

No. 12744

**ROMANIA
and
UNITED STATES OF AMERICA**

**Consular Convention (with protocol). Signed at Bucharest
on 5 July 1972**

Authentic texts: Romanian and English.

Registered by Romania on 4 September 1973.

**ROUMANIE
et
ÉTATS-UNIS D'AMÉRIQUE**

**Convention consulaire (avec protocole). Signée à Bucarest le
5 juillet 1972**

Textes authentiques: roumain et anglais.

Enregistrée par la Roumanie le 4 septembre 1973.

CONSULAR CONVENTION¹ BETWEEN THE SOCIALIST REPUBLIC OF ROMANIA AND THE UNITED STATES OF AMERICA

The Socialist Republic of Romania and the United States of America, desirous of regulating consular relations between the two countries and of thus contributing to the development of their relations of friendship on the basis of respect for the principles of sovereignty and national independence, non-interference in internal affairs, equality in rights, and reciprocal advantage, have decided to conclude a consular convention and for that purpose have appointed their plenipotentiaries:

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

Mr. Cornelius Mănescu, Minister of Foreign Affairs,

The President of the United States of America:

Mr. William P. Rogers, Secretary of State,

who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

Article I. DEFINITIONS

For the purpose of this Convention, the terms introduced hereunder shall have the following meaning:

- a) "Consular establishment" means any consulate general, consulate, vice consulate or consular agency;
- b) "Consular district" means the territory assigned to a consular establishment for the exercise of consular functions;
- c) "The head of the consular establishment" means the consul general, consul, vice consul, or consular agent directing the consular establishment;
- d) "Consular officer" means any person authorized to perform consular functions, including the head of the consular establishment;
- e) "Consular employee" means any person employed in administrative, technical, or service functions of the consular establishment;
- f) "Consular premises" means the buildings or parts of buildings and the land ancillary thereto which are used exclusively for the purposes of the consular establishment;
- g) "Members of the family" means the spouse, minor children and other relatives of a consular officer or consular employee, who form part of his household;
- h) "Vessel" means any ship flying the flag of the sending state except warships;
- i) "Law" means the laws, decrees, regulations, ordinances and similar provisions having the force of law.

¹ Came into force on 5 July 1973, i.e. the thirtieth day that followed the date of the exchange of the instruments of ratification, which took place in Washington on 6 June 1973, in accordance with article 40 (1) (2).

Article 2. ESTABLISHMENT OF CONSULAR POSTS

1. Either High Contracting Party may, under the present Convention, establish consular establishments in the territory of the other High Contracting Party; the establishment of a consular establishment shall, in each case, be subject to the consent of the receiving State.

2. The location in which a consular establishment will be established, its classification, and the area of the consular district, as well as any subsequent change thereof, shall be fixed by agreement between the sending State and the receiving State.

Article 3. HEADS OF CONSULAR ESTABLISHMENTS

1. Before the head of a consular establishment is appointed, the sending State shall, through diplomatic channels, obtain the consent of the receiving State for that person.

2. The sending State shall, through diplomatic channels, transmit the consular commission of the head of the consular establishment to the receiving State.

3. The consular commission shall include the full name of the head of the consular establishment, his class, the consular district, and the location and classification of the consular establishment concerned.

4. The head of a consular establishment shall enter upon the exercise of his consular functions only after receipt of an exequatur or other authorization of the receiving State.

5. The receiving State may grant the head of the consular establishment provisional recognition to exercise his consular functions pending the receipt of his exequatur or other authorization.

Article 4. ACTING CHIEFS

1. In the event the head of a consular establishment is unable to exercise his functions or if the position is vacant, the consular establishment may be placed under the temporary charge of a consular officer of the consular establishment concerned, of another consular establishment of the sending State located in the territory of the receiving State, or of a member of the diplomatic staff of the diplomatic mission of the sending State to the receiving State. The receiving State shall be notified in advance of the full name of the person appointed as acting head.

2. While the acting head is in charge of the consular establishment, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular establishment concerned.

Article 5. CONSULAR OFFICERS AND CONSULAR EMPLOYEES

1. The sending State may staff its consular establishments with the number of consular officers and consular employees it considers necessary. The receiving State, however, may request that the number of such officers and employees be kept within limits considered by it to be reasonable and normal, having regard to existing circumstances and conditions in the consular district and to the needs of the particular consular establishment.

