

No. 13305

**UNION OF SOVIET SOCIALIST REPUBLICS
and
ITALY**

**Consular Convention (with protocol). Signed at Moscow
on 16 May 1967**

Authentic texts: Russian and Italian.

Registered by the Union of Soviet Socialist Republics on 20 May 1974.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
ITALIE**

**Convention consulaire (avec protocole). Signée à
Moscou le 16 mai 1967**

Textes authentiques : russe et italien.

*Enregistrée par l'Union des Républiques socialistes soviétiques le 20 mai
1974.*

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE ITALIAN REPUBLIC

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the President of the Italian Republic,

Prompted by a desire to regulate consular relations between the Union of Soviet Socialist Republics and the Italian Republic and thus to promote the further development of friendly relations between the two States,

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

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics: Mr. Andrei Andreevich Gromyko, Minister for Foreign Affairs of the USSR;

The President of the Italian Republic: Mr. Amintore Fanfani, Minister for Foreign Affairs of the Italian Republic,

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

Article 1. For the purposes of this Convention:

1. The term “consular post” means a consulate-general, consulate or vice-consulate;

2. The term “consular district” means the area assigned to a consular post for the exercise of consular functions;

3. The term “head of consular post” means a person who is in charge of a consular post;

4. The term “consular officer” means any person, including the head of a consular post entrusted with the exercise of consular functions;

5. The term “consular employee” means any person employed in the administrative or technical service of a consular post;

6. The term “member of the service staff” means any person employed in the domestic service of a consular post;

7. The term “member of the consular staff” means a consular officer, consular employee or member of the service staff;

8. The term “member of the private staff” means any person who is employed exclusively in the private service of a member of the consular staff.

9. The term “consular archives” means all official correspondence, ciphers, documents, books, the technical means used in clerical work and any equipment intended for their safekeeping;

10. The term “national” also means any juridical person constituted in accordance with the laws of either of the Contracting Parties.

¹Came into force on 21 March 1974, i.e. on the thirtieth day after the exchange of the instruments of ratification, which took place at Rome on 19 February 1974, in accordance with articles 43 and 44.

CHAPTER I

GENERAL PROVISIONS

Article 2. 1. A consular post may be established by one Contracting Party in the territory of the other Party with the consent of that Party.

2. The seat of the consular post, its classification and district and any subsequent charges therein shall be determined by agreement between the sending State and the receiving State.

Article 3. Prior to the appointment of the head of a consular post, the sending State shall request in advance through the diplomatic channel the agreement of the receiving State to such appointment.

Article 4. 1. The head of a consular post shall enter upon his duties after the receiving State has recognized him in that capacity. After presentation of the commission, such recognition shall be granted in the form of an exequatur.

2. The diplomatic mission of the State appointing a consul shall present to the Ministry of Foreign Affairs of the receiving State the consular commission specifying the full name of the head of the consular post, his rank, his consular district and the seat of the consular post.

3. When necessary, the receiving State shall grant temporary authorization pending delivery of the exequatur.

4. As soon as the head of a consular post has been recognized, even on a temporary basis, the authorities of the receiving State shall make the necessary arrangements to enable him to perform his duties and to enjoy the rights, privileges and immunities to which he is entitled under this Convention.

Article 5. 1. If the head of a consular post is unable for any reason to carry out his functions or the position of head of consular post is temporarily vacant, a consular officer or consular employee belonging to the same or another consular post or a member of the diplomatic staff of the diplomatic mission of the sending State may be authorized to act as temporary head of the consular post.

The full name of the person concerned shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. A person authorized to act as temporary head of a consular post shall enjoy the rights, privileges and immunities accorded to the head of a consular post under this Convention.

Article 6. Consular officers shall be nationals of the sending State.

Article 7. The receiving State may notify the sending State through the diplomatic channel that a member of the consular staff is unacceptable.

On receiving such notification, the sending State shall terminate the functions of the member of the consular staff concerned within a reasonable period of time.

Article 8. The sending State shall notify the receiving State through the diplomatic channel of the termination of the functions of a member of the consular staff.

CHAPTER II

CONSULAR FUNCTIONS

Article 9. Through his activities, a consular officer shall promote the development of commercial, economic, cultural, scientific and tourist relations between the Contracting Parties and contribute in other ways to the strengthening of friendly relations between them.

