

No. 12807

**FINLAND
and
ROMANIA**

Consular Convention. Signed at Helsinki on 30 June 1971

Authentic texts: Finnish, Romanian and English.

Registered by Finland on 2 November 1973.

**FINLANDE
et
ROUMANIE**

Convention consulaire. Signée à Helsinki le 30 juin 1971

Textes authentiques: finnois, roumain et anglais.

Enregistrée par la Finlande le 2 novembre 1973.

CONSULAR CONVENTION¹ BETWEEN THE REPUBLIC OF FINLAND AND THE SOCIALIST REPUBLIC OF ROMANIA

The Republic of Finland and the Socialist Republic of Romania

Animated by the desire to develop the ties of friendship,

Wishing to regulate and develop their consular relations,

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

On behalf of the Republic of Finland Väinö Leskinen, Minister of Foreign Affairs;

On behalf of the Socialist Republic of Romania Corneliu Manescu, Minister of 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) “Consular post” means any consulate-general, consulate or vice-consulate;

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

c) “Head of a consular post” means the person appointed to act in that capacity. The head of a consular post may have the rank of consul-general, consul or viceconsul;

d) “Consular officer” means any person, including the head of a consular post, who has been charged with the performance of consular functions;

e) “Consular employee” means any person employed by the sending State to perform technical, administrative or service duties at a consular post;

f) “Member of a consular post” means consular officers and consular employees;

g) “Consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

h) “Consular archives” includes all the documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes intended for official use and any article of furniture intended for their protection or safekeeping;

¹ Came into force on 16 March 1973, i. e. the thirtieth day after the date of the exchange of instruments of ratification, which took place at Bucarest on 14 February 1973, in accordance with article 45 (1).

- i) “Vessel” means any vessel authorized to fly the flag of the sending State; the term does not however include any ship of war;
- j) “Members of a family” means the wife (husband), children and the parents of a member of a consular post, forming part of his household.

CHAPTER I. CONSULAR RELATIONS

Article 2. ESTABLISHMENT OF A CONSULAR POST

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

2. The sending State and the receiving State shall determine by agreement the seat and rank of a consular post and the limits of its consular district.

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

Article 3. THE CONSULAR COMMISSION AND EXEQUATUR

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

2. The head of a consular post shall be admitted to the exercise of his functions upon presentation of his consular commission and having been granted the exequatur of the receiving State. The commission shall mention the full name and class of the head of the consular post, as well as the seat and consular district of the consular post.

3. Pending delivery of the exequatur, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of the present Convention shall apply.

4. Immediately after the issuance to the head of a consular post of an exequatur or his admission on a provisional basis, as provided for in paragraph 3, the receiving State shall take the necessary measures to enable him to exercise his functions and to enjoy the facilities, privileges and immunities to which he is entitled.

Article 4. NOTIFICATION OF APPOINTMENT OF THE MEMBERS OF THE CONSULAR POST

1. In the case of a consular officer appointed to a consular post in a capacity other than that of the head of a consular post, the diplomatic mission of the sending State shall, before he enters upon the performance of his functions, notify the Ministry of Foreign Affairs of the receiving State of the full name of the consular officer, his class and the consular post to which he has been appointed.

2. The sending State shall also notify the Ministry of Foreign Affairs of the receiving State of the full name and the scope of duties of each consular employee.

Article 5. NOTIFICATION OF ARRIVALS AND DEPARTURES

The Ministry of Foreign Affairs of the receiving State shall be notified of,

- a) the arrival and final departure of a member of family of a member of the consular post and, where appropriate, the fact that a person becomes or ceases to be such a member of that family;
- b) the arrival and final departure of consular employees and, where appropriate, the termination of their service as such.

Article 6. NATIONALITY OF THE MEMBERS OF THE CONSULAR POST

1. Consular officers may be only nationals of the sending State and shall not have their domicile in the receiving State.

2. The consular employees of a consular post shall be only nationals of the sending State or nationals of the receiving State.

Article 7. IDENTITY DOCUMENTS

1. The receiving State shall issue to each consular officer an appropriate document certifying his right to perform consular functions in the territory of that State.

2. The provisions of paragraph 1 shall also be applied to consular employees as well as to their family members, provided that laws and regulations of the receiving State so require.

