself be entitled to import the articles in question free of that duty, tax or charge.

(7) Nothing in this Article shall be construed so as to permit the entry into the receiving State, or the export from that State, of any article the importation or exportation of which is specifically prohibited under the law of the receiving State.

(8) The personal baggage of a consular officer shall be exempt from customs inspection. It may be inspected only if there is serious reason to believe that its contents include articles other than those referred to in paragraph (2) of this Article or articles which under the law and regulations of the receiving State may not be imported or exported or are subject to quarantine. In any such case inspection shall take place in the presence of the consular officer or of a member of his family.

Article 43

PROPERTY OF A DECEASED MEMBER OF THE CONSULATE

If a consular officer, consular employee or member of the service staff of a consulate of the sending State dies and leaves movable property in the receiving State, that State,

- (a) shall permit the export of movable property of the deceased with the exception of any such property, acquired in the receiving State, the export of which was prohibited on the date of death;
- (b) shall refrain, where the presence of the movable property in the receiving State was due solely to the presence there of the deceased person in his consular capacity, from imposing in respect of such property taxes or other charges of any kind leviable on estates or on the passing of property on death.

Article 44

WAIVER OF IMMUNITIES

(1) The sending State may waive the immunities accorded under Articles 37, 38 and 39 in respect of persons entitled to benefit under these Articles. Such waiver shall always be express and shall be notified in writing to the competent authority of the receiving State.

(2) Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment for which a separate waiver shall be necessary.

Article 45

FACILITIES, IMMUNITIES AND PRIVILEGES OF MEMBERS OF THE FAMILIES OF MEMBERS OF THE CONSULATE

(1) The members of the family of a head of a consulate, residing with him, shall be accorded immunity from criminal jurisdiction and personal inviolability, provided the person concerned is a national of the sending State only, is not permanently resident in the receiving State or is not engaged in private occupation for gain in that State.

(2) The facilities and privileges accorded to consular officers and consular employees under Articles 38 (5), 40, 41, 42 and 43 of this Convention shall be extended to members of the families of such officers and employees residing with them, provided the person concerned is not a national of the receiving State, is not permanently resident in that State or is not engaged in private occupation for gain in that State.

The facilities and privileges accorded to members of the service staff of the consulate under Articles 38 (5), 40, 42 and 43 of the Convention shall be extended to members of their families, residing with them, provided the person concerned is not a national of the receiving State, is not permanently resident in that State or is not engaged in private occupation for gain in that State.

Article 46

EXCEPTIONS TO IMMUNITIES AND PRIVILEGES

The immunities and privileges accorded under this Convention shall not be extended to nationals of the receiving State or permanent residents of that State with the exception, in the case of consular employees, of those accorded under Articles 38 and 39 and, in the case of members of the service staff of a consulate, of the immunity accorded under paragraph (3) of Article 39 only.

Article 47

BEGINNING AND TERMINATION OF IMMUNITIES AND PRIVILEGES

(1) A consular officer, consular employee or member of the service staff shall receive the immunities and privileges due to him under this Convention as from the moment of crossing the frontier of the receiving State to take up his post or, if he is already present in that State, as from the moment of entering upon his duties.

(2) Members of the families of the persons to whom paragraph (1) of this Article applies shall receive the immunities and privileges accorded to them under the Convention,

- (a) as from the moment that the consular officer, consular employee or member of the service staff becomes entitled to receive immunities and privileges in accordance with paragraph (1) of this Article;
- (b) if they entered the receiving State after that date, as from the moment of crossing the frontier; or
- (c) as from the moment of becoming members of the family of the person concerned, as the case may be.

(3) When the appointment of a consular officer, consular employee or member of the service staff comes to an end, his immunities and privileges as also the immunities and privileges of the members of his family shall cease as from the moment of his departure from the receiving State or upon the expiry of a reasonable period after termination of his appointment.

(4) In the case of consular employees and of members of the service staff who are nationals of the receiving State or nationals of the sending State permanently resident in that State immunities and privileges shall cease upon the termination of their appointments.

