

No. 13266

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**ROMANIA  
and  
BELGIUM**

**Consular Convention (with exchange of letters). Signed at  
Bucharest on 1 July 1970**

*Authentic texts of the Convention: Romanian, French and Dutch.*

*Authentic texts of the exchange of letters: French and Romanian.*

*Registered by Romania on 1 May 1974.*

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**ROUMANIE  
et  
BELGIQUE**

**Convention consulaire (avec échange de lettres). Signée à  
Bucarest le 1<sup>er</sup> juillet 1970**

*Textes authentiques de la Convention: roumain, français et néerlandais.*

*Textes authentiques de l'échange de lettres: français et roumain.*

*Enregistrée par la Roumanie le 1<sup>er</sup> mai 1974.*

[TRANSLATION — TRADUCTION]

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

The Socialist Republic of Romania and the Kingdom of Belgium,

Desiring to regulate consular relations between the two States and thus to promote the development of their friendly relations on the basis of the principles of respect for national sovereignty and independence, non-intervention in internal affairs, equality of rights and mutual benefit,

Desiring to lay down the conditions for the establishment of consular posts and the admission of consular officers to their respective territories and to specify the functions of such consular posts as well as the rights, facilities, privileges and immunities of the consular posts and of their staff.

Desiring thereby to facilitate the protection of individuals and bodies corporate of one of the High Contracting Parties in the territory of the other High Contracting Party.

Have decided to conclude a Consular Convention and have for that purpose appointed as their plenipotentiaries:

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

Nicolae Ecobescu, Vice-Minister for Foreign Affairs;

His Majesty the King of the Belgians:

Jan Adriaenssen, Ambassador Extraordinary and Plenipotentiary;

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

*Article 1.* DEFINITIONS

For the purposes of this Convention:

- a) "Consular post" means any consulate-general, consulate, vice-consulate or consular agency;
- b) "Consular district" means the area assigned to a consular post for the exercise of consular functions;
- c) "Head of consular post" means the person charged with the duty of acting in that capacity;
- d) "Consular officer" means any person, including the head of a consular post, entrusted as a career consular officer with the exercise of consular functions;
- e) "Consular employee" means any person permanently employed in the administrative or technical service of a consular post;
- f) "Member of the service staff" means any person in the domestic service of a consular post;
- g) "Member of the consular post" means consular officers, consular employees and members of the service staff;
- h) "Member of the consular staff" means consular officers, other than the head of a consular post, consular employees and members of the service staff;
- i) "Member of the private staff" means a person who is employed exclusively in the private service of a member of the consular post;
- j) "Member of the family" means the spouse, minor children or widowed father or mother of a member of the consular post, provided that they form part of his household;
- k) "Consular premises" means the buildings or parts of buildings and the land ancillary thereto used exclusively for consular activities;

<sup>1</sup> Came into force on 5 January 1974, i.e. the thirtieth day after the date of the exchange of the instruments of ratification, which took place at Brussels on 6 December 1973, in accordance with article 56 (2).

*l)* "Consular archives" means all the documents, correspondence, papers, books, films, tapes, registers, ciphers and codes of the consular post, together with the card-indexes and any article of furniture intended for their protection or safe-keeping;

*m)* "Vessel of the sending State" means a vessel having the nationality of the sending State in accordance with the laws of that State; the said term shall not include warships.

## CHAPTER I

### CONSULAR RELATIONS

#### *Article 2.* ESTABLISHMENT OF A CONSULAR POST

1. Each High Contracting Party may establish consular posts in the territory of the other High Contracting Party.

2. The establishment of a consular post, its classification and the consular district shall be determined in each individual case by agreement between the sending State and the receiving State.

3. Any change in the place of establishment of the consular post, its classification or the consular district shall likewise be effected by agreement between the sending State and the receiving State.

#### *Article 3.* HEAD OF CONSULAR POST

1. The head of a consular post shall be appointed by the sending State and admitted to the exercise of his functions by the receiving State.

2. The sending State shall obtain, through the diplomatic channel, the consent of the receiving State to the appointment of the head of a consular post.

3. The head of a consular post shall be provided by the sending State with a consular commission certifying his capacity and showing his full name, his category and class, the consular district and the seat of the consular post.

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

5. The head of a consular post shall be admitted to the exercise of his functions by an authorization from the receiving State termed an exequatur. The exequatur, showing the consular district, shall be delivered as soon as possible and free of charge.

6. Subject to the provisions of paragraph 7 of this article, the head of a consular post shall not enter upon his duties until he has received an exequatur.

7. The receiving State may grant the head of a consular post a provisional authorization for the exercise of his functions pending delivery of the exequatur; in that case, the provisions of this Convention shall apply to him.