Article 8. TEMPORARY CHARGE

1. If the head of a consular post is unable to carry out his functions or the position of the head of a consular post is vacant, the sending State may empower a consular officer of the same or another of its consular posts or one of the members of the diplomatic staff of its diplomatic mission in the receiving State, to act temporarily as head of the consular post. The full name and rank of this person shall be communicated in advance to the Ministry of Foreign Affairs of the receiving State.

2. The person empowered to act temporarily as head of the consular post shall enjoy such facilities, privileges and immunities as provided for the head of a consular post by the present Convention.

Article 9. NUMBER OF MEMBERS OF THE CONSULAR POST

1. The sending State assigns the number of members of its consular post according to the volume of work and other factors regulating the proper activity of the consular post.

2. The receiving State may, however, require that the number shall be kept within limits which it considers reasonable and normal taking into account the conditions in the consular district and the effective requirements of the work of the consular post.

Article 10. PROHIBITION OF CERTAIN ACTIVITIES

1. Member of the consular post shall not engage in commercial activities or any occupation for gain other than their consular duties or work at the consular post.

2. In the conduct of their mutual relations, the two States shall not make use of the services of honorary consular officers.

Article 11. TERMINATION OF FUNCTIONS OF A MEMBER
OF A CONSULAR POST

1. The functions of a member of a consular post cease frequently, by:

- a) notification by the sending State to the receiving State of the fact that the functions of a member of a consular post are terminated;
- b) withdrawal of the *exequatur*;
- c) notification by the receiving State to the sending State that it declines to continue to recognize the person concerned as a member of the consular post.

2. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that a consular employee is unacceptable. In such a case, the sending State shall decide, as the case may be, to recall the consular officer or terminate the appointment of the consular employee of the consular post.

3. 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 consular post, withdraw the *exequatur* or notify the sending State, through the diplomatic channel, of the decision taken, that it declines to continue to recognize the person concerned as a member of the consular post.

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

CHAPTER II. CONSULAR FUNCTIONS

Article 12. PURPOSES OF CONSULAR DUTIES

1. A consular officer shall further the development of economic, commercial, cultural and scientific relations between the sending State and the receiving State, and otherwise promote friendly relations between them.

2. A consular officer is entitled to protect the rights and interests of the sending State and of its nationals.

3. The provisions of the Convention relative to the nationals of the sending State shall equally apply to juridical persons possessing the nationality of that State conferred under its legislation.

Article 13. PERFORMANCE OF CONSULAR DUTIES

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 THE AUTHORITIES
OF THE RECEIVING STATE

In connection 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 laws, regulations and usages of the receiving State permit or according to the international agreements on the subject.

Article 15. REPRESENTATION OF NATIONALS BEFORE COURTS
AND OTHER AUTHORITIES OF THE RECEIVING STATE

1. According to the laws and regulations of the receiving State a consular officer is entitled to ensure the proper representation, before the judicial authorities of the receiving State, any national of the sending State unable, in his absence or for any other valid reason, to protect his rights and interests.

2. The consular officer is also entitled to represent a national of the sending State before administrative authorities.

3. The representation provided for in paragraph 1 shall be maintained until the person represented has appointed his representative or himself assumes the protection of his rights and interests.

Article 16. REGISTRATION OF NATIONALS OF THE SENDING STATE,
ISSUANCE OF PASSPORTS AND VISAS

1. A consular officer shall be permitted:

- a) to register nationals of the sending State within the consular district;
- b) to issue passports and other travel documents to nationals of the sending State and to amend or renew such documents;
- c) to issue visas.

2. Such registration by a consular officer according to paragraph 1 letter "a" shall not exempt a national from the obligation to comply with the laws and regulations of the receiving State with regard to the registration of aliens.

Article 17. DUTIES RELATING TO CIVIL STATUS

1. The head of a consular post is entitled to solemnize a marriage, provided that both parties thereto are nationals of the sending State and provided also that the solemnization of such a marriage is not prohibited under the legislation of the receiving State. The consular post shall inform without delay the competent authorities of the receiving State of marriages concluded.

2. A consular officer is entitled to record births and deaths of nationals of the sending State and transmit without delay relevant information to the competent authorities of that State. This does not relieve, however, the nationals of the sending State of the obligation to observe the laws and regulations of the receiving State concerning reporting or registering of births or deaths.