2. The sending State shall communicate in advance to the receiving State the full name and class of each consular officer other than the head of the consular

establishment, as well as the full names and the duties of the consular employees.

3. Consular officers must be nationals of the sending State and must not have been admitted for permanent residence in the receiving State. However, nationals of the sending State, who, in accordance with the law of the receiving State, are also nationals of the latter, may be appointed as consular officers only with the consent of the receiving State.

4. Consular officers and consular employees who are nationals of the sending State may not carry on any other profession or undertake any activity for personal profit on the territory of the receiving State.

5. The receiving State shall, upon request, issue for each consular officer a document attesting to his consular capacity.

Article 6. PROCEDURES FOR TERMINATING THE ACTIVITIES OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES

1. The receiving State may at any time, and without having to explain its decision, notify the sending State through diplomatic channels that a consular officer is *persona non grata* or that a consular employee is unacceptable. In such case, the sending State shall recall the consular officer or terminate the activities of the consular employee.

2. If the sending State refuses to fulfill this obligation within a reasonable period of time, the receiving State may, in the case of the head of the consular establishment, withdraw his exequatur or other authorization, or, in the case of another consular officer or of a consular employee, pursuant to notification to the sending State through diplomatic channels of the decision taken, cease to recognize that person in such a capacity.

Article 7. THE EXERCISE OF CONSULAR FUNCTIONS

1. Consular functions are exercised for the protection of the rights and interests of the sending State and of its nationals in relations with the receiving State, for the development of commercial, economic, cultural and scientific relations, and for furthering any other type of friendly relations between the two States.

2. Consular functions shall be exercised by consular officers of the sending State; they may also be exercised by members of the diplomatic staff of the diplomatic mission of the sending State in the receiving State. The full names of the members of the diplomatic staff who will perform consular functions shall be notified in advance to the receiving State. Except as otherwise provided in this Convention, members of the diplomatic staff of the sending State who have been notified to the receiving State as performing consular functions shall continue to enjoy their diplomatic privileges and immunities.

3. Consular functions are exercised within the limits of the consular district. The exercise of consular functions outside the consular district will be done only with the prior consent of the receiving State.

Article 8. FUNCTIONS RELATING TO RECORDS, REPRESENTATION OF NATIONALS, AND THE ISSUANCE OF VISAS

Consular officers have the right to :

- a) keep a register of nationals of the sending State who are domiciled in or are residents of their consular district;

- b) issue and amend passports and other travel documents to nationals of the sending State and visas to persons who wish to travel in the sending State;
- c) assure representation for nationals of the sending State before the judicial and other authorities of the receiving State, for the purpose of obtaining provisional measures for the preservation of the rights and interests of such nationals, to the extent that this is consistent with the law of the receiving State;
- d) request and receive copies of or extracts from documents of public registry;
- e) inquire of local authorities on behalf of a national of the sending State concerning his welfare, property, or other interests.

Article 9. TRANSMITTAL AND RECEIPT OF DOCUMENTS

1. Consular officers have the right to serve, in a manner not inconsistent with the law of the receiving State, upon nationals of the sending State who are on the territory of the receiving State, official documents which are from authorities of the sending State.

2. Consular officers shall have the right to receive on a voluntary basis from nationals of the sending State declarations intended for judicial or administrative procedure in the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the law of the receiving State.

Article 10. NOTARIAL FUNCTIONS

1. Consular officers shall be entitled, upon request, to act as notary and in capacities of a similar kind, and to perform certain functions of an administrative nature, provided that there is nothing contrary thereto in the law of the receiving State.

2. The acts and documents resulting from the exercise of the functions described in paragraph 1 of this article shall have in the receiving State the same force and effect as though they were done, authenticated, or certified by the competent authorities of the receiving State, provided that there is nothing contrary thereto in the law of the receiving State.

Article 11. FUNCTIONS RELATING TO VITAL STATISTICS

Consular officers are entitled to keep a register of births and deaths of nationals of the sending State and to issue certificates relating thereto. However, the provisions of this article do not exempt any person from the obligations he may have under the law of the receiving State to notify the authorities of that State concerning births and deaths.

Article 12. FUNCTIONS RELATING TO ESTATES

- 1. Consular officers may perform in estates matters the following functions :
 - a) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the law of the receiving State;
 - b) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending

State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the law of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests.