Article 10. The head of a consular post shall, within his consular district, protect the rights and interests of the sending State and of its nationals, including juridical persons.

Article 11. The head of a consular post may take the necessary steps, subject to the laws and regulations of the receiving State, to ensure that nationals of the sending State are suitably represented before the courts and other authorities of the consular district where such nationals are unable, owing to absence or for other valid reasons, to protect their own rights and interests within the appropriate time-limits.

This provision shall also apply to juridical persons of the sending State.

Article 12. The head of a consular post shall:

- a) Keep a register of nationals of the sending State and issue to them or renew, amend or revoke passports and other similar documents;
- b) Issue, renew, amend and revoke visas of the sending State.

Article 13. 1. The head of a consular post may:

- a) Issue certificates of the birth or death of nationals of the sending State;
- b) Solemnize marriages where both parties are nationals of the sending State;
- c) Register divorces granted in accordance with the law of the sending State.

2. The foregoing shall not exempt the persons concerned from the obligation to make such declarations as may be required by the law of the receiving State.

3. The competent authorities of the receiving State shall transmit to the consular post, free of charge, the death certificates of nationals of the sending State.

Article 14. 1. The head of a consular post may perform the following acts within the consular district and, in particular, at the consular post or at his residence and, at the wish of nationals of the sending State, at their residences and on board seagoing vessels of that State:

- a) To receive, draw up and certify declarations by nationals of the sending State;
- b) To draw up, attest and accept for safekeeping the wills of nationals of the sending State;
- c) To draw up or certify instruments and agreements between nationals of the sending State, provided that such instruments and agreements are not contrary to the law of the receiving State and do not relate to the establishment or transfer of rights to immovable property situated in that State;

- d) To draw up or certify agreements between nationals of the sending State, on the one hand, and nationals of the receiving State or nationals of third States, on the other hand, provided that the legal effects of such agreements relate exclusively to the territory of the sending State and provided that such agreements are not contrary to the law of the receiving State;
- e) To certify the signatures of nationals of the sending State in documents;
- f) To legalize documents and to certify copies of documents;
- g) To translate instruments and documents and to certify such translations;
- h) To accept for safekeeping, from nationals of the sending State, documents, money, valuables and other property belonging to them.

2. Documents, money, valuables and other property given to the consular post for safekeeping in accordance with paragraph 1 (h) of this article may be exported from the receiving State only in compliance with the law of that State.

Article 15. 1. The authorities of the receiving State shall recognize the instruments and documents referred to in article 14 which have been drawn up or certified by a consular officer and which bear an official seal, as well as copies and translations of such instruments and documents and extracts therefrom certified by a consular officer and bearing an official seal, where such instruments and documents are required for use in accordance with the law of the receiving State.

2. The instruments, documents, copies, translations and extracts referred to in paragraph 1 which are to be submitted to the authorities of the receiving State shall be subject to legalization if the law of that State so requires.

Article 16. 1. The competent authorities of the receiving State shall notify the consular post as soon as possible of the death in the receiving State of a national of the sending State and shall transmit to it all information in its possession concerning the estate, the heirs and the existence of a will.

2. The competent authorities shall inform the consular post as soon as possible of the opening of a succession in the receiving State where an heir is a national of the sending State.

This provision shall also apply to cases where the competent authorities learn of the opening of a succession in favor of a national of the sending State in the territory of a third State.

3. a) The competent authorities of the receiving State shall inform the consular post as soon as possible of measures they have taken for the protection and administration of an estate left in that State following the death of a national of the sending State.

b) The consular officer may assist, either directly or through a representative, in carrying out the measures referred to in subparagraph (a).

4. If, after the completion of succession proceedings in the receiving State, the movable estate or the proceeds of the sale of the movable or immovable estate are to descend to an heir being a national of the sending State who is not resident in the receiving State and has not appointed his representative, such estate or proceeds shall be delivered to the consular post of the sending State for transmission to the heir, provided that:

- a) The competent authorities of the receiving State have authorized delivery of the estate or proceeds where such authorization is required;
- b) All claims on the estate presented within the period prescribed by the law of the receiving State have been paid or secured;
- c) All estate duties have been paid or secured.