Article 18. DUTIES RELATING TO GUARDIANSHIP AND TRUSTEESHIP

A consular officer may, when necessary, propose to the judicial or other authorities of the receiving State appropriate persons to act, on a temporary or permanent basis, as guardians or trustees for nationals of the sending State or to act as custodian of the property of such nationals when it is left without supervision.

Article 19. NOTARIAL FUNCTIONS

1. To the extent that the law of the receiving State so permits a consular officer may perform the following notarial functions:

- a) to draw up, authenticate, certify and keep in deposit testaments and other documents to attest unilateral legal acts of nationals of the sending State;
- b) to certify signatures of nationals of the sending State on any documents; to certify copies of and extracts from documents issued by the authorities, officials or nationals of the sending State;
- c) to draw up, authenticate, certify, attest and keep in deposit documents made by nationals of the sending State provided that such documents are to be used and have legal effect in the sending State and they do not relate to immovable property situated in the receiving State or to real rights affecting such property;
- d) 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;
- e) to legalise other documents issued by the authorities or the officials of the sending State or the receiving State;
- f) to take, on request of the courts and other authorities of the sending State, evidences on a voluntary basis in civil matters from the nationals of that State and to transmit to such nationals if they accept to receive them any judicial and extra-judicial documents in such matters emanating from said courts and other authorities;

- g) to take deposit of documents appertaining to nationals of the sending State or addressed to them;
- h) to perform other functions entrusted to him by the sending State, provided that they are not contrary to the laws and regulations of the receiving State.

2. The acts and documents drawn up, certified or legalised by the consular officer of the sending State under official seal shall have the same force and effect as though they were drawn up or certified by the authorities or officials of the receiving State. The authorities of the receiving State shall, however, be obliged to recognise the validity of the said documents only to the extent that they are not contrary to the laws and regulations of that State.

Article 20. DUTIES RELATING TO ESTATES

1. In the case of the death of a national of the sending State in the receiving State, the competent authority shall without delay inform the consular officer of the sending State accordingly and forward to him a death certificate free of charge.

2. Whenever it comes to the knowledge of an authority of the receiving State that there is in that State an estate left by a deceased person of any nationality, in relation to which a national of the sending State may have an interest, the said authority shall without delay inform the consular officer of the sending State accordingly.

3. The competent authority of the receiving State shall notify similarly the consular post of the sending State in any case where it comes to the knowledge that the deceased left an estate on the territory of a third State.

4. The competent authority of the State in whose territory the estate mentioned in paragraphs 1 and 2 is located shall adopt appropriate measures under the laws and regulations of that State to protect the estate and shall transmit to the consular officer a copy of the testament, if any, as well as all information available concerning the heirs and the composition and value of the estate, and let him know when proceedings in the case will begin, or the stage they have reached.

5. In matters concerning the protection of the estate mentioned in paragraphs 1 or 2 a consular officer may co-operate with the competent authorities of the receiving State, in particular:

- a) in taking any measures required to prevent damage to the estate, including the sale of the movable property;
- b) in nominating an administrator or a trustee of the estate and in settling other questions relating to its administration.

6. Where a national of the sending State claims an interest in an estate left in the receiving State and is neither resident nor otherwise represented in that State a consular officer shall be entitled to ensure proper representation for such a national before the courts of the receiving State.

7. A consular officer of the sending State may receive the shares or legacies of an estate due to nationals of the said State who do not reside in the receiving State, as well as any payments of compensations, pensions, social benefits or proceeds of insurance policies, for transmission to the persons authorized to receive them.

8. The movable estate and money resulting from the liquidation of an estate due to a national of the sending State may be relinquished to the consular officer, provided that the claims of the decedent's creditors are satisfied or guaranteed and all taxes and fees relating to the estate are paid or guaranteed.

9. The transfer of movable estate and money shall be made according to the laws and regulations of the receiving State.

10. 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.

Article 21. DUTIES RELATING TO ESTATES OF A NATIONAL OF THE SENDING STATE WHILE TEMPORARY IN THE RECEIVING STATE

1. In case a national of the sending State dies while temporarily present in the territory of the receiving State, money and personal effects left by him shall be relinquished without special procedure to the consular officer of the sending State. The consular officer to whom money and personal effects have been relinquished shall pay the debts contracted by the deceased during his stay in the receiving State up to the amount represented by the assets.