#### *Article 4.* ACTING HEADS OF POST

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, the functions of head of post may be temporarily exercised by a consular officer of the same or another consular post of the sending State in the receiving State or by a diplomatic agent of the diplomatic mission of the sending State in the receiving State. The full name of the person appointed as acting head of post shall be notified to the Ministry of Foreign Affairs of the receiving State; this notification shall be given in advance unless it is absolutely impossible to do so.

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

*Article 5. MEMBERS OF THE CONSULAR POST*

1. The sending State shall determine the size of the consular staff in the light of the consular post's workload and the needs of its normal functioning; the receiving State may, however, require that the size of the staff be kept within limits considered by it to be reasonable and normal, having regard to conditions in the consular district and to the actual needs of the consular post.

2. The full name and class of consular officers, other than the head of a consular post, and the full name of consular employees and members of the service staff shall be notified in advance to the Ministry of Foreign Affairs of the receiving State, which shall at all times be kept informed of their address.

3. Members of the consular post shall not, in the territory of the receiving State, engage in any commercial or professional activity or other gainful occupation in addition to their consular functions or the tasks performed by them at the consular post.

*Article 6. NATIONALITY OF MEMBERS OF THE CONSULAR POST*

1. There shall be appointed as consular officers only persons who:

- a) Have the nationality of the sending State only;
- b) Are not permanently resident in the receiving State; and
- c) Are not present in the receiving State for the purpose of performing other functions.

2. Persons having a nationality other than that of the sending State or of the receiving State may be appointed as consular employees or members of the service staff only if the receiving State so permits.

*Article 7. IDENTITY DOCUMENTS*

1. The competent authority of the receiving State shall issue to every consular officer a special document certifying his identity and status.

2. The provisions of the preceding paragraph shall also apply to consular employees and members of the service staff, provided that they are not nationals of or permanently resident in the receiving State.

3. The provisions of paragraph 1 of this article shall also apply to members of the family of members of the consular post, provided that they are not nationals of or permanently resident in the receiving State and do not engage in any gainful occupation in that State.

*Article 8. NOTIFICATION TO THE AUTHORITIES OF THE CONSULAR DISTRICT*

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

*Article 9. TERMINATION OF THE ACTIVITIES OF A MEMBER OF A CONSULAR POST*

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

- a) On notification by the sending State to the receiving State that the functions of the member of the consular post have come to an end;
- b) On withdrawal of the *exequatur*;
- c) On notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff.

*Article 10.* PERSONS DECLARED "NON GRATA"

1. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that any other member of the consular post is not acceptable. In that event, the sending State shall, as the case may be, revoke the appointment of the member of the consular post, recall the consular officer or terminate the activities of the consular employee or member of the service staff.

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this article, the receiving State may, as the case may be, withdraw the exequatur from the head of the consular post or cease to consider the person concerned as a member of the consular staff, after notifying this decision to the sending State through the diplomatic channel.

3. In the cases mentioned in this article, the receiving State shall not be obliged to give to the sending State reasons for its decision.

CHAPTER II

CONSULAR FUNCTIONS

*Article 11.* PURPOSES OF CONSULAR FUNCTIONS

Consular functions shall be exercised with a view to:

- a) Defending in the receiving State the rights and interests of the sending State and of its nationals;
- b) Furthering the development of economic, commercial, cultural and scientific relations between the sending State and the receiving State and between their nationals;
- c) Ascertaining by all lawful means conditions and developments in the economic, commercial, cultural and scientific life of the receiving State;
- d) Otherwise promoting friendly relations between the two States;
- e) Helping and assisting nationals of the sending State.

*Article 12.* CONSULAR PROTECTION AND ASSISTANCE FOR NATIONALS OF THE SENDING STATE

1. Consular officers shall be entitled to extend the necessary consular assistance and protection to nationals of the sending State; they shall be entitled to communicate with them, visit them, advise them and, where necessary, assist them in defending the rights accorded to them by the laws of the receiving State or arising out of agreements in force between the High Contracting Parties.

2. Nationals of the sending State shall be entitled to communicate with consular officers and to visit them, regard being had, where appropriate, to the provisions of article 14, paragraphs 2 and 3.

3. Subject to the provisions of the laws of the receiving State, consular officers shall be authorized to extend consular assistance and arrange appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable to assume the defence of their rights and interests.

*Article 13.* ASSISTANCE TO PERSONS LACKING FULL CAPACITY OR BEING IN A SIMILAR SITUATION

1. For the protection of persons lacking full capacity and of persons having full capacity who are unable to exercise their rights, being nationals of the sending State, consular officers shall be entitled, within the limits permitted by the laws of the receiving State, to take all necessary protective measures, including the appointment of a guardian or other similar measures.

2. The competent authorities of the receiving State shall, where they are in possession of information concerning such persons, notify without delay to the consular post cases in which a guardian should be appointed or other similar measures should be taken with respect to persons referred to in paragraph 1 of this article.