2. The competent authorities of the receiving State, if they have knowledge, shall without delay inform the consular establishment of the sending State, regarding:

- a) the existence of an estate left by a national of the sending State who died in the receiving State;
- b) the existence of an estate to which a national of the sending State who is not permanently resident in or represented in the receiving State has or claims an interest as legal inheritor, executor, or testamentary beneficiary, or with any other title.

3. In case a national of the sending State dies while located temporarily in or in transit through the territory of the receiving State, his personal effects, other than those acquired in the receiving State the export of which is prohibited at the time of his death, as well as sums of money left by him, shall be turned over to the consular establishment of the sending State with provisional title and without any formality.

Article 13. FUNCTIONS RELATING TO MARITIME AND RIVER NAVIGATION

1. Consular officers are entitled to extend aid and assistance to vessels of the sending State which enter a port within their consular district.

2. Consular officers are entitled to communicate with the crews of vessels of the sending State, visit the vessels, verify and confirm the vessel's papers and the documents relating to the cargo and, in general, see that the shipping law of the sending State is complied with. To the extent it does not violate the law of the receiving State, consular officers may likewise take the necessary measures to ensure order and discipline on such vessels.

3. In case of damage, stranding or shipwreck in the national or territorial waters of the receiving State of a vessel of the sending State, the competent authorities of the receiving State shall promptly notify the consular establishment and inform it of measures taken for the rescue and protection of the vessel, its crew, passengers, cargo and stores. To the extent authorized by the law of the receiving State, these authorities shall facilitate the cooperation of consular officers of the sending State in these measures and the attendance of consular officers at any proceedings which are convened as a result of the damage, stranding, or shipwreck. Consular officers may request the authorities of the receiving State to take additional measures for the rescue and protection of the vessel, its crew, passengers, cargo and stores.

4. If the owner of the vessel or any other person authorized to act for him is not in a position to make the necessary arrangements in connection with the damaged, stranded or shipwrecked vessel, or its cargo or stores, the consular officers may make the necessary arrangements on the owner's behalf. The consular officers may under similar circumstances make appropriate arrangements in connection with the cargo or stores owned by the sending State or by nationals of the sending State which are found or brought into port from any stranded or shipwrecked vessel. No customs duties of any kind shall be levied against a shipwrecked vessel of the

sending State or for its cargo or stores, provided that these are removed from the receiving State.

5. In case the competent authorities of the receiving State intend to take measures of attachment, forced sale, or detention against vessels of the sending State, they shall inform the consular establishment in advance so that a consular officer may be present when such measures are taken. If, because of the urgency of the matter, it has not been possible to inform the consular establishment, and the consular officer was not present when the measures were taken, the authorities of the receiving State shall promptly inform the consular establishment of measures taken. The consular establishment shall also be informed of the interrogation of any members of a vessel's crew by the authorities of the receiving State.

6. The provisions of paragraph 5 of this article do not apply to customs, passport, or sanitary inspections.

Article 14. FUNCTIONS RELATING TO CIVIL AVIATION

The provisions of article 13 shall also apply, to the extent that they are capable of such application, to civil aircraft and civil aviation, provided that this is not contrary to the provisions of any agreements in force between the High Contracting Parties.

Article 15. OTHER CONSULAR FUNCTIONS

Consular officers may exercise any other consular function, of the nature of those provided for in articles 8-14 of the present Convention or of any other nature, entrusted to the consular establishment by the sending State, which are not prohibited by the law of the receiving State or to which no objection is taken by the receiving State or which are provided for in international agreements in force between the sending State and the receiving State.

Article 16. USE OF THE COAT OF ARMS AND FLAG OF THE SENDING STATE AND OF THE INSCRIPTION DESIGNATING THE CONSULAR POST

1. The coat of arms of the sending State, with the inscription designating the consular establishment, may be affixed at the consular premises.
2. The flag of the sending State may be flown at the consular premises, at the residence of the head of the consular establishment, as well as on his means of transportation used in the performance of his official activity.

Article 17. ASSISTANCE IN PROCURING PREMISES AND RESIDENCES

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its law, by the sending State, of the premises necessary for the consular establishment, or shall assist the sending State in obtaining accommodation in some other way.
2. The receiving State shall also, where necessary, assist the consular establishment in obtaining suitable residences for its consular officers and consular employees.