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

Article 22. COMMUNICATION WITH THE NATIONALS OF THE SENDING STATE

1. A consular officer shall have the right to confer with any national of the sending State, to give him assistance and advice, and where necessary, to arrange for legal assistance for him. The receiving State shall in no way restrict the access of nationals of the sending State to its consular posts.

2. The competent authorities of the receiving State shall notify without delay a consular post of the sending State of the arrest, detention or any other deprivation of liberty of a national of the sending State and in any event not later than three days from the time of the arrest, detention or any other deprivation of liberty of a national of the sending State.

3. The right to visit and communicate with the national of the sending State, mentioned in paragraph 2 of this article, shall be accorded to the consular officer within four days from the time of arrest, detention or other deprivation of liberty of that national.

4. The consular officer of the sending State shall also have the right periodically to visit and otherwise communicate with a national of that State,

who is arrested, detained or deprived of his liberty in any other form, or who is serving a sentence of imprisonment. The rights referred to in this paragraph shall be exercised in conformity with the laws and regulations of the receiving State, including prison regulations; provided, however, that the application of the said laws and regulations shall not invalidate these rights.

Article 23. DUTIES RELATING TO SEA AND RIVER SHIPPING

1. The consular officer is entitled to render assistance to vessels of the sending State and to their crews, he may avail himself of the right granted by the laws and regulations of the sending State to survey vessels of that State and their crews, and adopt any measures on board these vessels to assure the observance of the legislation of the sending State as regards sea and river navigation. For this purpose the consular officer may also visit vessels of the sending State as soon as they have been cleared on arrival, and be visited by the masters and crews of such vessels.

2. The consular officer is entitled to take necessary measures, in conformity with the laws and regulations of the sending State to settle disputes between the master and members of the crew as regards discipline and activity on board vessels, including measures to get appropriate approval to hire or dismiss the master and members of the crew.

Such measures shall be taken in conformity with the laws and regulations of the sending State provided that these do not infringe upon the laws and regulations of the receiving State, concerning any vessel regardless of nationality, located within the territorial sea or the internal waters of the said State. In the performance of such duties the consular officer may request the assistance of the competent authorities of the receiving State.

3. In the event that a court or another competent authority of the receiving State intends to investigate, to arrest or otherwise detain on board of a vessel of the sending State, the master or a member of the crew thereof or any person who is not a national of the receiving State, or to seize any property aboard, the competent authorities of the receiving State shall, if the captain so requests, inform the consular officer of the sending State before taking any steps and shall facilitate contact between him and the vessel's crew. In cases of emergency this notification may be communicated while the measures are being taken. If any person is arrested or detained by the aforesaid authorities the provisions of the article 22 shall be applied.

4. In considering whether or how the actions referred to in paragraph 3 should be made, the local authorities shall pay due regard to the interests of navigation.

5. The provisions of paragraph 3 shall not apply to any routine examination by the authorities or the receiving State with regard to immigration, customs, public health and safety of life at sea, nor to any action taken at the request or with the consent, of the master of the vessel.

6. If a vessel of the sending State is wrecked, runs aground, is swept ashore or otherwise sustains damage within the territorial sea or the internal

waters of the receiving State, or if any article belonging to that vessel, or forming part of her cargo or of the cargo of a wrecked vessel of a third state and being the property of the sending State or of a national of that State, is brought in a port or is found in the receiving State, the competent authorities of that State shall immediately inform the consular officer accordingly and advise him of the measures taken for the rescue, preservation and protection of the vessel, as well as the persons, cargo and property on board. The measures in question shall, where practicable, be taken in cooperation with the consular officer and with the master of the vessel, in conformity with the laws and regulations of the receiving State.

7. In the absence of the ship-owner, or any other person authorized by him to act, the consular officer shall be entitled to take the same decisions as the owner himself could have made if he had been present, in relation to:

- a) a vessel of the sending State, her cargo or any article belonging to the vessel, which have become separated from the vessel; or
- b) the cargo, or any article from the wrecked vessel of a third State and being the property of the sending State or of a national of that State which has been found within the territory of the receiving State, including those which are brought into a port of that State.