5. If a national of the sending State dies while temporarily in the receiving State, any articles, money and valuables in his possession shall be delivered to the consular post of the sending State without formal proceedings. The delivery and, where necessary, the export of such property shall be subject to compliance with the law of the receiving State.

Article 17. The authorities of the receiving State shall inform the consular post of cases where it is necessary to appoint a guardian or curator for nationals of the sending State or for the property of such nationals, when such property is left unsupervised.

Consular officers may apply to the competent authorities of the receiving State with regard to the appointment of guardians or curators for nationals of the sending State or for property which is left unsupervised and, in particular, may propose candidates for the exercise of the functions of guardians or curators.

Article 18. 1. The head of a consular post may extend aid and assistance to vessels of the sending State which enter a port in his consular district. After a vessel has received *pratique*, he may proceed on board the vessel and enter into contact with the crew.

2. The head of a consular post may:

- a) Without prejudice to the rights of the authorities of the receiving State, investigate any incident occurring on board a vessel of the sending State during its voyage, question the master or any member of the crew, examine the vessel's papers, settle disputes between the master of the vessel, the officers and other members of the crew in so far as this is provided for by the law of the sending State, and facilitate the vessel's entry, departure and stay in port;
- b) Make arrangements for the treatment in hospital and the repatriation of the master or any member of the crew of the vessel;
- c) Receive, draw up or certify any declaration or other document provided for by the law of the sending State in respect of vessels.

The head of a consular post may, when performing these duties, request assistance from the competent authorities of the receiving State.

3. Where the competent authorities of the receiving State intend to take coercive measures on board a vessel of the sending State which is in the waters of the receiving State, they shall notify the consular post in good time before such measures are initiated so as to enable the head of the consular post or his representative to be present when such measures are taken. Where the head of the consular post or his representative has not been present at the proceedings, the said authorities shall, as soon as possible, provide the consular post with full information regarding what has taken place.

This provision shall also apply in cases where any member of the crew of the vessel is to be interrogated on land by the authorities of the locality of the port.

4. Paragraph 3 of this article shall not apply to customs, passport or public health examinations.

5. For the purposes of this Convention, the term "vessel" does not include military vessels.

Article 19. 1. Where a vessel of the sending State is wrecked, runs aground or is otherwise damaged in the waters of the receiving State, the competent authorities of the receiving State shall notify the consular post as soon as possible of the occurrence and of the measures taken to save the crew, the vessel and the cargo.

The head of a consular post may extend all possible assistance to the vessel, the members of its crew and its passengers and may take measures to safeguard the cargo and repair the vessel.

The head of a consular post may request the authorities of the receiving State to take such measures.

2. The head of a consular post may make the necessary arrangements concerning the vessel and the cargo where neither the owner of the vessel, the master nor any other authorized person is in a position to do so.

3. The head of a consular post may also make the necessary arrangements concerning articles belonging to a national of the sending State and forming part of the cargo of a damaged vessel which are found on or near the coast of the receiving State or brought into a port in the consular district.

4. The competent authorities of the receiving State shall extend assistance to the head of a consular post in any measures which he may take in connexion with the damage to the vessel.

5. The shipwrecked vessel and its cargo and supplies shall not be subject to customs duties or charges in the receiving State unless they are transferred for use in that State.

Article 20. The provisions of articles 18 and 19 shall also apply to civil aircraft.

Article 21. In addition to the functions provided for by this Convention, the head of a consular post may exercise other consular functions entrusted to him under the law of the sending State which are not contrary to the law of the receiving State.

CHAPTER III

RIGHTS, PRIVILEGES AND IMMUNITIES

Article 22. 1. The national flag of the sending State may be flown from the building occupied by the consular post, from the residence of the head of the consular post and the latter's means of transport when used by him in the performance of his official duties.

2. A shield bearing the coat-of-arms of the sending State and the title of the consular post may be affixed to the building occupied by the consular post.

Article 23. 1. The receiving State shall, within the limits allowed by its laws and regulations, extend assistance in the acquisition or leasing in its territory of any land, buildings or parts of buildings for a consular post or assist the sending State in obtaining them in some other way.

2. Where necessary, the receiving State shall assist the sending State in obtaining the living quarters needed for the members of the consular staff.