3. The competent authorities of the receiving State shall be entitled, in accordance with the laws of that State and for the preservation of the interests of a person lacking full capacity:

- a) To take, in case of need, all requisite conservatory measures, or
- b) To arrange for his protection at the request of the consular officer.

*Article 14.* COMMUNICATION WITH AND PROTECTION OF NATIONALS OF THE SENDING STATE WHO ARE SUBJECTED TO MEASURES PRIVATIVE OF LIBERTY

1. The competent authorities of the receiving State shall, without delay and in any case within five days, inform the consular post of the sending State if, within its consular district, a national of that State has been arrested or his personal freedom has been restricted in any other way.

2. Consular officers shall have the right to receive correspondence or any other communication from a national of the sending State who is in custody pending trial or whose personal freedom is restricted in any other way, to visit him on a recurrent basis and to communicate with him. The exercise of this right may not be deferred by the competent authorities of the receiving State for more than 10 days from the date of arrest or the beginning of any restriction on personal freedom.

3. If, pursuant to a judicial decision, a national of the sending State is serving a sentence of imprisonment, a consular officer shall have the right to communicate with him and to visit him on a recurrent basis, except where the person concerned opposes such action in the presence of the consular officer and of a representative of the prison administration.

4. The rights referred to in paragraphs 2 and 3 of this article shall be exercised in the regular manner provided for by the laws of the receiving State with respect to visits to and communication with persons subjected to measures privative of liberty.

5. The competent authorities of the receiving State shall as soon as possible inform a national of the sending State who is in custody or whose personal freedom is restricted in any other way of the facilities for communication available to him under this article.

*Article 15.* REGISTRATION OF NATIONALS OF THE SENDING STATE

1. Consular officers shall be entitled:

- a) To keep a register of nationals of the sending State who are domiciled or resident in their consular district and to issue documents certifying such registration.
- b) To issue documents certifying their presence in the receiving State.

2. Registration shall not exempt the nationals concerned from the obligation to comply with the laws of the receiving State relating to the sojourn of aliens.

*Article 16.* ISSUE OF TRAVEL DOCUMENTS AND VISAS

Consular officers shall be entitled:

- a) To issue passports or other travel documents to nationals of the sending State and stateless persons permanently resident in that State and to renew, alter, extend or revoke them;
- b) To issue entry visas and transit visas to persons wishing to travel to or pass through the sending State.

*Article 17.* FUNCTIONS IN RESPECT OF CIVIL REGISTRATION

1. Consular officers shall be entitled to register births and deaths of nationals of the sending State or draw up any other instrument relating to the civil status of such nationals and to issue the appropriate certificates.

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

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

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

*Article 18.* NOTARIAL FUNCTIONS

1. Provided that there is nothing contrary thereto in the laws of the receiving State, consular officers shall be entitled to perform the following functions, at the request of nationals of the sending State, in the consular premises or, if they deem it necessary, at the domicile of the national of the sending State, or on board vessels of the sending State or aircraft registered in that State:

- a) To accept, draw up and authenticate instruments and documents containing declarations by nationals of the sending State;
- b) To accept, draw up and authenticate instruments and documents concerning the testamentary dispositions of nationals of the sending State;
- c) To accept, draw up and authenticate documents concerning other legal acts of nationals of the sending State, provided that such acts are to have legal effect outside the territory of the receiving State and do not relate to immovable property situated in the territory of the receiving State or to rights *in rem* in respect of such property;
- d) To indicate the correct date on documents;
- e) To accept for safekeeping documents belonging to or intended for nationals of the sending State.

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

*Article 19.* FUNCTIONS IN RESPECT OF OTHER INSTRUMENTS AND DOCUMENTS

Consular officers shall be entitled:

- a) To attest signatures on documents by nationals of the sending State and signatures of the judicial and administrative authorities of the sending State or of the receiving State on documents issued by those authorities;

- b) To attest signatures on copies or translations of or extracts from any document;
- c) To accept any declaration as provided for by the laws of the sending State relating to nationality and to keep a register of such declarations;
- d) To issue extracts from plain or certified copies of any document which they have drawn up within the limits of their competence;
- e) To execute the necessary formalities to enable nationals of the sending State to participate in referendums and national and local elections in that State;
- f) To issue certificates of origin or provenance of other similar documents relating to goods;
- g) To accept any declaration or issue any certificate which may be required by the laws of the sending State, provided that the receiving State takes no objection thereto.

#### *Article 20.* TRANSMISSION OF DOCUMENTS

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

#### *Article 21.* FUNCTIONS IN RESPECT OF SUCCESSION

1. In the event of the death of a national of the sending State in the territory of the receiving State, the competent authorities of the latter State shall notify the consular post without delay and shall transmit to it whatever information is available concerning the existence in the receiving State of an estate, of a will or of statutory or testamentary heirs. The said authorities shall similarly inform the consular post of the sending State in the event of their learning that the deceased left an estate in the territory of a third State.