8. The competent authorities of the receiving State shall, at the request of the consular officer, render the necessary assistance to the consular officer in steps taken by him in connection with an accident to the vessel.

9. The wrecked vessel, cargo equipment, fittings, stores, or other articles from this vessel provided that they are not delivered for use or consumption in the receiving State, shall not be liable to customs duties or other taxes of similar kind, imposed upon by reason of importation.

Article 24. DUTIES RELATING TO CIVIL AVIATION

The provisions of the article 23 shall be accordingly applied as regards the civil aviation, provided that this is not contrary to the other conventions in force between the two States.

Article 25. PERFORMANCE OF OTHER CONSULAR DUTIES

Provided that the receiving State gives its consent a consular officer may also perform other consular duties assigned to him by the sending State than those specified in this Convention.

CHAPTER III. FACILITIES, IMMUNITIES AND PRIVILEGES

Article 26. FACILITIES GRANTED TO THE CONSULAR POST AND ITS MEMBERS

The receiving State accords all necessary facilities to the consular post to enable it to perform its functions and takes all appropriate measures to give the possibility to the members of the consular post to carry out their duties and enjoy the immunities and privileges provided by the present Convention.

Article 27. USE OF THE COAT-OF-ARMS AND FLAG

The national coat-of-arms of the sending State and a shield with the name of the consular post in the official languages of that State and of the receiving State may be placed on the building used for the purpose of the consular post and on the residence of the head of that post. The national flag of the sending State may be flown at the said buildings and on the means of transport when used for official purposes by the head of the consular post.

Article 28. INVIOIABILITY OF CONSULAR PREMISES AND THE RESIDENCE OF THE HEAD OF A CONSULAR POST

1. The consular premises as well as the residence of a head of a consular post 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 consular post of the sending State, the head of the diplomatic mission of the sending State or a person duly authorized by one of them to give such consent.

3. The provisions of paragraph 2 shall apply also to the residence of the head of a consular post.

4. 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 consular post.

5. 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; 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 consular post or of the diplomatic mission.

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

Article 29. FREEDOM OF COMMUNICATION

1. A consular post shall have the right to free communication with the authorities of the sending State, diplomatic missions or other consular posts of that State, regardless of their location. For these purposes, a consular post may use all appropriate means of communication including the diplomatic and consular couriers and bags and may use ciphers and codes.

2. The official correspondence of a consular post, courier mail and diplomatic and consular bags bearing visible external marks of their official character, whether sent by the consular post or destined for it, shall be inviolable, and the authorities of the receiving State shall not examine or detain them. Nevertheless, if the authorities of the receiving State have serious reason

to believe that a bag has contents other than correspondence, documents or objects of an official character designed exclusively for official use, they may request that such bag be opened in their presence by an authorized representative of the sending State. If this request is refused, the bag shall be returned to its place of origin.

3. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. A consular courier cannot be a national of the receiving State or a resident in that State. 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 30. FISCAL EXEMPTIONS

1. The sending State and the members of the consular post shall be exempt from all State and municipal taxes and charges connected directly with consular premises and the residences of the members of the consular post. This exemption shall not cover taxes and charges on specific services rendered nor the taxes and charges buildings or immovable property the lessee or shareholder of which is the sending State or a member of the consular post, provided that according to the laws and regulations of the receiving State they have to be paid by the owner. This exemption does neither cover the income resulting from leasing and alienation of property mentioned above or from the rights connected with such property, which belong to the members of the consular post.

2. The members of the consular post are exempted from taxes and charges on income resulting from sources located outside the receiving State. The salaries, wages and allowances paid to the members of a consular post by the sending State in the receiving State in connection with their duties, are exempted from taxes and charges except those paid to the members of the consular post who are nationals of the receiving State.

Article 31. FREEDOM OF MOVEMENT

Subject to the laws and regulations of the receiving State with regard to areas into which entry is prohibited or restricted for reasons of national security or public interest, the receiving State shall take steps to ensure the freedom of movement for the members of the consular post in its territory.

Article 32. CONSULAR FEES

1. A consular post may charge in the territory of the receiving State fees for consular services provided for by the laws and regulations of the sending State.