Article 18. INVIOABILITY OF CONSULAR PREMISES AND OF THE RESIDENCE OF THE HEAD OF THE CONSULAR ESTABLISHMENT

1. The consular premises and the residence of the head of the consular establishment shall be inviolable. The authorities of the receiving State may not enter the consular premises or the residence of the head of the consular establishment, except with the consent of the head of the consular establishment, or the chief of the diplomatic mission of the sending State, or of another person empowered by them.

2. The receiving State has a special obligation to take all appropriate measures to protect the consular premises against willful damage or intrusion, as well as against disturbance of the peace of the premises or impairment of its dignity.

3. The consular premises, their furnishings, the property of the consular establishment and its means of transport shall be immune from any form of requisition for purposes of national defense or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

Article 19. FISCAL EXEMPTIONS RELATING TO PREMISES AND RESIDENCES

1. Lands and buildings situated in the territory of the receiving State which are owned by the sending State or are leased by it for the requirements of a consular establishment, or as residences for the consular officers or consular employees, shall be exempt from all taxes and charges in the receiving State, with the exception of charges for special services rendered.

2. The exemptions referred to in paragraph 1 of this article shall not apply if, under the law of the receiving State, such taxes and charges are payable by the person who contracted with the sending State or with the person acting on its behalf.

Article 20. INVIOABILITY OF CONSULAR ARCHIVES

Consular archives and documents are inviolable at all times and wherever they may be.

Article 21. FREEDOM OF COMMUNICATION

1. The receiving State shall permit and protect freedom of communication for official purposes between the consular establishment and the sending State, as well as with the diplomatic missions and other consular establishments of that State wherever situated.

2. In the course of its consular communications, the consular establishment has the right to use diplomatic or consular couriers, the diplomatic or consular pouch, all public means of communication, and messages in clear language or in code or cipher.

3. The official correspondence of the consular establishment, regardless of the means of communication used, and the consular pouch are inviolable. The consular pouch shall not be opened or detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the pouch contains something other than official correspondence, documents and the items described in paragraph 4 of this article, they may request that the pouch be opened in their

presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the pouch shall be returned to its place of origin.

4. The consular pouch or its packages, if it is composed of several packages, must be sealed, must have visible external marks of their official character, and must contain only official correspondence or documents and objects destined for the exclusive use of the consular establishment.

5. The consular courier may not be a national of the receiving State or an alien admitted for permanent residence in that State. He must possess an official document which indicates his capacity and the number of packages of which the consular pouch is composed. In the exercise of his functions, the consular courier is protected by the receiving State. He enjoys personal inviolability.

Article 22. PROTECTION OF NATIONALS OF THE SENDING STATE

1. In all instances when a national of the sending State is placed under any form of deprivation or limitation of personal freedom, the competent authorities of the receiving State shall inform the consular establishment of the sending State without delay and, in any event, not later than after two days.

2. The consular officer has the right to receive correspondence or other communications from a national who is under any form of deprivation or limitation of personal freedom and to take appropriate measures to assure him legal assistance and representation. Likewise, the consular officer has the right to visit him, to hold discussions, and to communicate with him. These visits shall take place as soon as possible, but in any event they shall not be refused after the lapse of a four-day period from the date when he was placed under any form of deprivation or limitation of personal freedom.

3. The competent authorities of the receiving State shall, without delay, inform the national of the sending State about the right accorded him by this article to communicate with a consular officer.

4. The rights referred to in paragraph 2 of this article shall be exercised in conformity with the law of the receiving State, subject to the proviso, however, that the said law must enable full effect to be given to the purposes for which the rights accorded under this article are intended.

Article 23. COMMUNICATION WITH THE AUTHORITIES OF THE RECEIVING STATE

In the exercise of the functions provided for in the present Convention, consular officers may communicate with:

- a) the competent State or local authorities of their consular district;
- b) the federal authorities of the receiving State, to the extent this is permissible under the law and custom of the receiving State.

Article 24. FREEDOM OF MOVEMENT

Subject to its law regarding zones in which access is prohibited or regulated for reasons of national security, the receiving State shall assure members of the consular establishment freedom of travel and movement in its territory.

Article 25. CONSULAR CHARGES AND FEES

1. The consular establishment may levy, in the territory of the receiving State, charges and fees prescribed for consular services by the law of the sending State.
2. The sums collected in accordance with paragraph 1 of this article are exempt from any taxes and dues in the receiving State.