2. The competent authority of the receiving State shall also notify the consular post of the sending State without delay when the heirs to an estate left in the territory of the receiving State are nationals of the sending State.

3. In the event of a consular officer's being informed of the circumstances mentioned in paragraphs 1 and 2 of this article before the competent authorities of the receiving State, he shall communicate such information to them without delay.

4. The competent authority of the receiving State shall notify the consular post of the sending State without delay of the measures already taken for the preservation and administration of an estate left in its territory upon the death of a national of the sending State.

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

5. Consular officers shall be entitled:

- a) To request the competent authorities of the receiving State to take the necessary measures for the preservation or administration of assets of the estate situated in the territory of that State upon the death of a national of the sending State;
- b) To assist, personally or through a representative, in carrying out the measures referred to in subparagraph (a);
- c) To assert the rights of succession of nationals of the sending State and to ensure that, as regards the acquisition and exercise of rights of succession, they are not accorded treatment other than that accorded to nationals of the receiving State;
- d) To ensure the transfer to nationals of the sending State of all sums of money, valuables or other movable property deriving from their rights of succession in the territory of the receiving State. Transfers shall be effected in compliance with the laws of the receiving State.

6. If, after execution of the formalities relating to the estate in the territory of the receiving State, movable assets of the estate or the proceeds of the sale of movable or immovable assets devolve to a statutory or testamentary heir who is a national of the sending State, is not resident in the receiving State and did not participate in the formalities relating to the estate or appoint an attorney, such assets or the proceeds of the sale thereof shall be delivered to the consular post of the sending State, for transfer to such heir, provided that:

- a) The competent authorities have authorized delivery of the assets or the proceeds of the sale thereof;
- b) All debt-claims against the estate presented within the period prescribed by the laws of the receiving State have been paid or secured.

7. In the event of the death of a national of the sending State who is temporarily in the territory of the receiving State, any personal effects, valuables and other movable property left by the deceased which have not been claimed by an heir either in person or through a representative shall be delivered without further formality and without delay to the consular post of the sending State for temporary safekeeping, subject to the right of the administrative or judicial authorities of the receiving State to take possession thereof in the interests of justice.

Export of the personal effects and other movable property, and transfer of the valuables shall be effected in compliance with the laws of the receiving State.

8. Nationals of the sending State shall enjoy in the receiving State the same treatment with regard to the exercise of their rights of succession as is accorded to nationals of the receiving State.

9. a) If the master or a member of the crew of a vessel of the sending State dies or disappears in the receiving State, whether on board the vessel or on shore, the master of the vessel or his substitute, assisted by a consular officer, shall have sole competence to draw up an inventory of the personal effects, valuables and other movable property left by the deceased or missing person and to perform such other acts as are necessary for the preservation of the assets and, where appropriate, the liquidation of the estate.

However, if the deceased or missing person is a national of the receiving State, the master of the vessel or his substitute shall, at the time when he is declared dead or missing, draw up an inventory a copy of which shall be delivered to the authorities of the receiving State, and those authorities shall have sole competence to perform all such other acts as are necessary for the preservation of the assets and, where appropriate, the liquidation of the estate. The said authorities shall inform the consular post of the sending State accordingly.

b) If the master or a member of the crew, being a national of the sending State, dies or disappears in the receiving State on board a vessel of the latter State, the inventory of personal effects, valuables and other property left by the deceased or missing person shall be drawn up, and acts necessary for the preservation of the assets and, where appropriate, the liquidation of the estate, shall be performed, in accordance with paragraph 7 of this article.

c) If a consular officer exercises the rights with regard to succession referred to in this paragraph, he shall comply with the laws of the receiving State.

#### *Article 22.* FUNCTIONS IN RESPECT OF SHIPPING

1. a) Consular officers shall be entitled, within their consular district, to extend assistance to vessels of the sending State entering or being in the ports or the internal or territorial waters of the receiving State;

b) To the extent permissible under the laws of the sending State, consular officers shall be entitled to establish contact with the masters and crews of vessels of the sending

State as soon as they have received *pratique*, to visit them, to examine and stamp ship's papers and documents relating to the cargo, to facilitate the entry, stay and departure of such vessels and in general to ensure the application of the shipping laws of the sending State on board such vessels. The consular officers may, if they so desire, be accompanied by other persons;

c) The master and members of the crew may establish contact with the consular officer and visit the consular post, provided that they comply with the laws of the receiving State concerning the admission, sojourn and departure of aliens.