2. The fees levied under paragraph 1 of this article shall be exempt from any taxes or charges in the receiving State.

Article 33. IMMUNITY FROM JURISDICTION AND PERSONAL INVIOABILITY
OF THE HEAD OF THE CONSULAR POST

1. The head of the consular post shall not be subject to the criminal, civil or administrative jurisdiction of the receiving State.

2. The provisions of paragraph 1 shall not, however, 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.

3. The person of the head of a consular post shall be inviolable. No measure of execution may be taken against him except where the provisions of subparagraphs *a)* or *b)* of paragraph 2 of this article apply and where the execution can be carried out without prejudice to the inviolability of his person or residence.

Article 34. IMMUNITY FROM JURISDICTION AND PERSONAL INVIOABILITY
OF THE MEMBERS OF THE CONSULAR POST

1. A consular officer, other than the head of the consular post, and the consular employee shall not be subject to the jurisdiction of judicial and administrative authorities of the receiving State in respect of acts performed in their 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 member of the consular post 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 mentioned in paragraph 1 of this article cannot be arrested or subject to any other form of deprivation or limitation of personal liberty, except when he is accused by a decision of the competent judicial authority of the receiving State for a serious offence or when a consular officer has been convicted by a judicial decision of final effect.

4. Under the provisions of this article, a "serious offence" means any action committed by intention involving a penalty of deprivation of liberty for at least five years, provided by the laws of the receiving State.

5. Where criminal proceedings are instituted against a consular officer he shall appear before the competent authorities of the receiving State. However, the proceedings shall be conducted with the respect due to the consular officer by virtue of his official position so as to avoid interference with the performance of his duties to the least extent possible. Under the circumstances mentioned under paragraph 3 of this article, when a consular officer is arrested, detained

or subject to any other form of deprivation or limitation of liberty, the proceedings against him shall be instituted with the minimum of delay.

6. In any case where a consular officer is subject to any form of deprivation of liberty or where criminal proceedings are instituted against him, the competent authorities of the receiving State shall immediately inform the head of the consular post accordingly.

Article 35. THE GIVING OF EVIDENCE AS A WITNESS

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings.

2. They may decline to give evidence as witness with regard to matters falling within the scope of their official duties or to produce any official document or object from the consular archives. They may also decline to give evidence in the capacity of expert witness concerning the national law of the sending State.

3. If a consular officer declines to give evidence, no coercive measures shall be taken against him and no penalty imposed.

4. The invitations shall be given in the form of an official letter and shall contain no threat of coercive measures or any other penalties.

5. The authority of the receiving State requesting the evidence of a member of a consular post shall avoid interference with the performance of their duties.

At the request of a consular officer, his evidence as a witness may be taken at a time convenient to him, on the consular premises or in his residence, or may be, when possible, given in writing.

6. A member of the consular post shall be entitled, in giving evidence as a witness, to make an affirmation in lieu of an oath.

Article 36. EXEMPTION FROM PERSONAL SERVICES AND OTHER OBLIGATIONS

1. Consular officers and consular employees shall be exempt in the receiving State from obligations and services of military nature, from public service of any kind or from contributions in lieu thereof.

2. Consular officers and consular employees shall be exempt from all requirements under the laws and regulations of the receiving State relative to the registration of aliens and obtaining permission to reside in the receiving State.

Article 37. CUSTOMS EXEMPTIONS

1. The receiving State shall grant, under its laws and regulations in force, permission to import and re-export and grant exemption of any customs duties or other taxes or similar charges of any kind for the objects intended for,

a) official use of the consular post;

- b)* personal use of a consular officer, including the goods for their installation. Articles for consumption shall be only in reasonable quantities and they shall be used directly by the persons concerned.

Such exemptions do not include expenses for storage, transport and other similar services.

2. Consular employees shall be accorded the exemptions and privileges provided under paragraph 1 letter *b)* of this article in respect of articles imported in connection with their first installation.

3. The personal baggage accompanying consular officers and their family members, forming part of their household, shall exempt from customs control. The baggage may be inspected only if there is serious reason to believe that its contents include articles other than those referred to in paragraph 1 letter *b)* of this article or articles which under the laws 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 concerned or of a member of his family.

4. The exemptions, mentioned in paragraphs 1 and 2 of this article, do not apply to such articles which have not been imported exclusively for the use of the consular post or persons provided for in this article.