Article 26. FACILITIES ACCORDED CONSULAR OFFICERS AND CONSULAR EMPLOYEES

The receiving State shall take the necessary measures to ensure that consular officers and consular employees will be able to carry out their functions and duties, respectively, and enjoy the immunities and privileges accorded by the present Convention and by the law of the receiving State.

Article 27. PROTECTION ACCORDED CONSULAR OFFICERS

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

Article 28. JURISDICTIONAL IMMUNITY AND PERSONAL INVOLABILITY OF THE HEAD OF THE CONSULAR ESTABLISHMENT AND OF MEMBERS OF HIS FAMILY

1. The head of the consular establishment shall not be subject to the criminal, civil or administrative jurisdiction of the receiving State, except in respect of a civil action :
 - a) arising out of a contract concluded by the head of the consular establishment in which he did not contract expressly or impliedly on behalf of the sending State ;
 - b) brought by a third party for damage resulting from an accident in the receiving State, caused by a vehicle, vessel or aircraft.
2. The person of the head of the consular establishment 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 then only when the execution can be carried out without prejudice to the inviolability of his person or residence.
3. The members of the family of the head of the consular establishment shall be accorded personal inviolability and immunity from criminal jurisdiction in the receiving State, provided that they are not nationals of or permanently resident in the receiving State, and are not engaged in private occupation for gain in that State.

Article 29. JURISDICTIONAL IMMUNITY AND PERSONAL INVOLABILITY OF THE MEMBERS OF THE CONSULAR ESTABLISHMENT

1. Consular officers and consular employees shall enjoy immunity from the criminal, civil and administrative jurisdiction of the receiving State in respect of acts performed by them within the scope of their official duties.
2. The provisions of paragraph 1 of this article shall not, however, apply in respect of a civil action :
 - a) arising out of a contract concluded by a consular officer or a consular employee

in which he did not contract expressly or impliedly as an agent of the sending State;

- b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

3. With respect to activities carried on apart from the functions of their office, consular officers shall not be subject to:

- a) measures of preventive restraint or detention, unless they commit a crime in the territory of the receiving State for which the law of that State provides a maximum penalty of five years or more deprivation of freedom and then only on the basis of a warrant issued by the competent judicial authorities of that State;
- b) any other measures of deprivation of freedom, except in the execution of a final judicial judgment.

4. When criminal proceedings are instituted against a consular officer, he must appear before the competent authorities of the receiving State. In such case, the proceedings shall be instituted in the shortest period of time possible and shall be conducted with the respect due him by reason of his official position and, except in the case specified in paragraph 3 of this article, in a manner which will hamper as little as possible the exercise of consular functions.

5. In case any measures of deprivation of freedom are taken against a consular officer or a member of his family or against a consular employee, the competent authorities of the receiving State shall, without delay, inform the head of the consular establishment of the sending State of this.

Article 30. GIVING OF EVIDENCE AND EXPERT OPINIONS

1. Consular officers, other than the head of the consular establishment, and consular employees may be called upon by the competent authorities of the receiving State to give evidence in the course of judicial or administrative proceedings. If a consular officer refuses to appear or to give evidence, no coercive measure or other penalty shall be applied to him. Consular employees may not refuse to testify as witnesses except in the cases mentioned in paragraph 3 of this article.

2. The authority requiring the evidence shall avoid interference with the consular officer in the performance of his functions. It may take such evidence at the consular establishment or at the residence of the consular officer or accept a statement from him in writing, whenever this is possible and permitted. In the case of a consular employee, the authority requiring the evidence shall take all appropriate measures to avoid interfering with his activities.

3. Consular officers and consular employees are not obliged to give evidence concerning matters connected with the exercise of their functions and are not obliged to produce official documents and material from the consular archives. They are also entitled to refuse to give evidence as expert witnesses with regard to the law of the sending State.

4. Consular officers called upon to give evidence may make a declaration without taking an oath.

Article 31. EXEMPTION FROM PERSONAL SERVICES AND OTHER OBLIGATIONS

Consular officers and consular employees, and members of their families who

are not nationals of the receiving State and who are not aliens lawfully admitted for permanent residence in the receiving State, shall be exempt in the receiving State from obligations and services of a military nature, from any kind of compulsory services, and from any contributions that may be due in lieu thereof. They shall likewise be exempt from obligations relating to the registration of aliens, from obtaining permission to reside, and from compliance with other similar obligations applicable to aliens.