(5) The immunities and privileges of members of families shall likewise cease as from the moment when they cease to be members of the family of the consular officer, consular employee or member of the service staff in question. However, if the person concerned undertakes to depart from the territory of the receiving State within a reasonable period thereafter the immunities and privileges shall continue to be accorded until that date.

(6) In the event of the death of a consular officer, consular employee or member of the service staff, members of his family shall continue to receive the immunities and privileges accorded to them under the Convention until the moment of their departure from the receiving State or until the expiry of a reasonable period granted for this purpose.

Article 48

THIRD PARTY RISK INSURANCE

(1) Motor vehicles owned by the sending State and used for the official purposes of a consulate or owned by a consular officer, consular employee or member of the service staff of a consulate or by a member of his family residing with him shall be adequately insured against third party risks.

(2) Except where the law of the receiving State otherwise provides, the provisions of paragraph (1) of this Article shall not apply to any person specified therein who is a national of the receiving State or permanently resident in that State.

Section III

Article 49

PERFORMANCE OF CONSULAR DUTIES BY MEMBERS OF DIPLOMATIC MISSIONS

The performance of consular duties by a diplomatic agent of the diplomatic mission of the sending State in the receiving State shall be without prejudice to his diplomatic immunities and privileges. This provision shall apply also in any case where a member of the diplomatic mission is placed in temporary charge of a consulate.

Article 50

OBSERVANCE OF THE LAW OF THE RECEIVING STATE

(1) Without prejudice to the immunities and privileges accorded to him under this Convention any person to whom immunities and privileges are so accorded shall be under an obligation to respect the law of the receiving State and to refrain from interference in the internal affairs of that State.

(2) The facilities, immunities and privileges accorded to consular officers, consular employees and members of the service staff shall not be made use of by them except for the purpose of the performance of their official duties.

(3) The consular premises shall only be used in a manner consistent with their consular character.

(4) The consular archives shall contain only documents and objects of an official character.

PART IV
FINAL PROVISIONS

Article 51

RATIFICATION, ENTRY INTO FORCE AND TERMINATION

(1) This Convention shall be ratified and the instruments of ratification shall be exchanged in London as soon as possible.

(2) The Convention shall enter into force on the thirtieth day after the date of the exchange of instruments of ratification and shall remain in force for a period of five years. It shall thereafter continue in force until such date as it may terminate in conformity with paragraph (3) of this Article.

(3) Either High Contracting Party may cause the Convention to terminate upon the expiry of the initial period of five years or at any time thereafter by giving to the other High Contracting Party notice in writing to this effect twelve months in advance.

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

DONE in duplicate in Bucharest this eleventh day of September, 1968, in the Romanian and English languages, both texts being equally authoritative.

For the Socialist Republic
of România :

[Signed — Signé]¹

For the United Kingdom of Great
Britain and Northern Ireland :

[Signed — Signé]²

¹ Signed by Corneliu Manescu — Signé par Corneliu Manescu.

² Signed by Michael Stewart — Signé par Michael Stewart.

Articolul 42, punctul 2; în loc de « the use and consumption of members of his family » se va scrie « the use or consumption of members of his family ».

Textul semnat al Convenției va fi considerat corectat, în conformitate cu modificările menționate.

Ministerul Afacerilor Externe al Republicii Socialiste România folosește acest prilej pentru a reînnoi Ambasadei Marii Britanii asigurarea înaltei sale considerațiuni.

București, 23 decembrie 1968

Ambasada Marii Britanii

[TRANSLATION — TRADUCTION]

The Ministry of Foreign Affairs of the Socialist Republic of Romania presents its compliments to the British Embassy and, with reference to the Embassy's note verbale No. 508 of 9 December 1968, has the honour to inform it that it agrees that the amendments proposed by the Embassy shall be made in the English text of the Consular Convention between the Socialist Republic of Romania and the United Kingdom, signed at Bucharest on 11 September 1968.

The amendments are as follows :

[See note I]

The signed text of the Convention shall be understood to be corrected in accordance with the above amendments.

The Ministry of Foreign Affairs of the Socialist Republic of Romania avails itself of this opportunity to convey to the British Embassy the renewed assurances of its highest consideration.

Bucharest, 23 December 1968

The British Embassy