2. To the extent permissible under the laws of the sending State, consular officers shall be entitled to take the necessary steps to ensure order and discipline on board vessels of the sending State. The authorities of the receiving State shall not intervene in the matter arising on board the vessel, with the exception of disorders which are liable to disturb the peace and public order, on shore or in the port, or to affect public health or security, or in which persons other than members of the crew are involved.

3. Should the authorities of the receiving State intend to take, within the limits of their competence, conservatory measures or measures of execution or attachment on board a vessel of the sending State, they shall notify the consular post in advance so that a consular officer may be present when the measures are carried out. If, owing to the urgency of the case, the consular post could not be notified and no consular officer was present or represented when the measures were carried out, the authorities of the receiving State shall immediately inform the consular post of the measures which they have taken. The consular post shall also be notified if the master or a member of the crew of the vessel is to be interrogated by the authorities of the receiving State.

The provisions of this paragraph shall not apply to customs, public health or passport inspections or to inspections relating to State security or the safety of life at sea.

4. Subject to the consent of the master of the vessel, consular officers shall be entitled to visit vessels of any nationality bound for the sending State in order to obtain such information as will enable them to draw up and sign the documents required under the laws of the sending State for the entry of the vessel into the ports of that State and to provide the competent authorities of the sending State with any information they may request concerning public health or other matters.

5. a) If a vessel of the sending State is damaged, stranded or wrecked in the ports or the internal or territorial waters of the receiving State, the competent authorities of the latter State shall immediately notify the consular officer nearest to the scene of the occurrence, informing him of the measures taken to save and protect the vessel, crew, passengers, cargo, supplies and other articles on board.

b) In such cases, the authorities of the receiving State shall be required to take the necessary measures to protect the damaged, stranded or wrecked vessel, the lives of those on board, the cargo and other articles on board, and to prevent looting and disorder on board the vessel. Such measures shall also extend to articles forming part of the vessel or of its cargo which have become separated from the vessel. The authorities of the receiving State shall also extend to the consular officers the necessary assistance for the adoption of any measures required in connexion with the damage, stranding or shipwreck. The consular officers shall be entitled to request the receiving State to take, and to continue taking, the necessary measures to save and protect the vessel, crew, passengers, cargo, supplies and other articles on board.

c) Where the wrecked vessel, its cargo or other articles which had been on board are found on or near the coast of the receiving State or are brought into a port of that State, and neither the master of the vessel nor the owner of the vessel or of the cargo nor his agent nor the underwriters are present or in a position to make arrangements for their preservation or disposal, the consular officer shall be authorized to make, as the representative of the owner of the vessel, such arrangements as the owner could have

made for the same purposes if he had been present, in compliance with the laws of the receiving State.

*d)* Consular officers may also take the measures prescribed in subparagraph (c) of this paragraph with respect to any article belonging to a national of the sending State and forming part of the cargo or supplies of a vessel which is brought into a port or found on or near the coast or on board the damaged, stranded or wrecked vessel.

*e)* Provided that there is nothing contrary thereto in the laws of the receiving State, the competent authorities of that State shall invite consular officers to be present at the investigation conducted to determine the causes of the damage, stranding or shipwreck.

*f)* The intervention of the authorities of the receiving State shall not result in the levying of any taxes or charges other than those levied in similar circumstances in respect of a damaged, stranded or wrecked vessel of the receiving State, any articles on board or its cargo.

*g)* The provisions of subparagraph (*f*) of this paragraph shall not, however, affect the application of the import, export and transit laws of the receiving State with respect to the cargo, equipment, supplies and other articles from the damaged, stranded or wrecked vessel.

6. If the laws of the sending State so permit, consular officers may accept any birth certificate or death certificate drawn up by the master or any last will and testament accepted by him on board the vessel during the voyage.

#### Article 23. FUNCTIONS IN RESPECT OF CIVIL AVIATION

The provisions of article 22 shall also apply *mutatis mutandis* to civil aviation, provided that they are not contrary to the provisions of other conventions in force between the High Contracting Parties.

#### Article 24. OTHER CONSULAR FUNCTIONS

In addition to the functions specified in this Convention, consular officers may perform any other consular function entrusted to them by the sending State to which the receiving State, having been previously notified, takes no objection.

#### Article 25. PROVISIONS APPLICABLE TO BODIES CORPORATE

The provisions of this Convention concerning nationals of the sending State shall, where appropriate, be applicable *mutatis mutandis* to bodies corporate of one of the High Contracting Parties.

### CHAPTER III

#### RIGHTS, FACILITIES, PRIVILEGES AND IMMUNITIES

#### Article 26. FACILITIES ACCORDED TO THE CONSULAR POST AND ITS STAFF

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

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

## Section I

*RIGHTS, FACILITIES, PRIVILEGES AND IMMUNITIES ACCORDED TO  
THE CONSULAR POST**Article 27. USE OF NATIONAL COAT-OF-ARMS AND FLAG*

1. The coat-of-arms of the sending State together with an inscription designating the consular post may be displayed at the seat of the consular post and at the residence of the head of the consular post.