Article 32. EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION

1. The receiving State shall permit the importation or exportation into or from its territory of articles intended for:

- a) the official use of the consular establishment;
- b) the personal use of consular officers and consular employees, and members of their families who are not nationals of the receiving State and who are not aliens lawfully admitted for permanent residence in the receiving State, including goods intended for furnishing their residences. Consumer goods shall not exceed the quantities reasonably necessary for the personal use of those concerned.

2. The receiving State shall exempt the consular establishment and consular officers and consular employees of the sending State from the payment of all customs duties or similar taxes and charges imposed on the articles referred to in paragraph 1 of this article, or imposed upon the importation or exportation of such articles. The exemption provided by this paragraph does not apply to charges levied for storage, cartage, and other similar services.

3. The personal baggage of consular officers shall be exempted from customs inspection. Such baggage may be inspected only if there are serious reasons to believe that it might contain articles other than those indicated in paragraph 1 of this article or articles the importation or exportation of which is prohibited by the law of the receiving State. Such an inspection must be carried out in the presence of the consular officer concerned, or of a member of his family, or of another consular officer from the nearest consular establishment of the sending State.

Article 33. FISCAL EXEMPTIONS

1. Consular officers and consular employees, and members of their families who are not nationals of the receiving State and who are not aliens lawfully admitted for permanent residence in the receiving State, shall be exempt from all dues and taxes, personal or real, national, regional or municipal.

2. The exemptions provided for in paragraph 1 of this article shall not apply in case of indirect taxes of a kind normally incorporated in the price of goods or services, or in case of estate, inheritance, or gift taxes. Similarly, the exemptions provided for in paragraph 1 of this article shall not apply in the case of taxes and similar charges relating to:

- a) the acquisition or ownership of private immovable property located in the territory of the receiving State;
- b) income received from sources in the receiving State;
- c) the rendering of specific services.

3. In the event of the death of a consular officer or consular employee, the receiving State shall:

- a) permit the export of the movable property of the deceased and exempt such property from all export taxes and similar charges, with the exception of any such property acquired in the receiving State the export of which is prohibited;
- b) exempt the movable property of the deceased from all estate or inheritance taxes and similar charges if this property is located in the receiving State exclusively in connection with the presence in that State of the deceased as a consular officer or consular employee.

Article 34. THE BEGINNING AND END OF IMMUNITIES AND PRIVILEGES

1. Consular officers and consular employees shall benefit from the immunities and privileges provided by the present Convention from the moment they cross the border of the receiving State to take up their posts or from the moment they enter on their duties if they are already in its territory.

2. Family members of the persons mentioned in paragraph 1 of this article shall benefit from the immunities and privileges of this Convention in the following manner :

- a) from the moment the consular officers and consular employees begin to benefit from the immunities and privileges in conformity with paragraph 1 of this article;
- b) from the moment of crossing the border of the receiving State, if they entered in its territory after the date foreseen by sub-paragraph a of this paragraph;
- c) from the moment they become family members of a member of the consular establishment.

3. When the activities of a consular officer or consular employee have come to an end, his immunities and privileges and also the immunities and privileges of his family shall cease at the moment he leaves the territory of the receiving State or upon the expiration of a reasonable period of time after the termination of his employment.

4. The immunities and privileges of consular employees who are nationals of the receiving State or nationals of the sending State who are permanently resident in the receiving State shall come to an end at the same time they lose their official capacities.

5. The immunities and privileges of family members shall also come to an end from the moment they no longer form part of the family of a consular officer or consular employee. However, if such persons make known that they intend to leave the territory of the receiving State within a reasonable period of time, their immunities and privileges shall remain in force until such time.

6. In the event of the death of a consular officer or consular employee, the members of his family shall continue to enjoy the immunities and privileges which are recognized by this Convention until they leave the territory of the receiving State or until the expiration of a reasonable period of time for this purpose.

Article 35. RESPECT FOR THE LAW OF THE RECEIVING STATE

Without prejudice to the immunities and privileges of the present Convention the persons enjoying these immunities and privileges must respect the law of the receiving State.

Article 36. THIRD-PARTY LIABILITY INSURANCE

All vehicles owned by the sending State and used by the consular establishments, and all vehicles belonging to consular officers, consular employees, or members of their families, must be adequately insured against third party risks. In the case of such persons who are nationals of the receiving State or persons admitted to permanent residence in the receiving State, insurance shall be obtained to the extent that insurance is required by the law of that State.