Article 38. EXEMPTION GRANTED IN THE EVENT OF THE DEATH
OF A MEMBER OF THE CONSULAR POST

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

- a)* shall permit the export of the movable property of the deceased with the exception of any such property acquired in the receiving State, the export of which was prohibited on the date of death, according to the laws and regulations of the receiving State;
- b)* shall exempt the movable property of the estate from any taxes or charges of any kind with the condition that this property was in the territory of the receiving State exclusively in connection with the presence there of the deceased person in his capacity as a member of a consular post.

Article 39. THIRD PARTY RISK INSURANCE

1. Motor vehicles owned by the sending State and used by the consular post and motor vehicles of the members of the consular post shall be adequately insured against third party risks.

2. Except where the laws and regulations of the receiving State otherwise provide, the provisions of paragraph 1 of this article shall not apply to consular employees who are nationals of the receiving State or have their domicile in that State.

Article 40. SOCIAL SECURITY EXEMPTION

1. The members of a consular post with respect to services rendered by them for the sending State shall be exempt from social security provisions which are in force in the receiving State.

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

Article 41. EXEMPTION FROM IMMUNITIES AND PRIVILEGES

1. The privileges and immunities mentioned in article 30, paragraph 1 of article 34, articles 35, 36, paragraph 1 of article 37 and article 38, shall not be enjoyed by members of a consular post and members of their families, forming part of their households, if they are nationals of the receiving State or have their domicile in that State.

2. Family members of the members of a consular post forming part of their households shall benefit the same immunities and privileges extended to the latter.

Article 42. BEGINNING AND TERMINATION OF IMMUNITIES AND PRIVILEGES

1. The members of a consular post shall receive the immunities and privileges due to them under this Convention from the moment of crossing the frontier of the receiving State to take up their post, or, if they are already present in that State, from the moment of entering upon their duties.

2. Members of the families of the persons to whom paragraph 1 of this article applies shall receive the immunities and privileges accorded under the Convention,

- a) as from the moment that the consular officer becomes entitled to receive immunities and privileges in accordance with paragraph 1 of this article;
- b) if they entered the receiving State after the date provided under letter a), as from the moment of crossing the frontier; or
- c) as from the moment of becoming members of the family of the member of the consular post, if they acquired that quality after the moment provided under letters a) and b).

3. When the appointment of a member of the consular post 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.

In the case of consular employees who are nationals of the receiving State or nationals of the sending State who have their domicile in the receiving State immunities and privileges shall cease upon the termination of their appointments.

4. 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 a member of the consular post. However, if the persons concerned undertake 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.

5. In the event of the death of a member of a consular post, 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.

6. The immunity from jurisdiction shall continue to be accorded without limit, to the members of a consular post, for the acts performed in the exercise of their official duties.

Article 43. OBSERVANCE OF THE LAW OF THE RECEIVING STATE

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.

Article 44. PERFORMANCE OF CONSULAR DUTIES BY THE MEMBERS OF THE DIPLOMATIC STAFF

1. Consular duties may also be performed, where necessary, by the members of the diplomatic staff of the diplomatic mission of the sending State who have been notified to the Ministry of Foreign Affairs of the receiving State by the diplomatic mission of the sending State in that capacity. In this case the rights and obligations of the consular officer provided for in the present Convention also apply to these members.

2. The performance of consular functions shall not affect the diplomatic privileges and immunities due to the members of the diplomatic staff, mentioned in paragraph 1.

CHAPTER IV. FINAL PROVISIONS

Article 45. RATIFICATION, ENTRY INTO FORCE, DENUNCIATION

1. The present Convention shall be subject to ratification and shall enter into force on the thirtieth day after the date of the exchange of the instruments of ratification, which shall take place at Bucharest.

2. The present Convention is concluded for an indefinite period. It may be denounced by written notification of either Contracting Party. In such case its validity will be terminated upon six months from the date of the notification.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention and affixed seals thereto.

DONE at Helsinki on 30 June, 1971 in two copies, each in the Finnish, Romanian and English languages, the three texts being equally authentic.

For the Republic
of Finland:
VÄINÖ LESKINEN

For the Socialist Republic
of Romania:
CORNELIU MANESCU