2. The national flag of the sending State may be flown at the seat of the consular post and at the residence of the head of the consular post. It may also be flown on the means of transport used by the head of the consular post in the performance of his official functions.

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

*Article 28. FACILITIES FOR OBTAINING CONSULAR PREMISES AND ACCOMMODATION  
FOR MEMBERS OF THE CONSULAR POST*

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

2. The receiving State shall also assist the consular post in obtaining suitable accommodation for its members.

3. In the event of the receiving State's expropriating or requisitioning for purposes of national defence or public utility, in accordance with its laws, the consular premises of the sending State or the residence of a member of the consular post of the sending State, it shall:

- a) Pay prompt and adequate compensation, transferable to the sending State within a reasonable period, or
- b) Arrange for the replacement of the premises or residence concerned with equivalent buildings.

If such action is contemplated, all steps must be taken to avoid impeding the performance of consular functions.

*Article 29. INVIOABILITY OF THE CONSULAR PREMISES AND THE RESIDENCE OF THE  
HEAD OF THE CONSULAR POST*

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

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

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

4. The consular premises, their furnishings and other movable property, and the means of transport of the consular post intended for use in the exercise of the activities of the consular post, shall, even if they are not the property of the sending State, be immune from any form of requisition, sequestration or act of execution.

*Article 30.* EXEMPTION FROM TAXATION OF THE CONSULAR PREMISES AND THE RESIDENCE OF THE HEAD OF THE CONSULAR POST

1. The sending State shall be exempt from all national, regional or municipal taxes and from all similar charges of any kind in respect of:

- a) The purchase or leasing, ownership or rental, possession, construction or improvement of land, buildings or parts of buildings intended or used exclusively for the official purpose of a consular post or for the residence of the head of a consular post;
- b) The acquisition, ownership, possession or use of all movable property, including vehicles, intended or used exclusively for the official purposes of a consular post.

2. No exemption shall be granted in the case of fees and taxes of other similar charges of any kind representing payment for specific services rendered to the sending State.

3. The exemption from taxation referred to in paragraph 1 of this article shall not apply to dues and taxes which, under the laws and regulations of the receiving State, are payable by the person who contracted with the sending State.

*Article 31.* INVIOABILITY OF THE CONSULAR ARCHIVES

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

*Article 32.* FREEDOM OF COMMUNICATION

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

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

3. The consular bag shall be neither opened nor detailed; it shall be inviolable.

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

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. The consular courier shall be neither a national of nor permanently resident in the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to arrest or to any form of detention or restriction on his personal freedom.

*Article 33.* COMMUNICATION WITH THE AUTHORITIES OF THE RECEIVING STATE

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

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

2. Consular officers may not, however, address the Ministry of Foreign Affairs directly, except in the absence of any diplomatic agent of the sending State.

*Article 34. FREEDOM OF MOVEMENT*

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

*Article 35. CONSULAR FEES AND CHARGES*

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

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

Section II

*RIGHTS, FACILITIES, PRIVILEGES AND IMMUNITIES ACCORDED TO MEMBERS OF THE CONSULAR POST*

*Article 36. IMMUNITY FROM JURISDICTION AND PERSONAL INVIOABILITY OF THE HEAD OF THE CONSULAR POST*

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

2. The provisions of the preceding paragraph shall not apply in respect of a civil action either:

- a) Arising out of a contract concluded by the head of the consular post in which he did not contract expressly or impliedly on behalf of the sending State; or
- b) By a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

3. No measure of execution shall be taken against the head of the consular post except in the cases specified in paragraph 2 of this article.

*Article 37. IMMUNITY FROM JURISDICTION OF MEMBERS OF THE CONSULAR STAFF*

1. Members of the consular staff shall not be amenable to the criminal, civil or administrative jurisdiction of the receiving State in respect of any act performed in the exercise of their official duties.

2. The provisions of the preceding paragraph shall not, however, apply in respect of a civil action either:

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

*Article 38. PERSONAL INVIOABILITY OF CONSULAR OFFICERS OTHER THAN THE HEAD OF THE CONSULAR POST IN RESPECT OF ACTS PERFORMED OUTSIDE THE EXERCISE OF THEIR OFFICIAL FUNCTIONS*

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

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

3. If criminal proceedings are instituted against a consular officer other than the head of post, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

*Article 39. NOTIFICATION OF MEASURES PRIVATIVE OF LIBERTY*

In the event of measures privative of liberty being taken against a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post.

*Article 40. GIVING OF EVIDENCE*

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. If a consular officer should decline to give evidence, no coercive measure or penalty may be applied to him. Except in the cases mentioned in paragraph 3 of this article, a consular employee or a member of the service staff shall not decline to give evidence.