Article 37. PROVISIONS APPLICABLE TO JURIDICAL ENTITIES

The provisions of this Convention relating to nationals of the sending State shall apply, in like manner, to juridical entities which have the nationality of that State conferred according to its law.

Article 38. WAIVER OF IMMUNITIES AND PRIVILEGES

1. The sending State may, by a notification through diplomatic channels to the receiving State, waive the immunities and privileges enjoyed by a consular officer or consular employee pursuant to articles 28, 29 and 30 of the present Convention.

2. Waiver of jurisdictional immunity in a civil or administrative proceeding shall not be regarded as implying a waiver of immunity with respect to the execution of the judgment, for which a separate renunciation is required.

Article 39. TERMINATION OF 1881 CONVENTION

The present Convention replaces the Consular Convention signed at Bucharest on June 5/17, 1881.¹

Article 40. RATIFICATION, ENTRY INTO FORCE, DENUNCIATION

1. The present Convention shall be subject to ratification and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present Convention shall enter into force on the thirtieth day following the date of the exchange of the instruments of ratification. It shall remain in force for a term of ten years, and thereafter, unless terminated in accordance with the provisions of paragraph 3 of this article.

3. Either High Contracting Party may terminate the present Convention at the end of the initial period of ten years or any time thereafter, by notifying the other High Contracting Party in writing, one year in advance.

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

DONE at Bucharest on July 5, 1972, in two original copies in the Romanian and English languages, both texts being equally authentic.

For the Socialist Republic
of Romania :

[Signed — Signé]²

For the United States
of America :

[Signed — Signé]³

¹ British and Foreign State Papers, vol. 72, p. 596.

² Signed by Cornelius Mănescu — Signé par Cornelius Mănescu.

³ Signed by William P. Rogers — Signé par William P. Rogers.

PROTOCOL

TO THE CONSULAR CONVENTION BETWEEN THE SOCIALIST REPUBLIC OF ROMANIA AND THE UNITED STATES OF AMERICA

At the time of the signing this day, July 5, 1972, of the Consular Convention between the Socialist Republic of Romania and the United States of America, the undersigned plenipotentiaries, duly authorized, give the following assurances of their Governments in connection with the performance of consular functions in inheritance matters provided for in article 12 of the Convention, and in connection with the exercise of inheritance rights by nationals of either High Contracting Party in the territory of the other High Contracting Party:

The Government of the Socialist Republic of Romania assures the Government of the United States of America that:

1. United States nationals may exercise their inheritance rights in the Socialist Republic of Romania on the same conditions as Romanian nationals and may transfer, in dollars or other foreign currency, the sums obtained from such inheritances, at the official rate of exchange with the most favorable premium established in this matter in accordance with Romanian law;
2. Romanian nationals will receive, in full, in dollars or other foreign currency, the sums resulting from estates probated and settled in the territory of the United States of America and transferred to the Socialist Republic of Romania. Insofar as they are not permitted to retain the sums in foreign currency, such sums shall be converted into lei at the official rate of exchange with the most favorable premium established in this matter in accordance with Romanian law;
3. For sums representing inheritance shares received in the United States of America by Romanian heirs, no fees or taxes shall be charged, with the exception of consular fees.

The Government of the United States of America assures the Government of the Socialist Republic of Romania that:

1. there is no Federal law or other legislation barring or restricting the rights of Romanian nationals to receive inheritances in the United States of America and have the sums derived therefrom transferred to them;
2. the courts or other authorities competent in inheritance matters are aware that the Socialist Republic of Romania is not included among the countries enumerated in 31 Code of Federal Regulations 211 to which United States Government checks are not sent, under authority of the Secretary of the Treasury. United States Government checks and warrants issued for any purpose whatsoever are being sent to payees in the Socialist Republic of Romania;
3. it will, should there be occasion for it, inform the courts or other authorities competent in inheritance matters of the assurances given by the Government of the Socialist Republic of Romania through this protocol.

The present protocol forms an integral part of the Consular Convention between the Socialist Republic of Romania and the United States of America, signed at Bucharest on July 5, 1972.

For the Socialist Republic
of Romania:

[Signed — Signé]¹

For the United States
of America:

[Signed — Signé]²

¹ Signed by Corneliu Mănescu — Signé par Corneliu Mănescu.

² Signed by William P. Rogers — Signé par William P. Rogers.