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

3. Members of the consular post shall be under no obligation to give evidence concerning matters connected with the exercise of their official activities or to produce correspondence or other documents from the consular archives.

4. Consular officers and consular employees who are called upon to give evidence under oath may nevertheless make a statement without taking an oath.

5. Members of the consular post shall be under no obligation to give evidence as expert witnesses.

*Article 41. EXEMPTION FROM PERSONAL SERVICES AND OTHER OBLIGATIONS*

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

2. Members of the consular post shall also be exempt in the receiving State from any obligation under the laws and regulations of that State in regard to the registration of aliens and residence permits.

*Article 42. CUSTOMS EXEMPTIONS*

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

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

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

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

3. Personal baggage accompanying consular officers shall be exempt from customs inspection unless there is serious reason to believe that it contains articles other than those referred to in subparagraph (b) of paragraph 1 of this article, or articles the import or export of which is prohibited by the laws of the receiving State or which are subject to restrictions or embargo. In that case, the inspection shall be carried out in the presence of the consular officer concerned.

*Article 43. OTHER EXEMPTIONS FROM TAXATION*

1. Members of the consular post shall be exempt from all dues and taxes, national, regional or municipal, on remuneration perceived for their official activities.

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

- a) Indirect taxes of a kind which are normally incorporated in the price of goods or services;
- b) Dues or taxes on private immovable property situated in the territory of the receiving State;
- c) Estate, succession or inheritance duties, and duties on transfers, subject to the provisions of subparagraph (b) of article 44;
- d) Dues and taxes on private income having its source in the receiving State, including capital gains;
- e) Charges levied for specific services rendered to consular officers and consular employees;
- f) Registration, court or record fees, mortgage dues and stamp duties.

3. The provisions of paragraph 2 of this article regarding exemptions shall apply only to dues or taxes for which, in the absence of the exemption specified, the consular officer or consular employee is personally liable.

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

*Article 44. EXEMPTIONS GRANTED IN THE EVENT OF THE DEATH OF A MEMBER OF THE CONSULAR POST*

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

- 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 or subject to restriction at the time of his death, provided that the property is exported within a reasonable time;

- b) Shall exempt the movable property of the estate from dues, taxes and other similar charges of any kind, provided that such property was in the territory of the receiving State solely by reason of the presence of the deceased as a member of the consular post.

*Article 45. EXEMPTION FROM WORK PERMITS*

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

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

*Article 46. SOCIAL SECURITY EXEMPTION*

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

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

- a) That they are not nationals of or permanently resident in the receiving State; and  
b) That they are covered by the social security provisions which are in force in the sending State or a third State.

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

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

*Article 47. EXCEPTIONS TO RIGHTS, FACILITIES, PRIVILEGES AND IMMUNITIES*

Consular employees and members of the service staff of the consular post who are nationals of or permanently resident in the receiving State shall enjoy only the privileges and immunities provided for in article 37 and article 40, paragraph 3, of this Convention.

*Article 48. RIGHTS, FACILITIES, PRIVILEGES AND IMMUNITIES ACCORDED TO MEMBERS OF THE FAMILY OF MEMBERS OF THE CONSULAR POST*

1. Subject to paragraphs 2 and 3 of this article:

- a) The provisions of article 41, article 42, paragraphs 1 and 3, article 43, paragraphs 2 and 3, article 44 and article 46 shall apply to members of the family of a consular officer;  
b) The provisions of article 41, article 42, paragraph 2, article 43, paragraphs 2 and 3, article 44 and article 46 shall apply to members of the family of a consular employee;  
c) The provisions of article 41, paragraph 1, article 42, paragraph 2, article 44 and article 46 shall apply to members of the family of a member of the service staff.

2. If members of the family of a member of the consular post are nationals of or permanently resident in the receiving State, or if they carry on any private gainful

occupation in that State, they shall enjoy only such facilities, privileges and immunities as may be accorded to them by the receiving State.

3. If consular employees or members of the service staff are nationals of or permanently resident in the receiving State, members of their families shall enjoy only such facilities, privileges and immunities as may be accorded to them by the receiving State.

*Article 49. EXERCISE OF THE JURISDICTION OF THE RECEIVING STATE*

The receiving State shall exercise its jurisdiction over the persons referred to in article 47 and article 48, paragraphs 2 and 3, in a manner which will not impede unduly the activities of the consular post.

*Article 50. WAIVER OF IMMUNITIES AND PRIVILEGES*

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in articles 36, 37, 38 and 40.

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

3. The initiation of proceedings by a member of the consular post in a matter where he might enjoy immunity from jurisdiction under articles 36 and 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim connected with the principal claim.

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

*Article 51. BEGINNING AND END OF RIGHTS, FACILITIES, PRIVILEGES AND IMMUNITIES*

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

2. Members of the family of a member of the consular post shall receive the rights, facilities, privileges and immunities provided in this Convention as follows:

- a) From the moment when the member of the consular post begins to enjoy rights, facilities, privileges and immunities in accordance with paragraph 1 of this article;
- b) From the moment they cross the frontier of the receiving State, if the date of their entry into the territory of that State is later than the date referred to in subparagraph (a) above;
- c) From the moment when they become members of the family of the member of the consular post, if this occurs on a date later than either of those referred to in subparagraphs (a) and (b) above.

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

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

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

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

6. Members of the private staff shall enjoy the rights, facilities and privileges accorded to them under this Convention so long as they are employed as such.

7. With respect to acts performed by a member of the consular post in the exercise of his official duties, immunity from jurisdiction shall continue to subsist without limitation of time.

#### *Article 52.* NOTIFICATION TO THE RECEIVING STATE OF ARRIVALS AND DEPARTURES

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

- a) The arrival of members of the consular staff after their appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;
- b) The arrival or final departure of a member of the family of a member of the consular post and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;
- c) The arrival and final departure of members of the private staff and, where appropriate, the termination of their services as such;
- d) The engagement and termination of service of persons resident in the receiving State as consular employees, members of the service staff of members of the private staff.

### CHAPTER IV FINAL PROVISIONS

#### *Article 53.* EXERCISE OF CONSULAR FUNCTIONS

1. Consular functions shall be exercised by the consular officers of the sending State within the district of each consular post; the exercise of consular functions outside the consular district shall be subject to the prior consent of the receiving State.

2. Consular functions may also be exercised, where appropriate, by diplomatic agents of the diplomatic mission of the sending State in the receiving State; in that event, the rights and obligations of diplomatic agents shall be respected.

3. The exercise of consular functions by diplomatic agents shall not affect their diplomatic immunities and privileges.

4. The names of diplomatic agents exercising consular functions shall be notified to the Ministry of Foreign Affairs of the receiving State. If the laws of the receiving State so provide, an exequatur shall be issued immediately and without reservation.

#### *Article 54.* RESPECT FOR THE LAWS OF THE RECEIVING STATE

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

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

*Article 55.* INSURANCE AGAINST THIRD PARTY RISKS

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

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

*Article 56.* RATIFICATION, ENTRY INTO FORCE, AMENDMENT, DENUNCIATION

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

2. This Convention shall enter into force on the thirtieth day after the date of the exchange of instruments of ratification. It shall remain in force for 10 years, and shall continue in force thereafter unless it is denounced in the manner prescribed in paragraph 4 of this article.

3. Either High Contracting Party may propose to the other High Contracting Party that one or more articles of this Convention should be amended. In the event of agreement on an amendment, such amendment shall be the subject of a Protocol which shall constitute an integral part of this Convention.

4. Either of the High Contracting Parties may denounce this Convention at the end of the initial 10-year period or, thereafter, by giving one year's written notice to the other High Contracting Party.

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

DONE at Bucharest, on 1 July 1970, in two original copies, each in Romanian, French and Dutch, the three texts being equally authentic.

For the Socialist Republic  
of Romania:

[*Signed*]

NICOLAE ECOBESCU

For the Kingdom  
of Belgium:

[*Signed*]

JAN ADRIAENSSEN

## EXCHANGE OF LETTERS

## I

Bucharest, 1 July 1970

Sir,

On the occasion of the signing of the Consular Convention between our two countries, I have the honour, on behalf of my Government, to inform you that Belgium and the Grand Duchy of Luxembourg signed at Brussels on 30 September 1965 a Convention concerning co-operation in consular matters.<sup>1</sup>

Accordingly, I venture to propose to you that the Socialist Republic of Romania should accord to Belgian consular officers the right to act, in accordance with chapter II of the present Convention, with a view to the defence of Luxembourg interests.

If the Government of the Socialist Republic of Romania is in a position to signify its agreement to this proposal, this letter and your reply shall form an integral part of the Convention between our two countries.

Accept, Sir, etc.

[Signed]

JAN ADRIAENSSEN

His Excellency Mr. Nicolae Ecobescu  
Vice-Minister for Foreign Affairs

## II

Bucharest, 1 July 1970

Sir,

I have the honour to acknowledge receipt of your letter of today's date, reading as follows:

[See letter I]

I have the honour to inform you that the Government of the Socialist Republic of Romania signifies its agreement to the proposal referred to in your letter, and I take this opportunity, etc.

[Signed]

NICOLAE ECOBESCU

His Excellency Mr. Jan Adriaenssen  
Ambassador Extraordinary and Plenipotentiary  
of the Kingdom of Belgium in Bucharest

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<sup>1</sup> United Nations, *Treaty Series*, vol. 590, p. 35.