3. Nothing in the provisions of this article shall be deemed to exempt the sending State from the obligation to comply with any building or town planning laws or regulations applicable to the area in which the land, buildings or parts of buildings concerned are situated.

Article 24. 1. Buildings or parts of buildings and land appurtenant thereto used exclusively for consular purposes shall be inviolable, irrespective of who may own them. The authorities of the receiving State may not enter such premises except with the consent of the head of the consular post, the head of the diplomatic mission of the sending State or a person designated by one of them.

2. The provisions of paragraph 1 of this article shall also apply to the residence of the head of the consular post.

Article 25. 1. The premises of the consular post and the residence of the head of the consular post shall be exempt from any taxes or charges—national, regional, provincial or municipal—provided that the said property is owned or leased by the sending State or a person acting on its behalf.

These exemptions shall apply to:

- a) Instruments and agreements relating to the acquisition of the above-mentioned immovable property;
- b) The ownership, possession and use of movable property intended for consular purposes.

2. The provisions of paragraph 1 of this article shall not apply to:

- a) Charges levied for specific services rendered;
- b) Taxes and any charges payable by persons who have contracted with the sending State or with a person acting on its behalf.

Article 26. The consular archives shall be inviolable at all times and wherever they may be. Unofficial papers shall not be kept in the consular archives.

Article 27. Subject to the laws and regulations of the receiving State concerning areas entry into which is prohibited or restricted for reasons of national security, members of the consular staff shall be permitted to travel within the limits of the consular district in the performance of their official duties.

Article 28. 1. A consular post may communicate with its Government or with the diplomatic mission and consular posts of the sending State in the receiving State, or with other diplomatic missions and consular posts of the sending State. For this purpose the consular post may use all ordinary means of communication, couriers, officially sealed diplomatic bags, cipher and code. The same rates shall apply to the consular post in the use of ordinary means of communication as to the diplomatic mission of the sending State.

2. The official correspondence of a consular post, regardless of the means of communication used, and officially sealed diplomatic bags bearing visible external marks of their official character shall be inviolable and shall not be subject to examination or detention by the authorities of the receiving State.

3. Persons acting as couriers transporting the bags referred to in paragraph 2 of this article shall enjoy the same rights, privileges and immunities as diplomatic couriers.

Article 29. 1. A consular officer may, within his district, meet and communicate with nationals of the sending State, aid and advise such nationals and, where necessary, make arrangements to provide them with legal assistance. The receiving State shall do nothing to restrict the access of nationals of the sending State to the consular post.

2. Where a national of the sending State is arrested, detained or otherwise deprived of liberty within the consular district, the competent authorities of the receiving State shall so notify the consular post of the sending State.

3. Where a national of the sending State has been arrested, detained or otherwise deprived of liberty or is serving a term of imprisonment within the consular district, the consular officer may visit and communicate with him.

The rights referred to in this paragraph shall be exercised in accordance with the laws and regulations of the receiving State, provided, however, that the said laws and regulations do not invalidate these rights.

Article 30. In the performance of their duties, consular officers may apply to the competent authorities within the consular district, including representatives of the central authorities.

Article 31. 1. A consular post may, in connexion with the exercise of consular functions, levy the fees prescribed by the law of the sending State.

2. Sums levied under paragraph 1 of this article shall be exempt from all taxes and charges in the receiving State.

Article 32. The authorities of the receiving State shall treat consular officers with due respect, afford them protection and make the necessary arrangements to enable them to perform their duties and to enjoy the rights, privileges and immunities to which they are entitled under this Convention.

Article 33. 1. The head of a consular post shall enjoy personal inviolability and immunity from the jurisdiction of the receiving State, except in the case of:

- a) Estate proceedings relating to private immovable property situated in the territory of the receiving State, unless the head of the consular post owns it on behalf of the sending State for consular purposes;
- b) Succession proceedings in respect of which the head of the consular post acts in the capacity of executor of a will, curator of an estate, or heir, as a private person and not on behalf of the sending State;
- c) Proceedings relating to any professional or commercial activity carried out by the head of the consular post in the receiving State outside the scope of his official duties.

2. Consular officers and consular employees shall enjoy immunity from the jurisdiction of the receiving State in respect of acts performed in the exercise of consular functions.

3. Consular officers may be arrested or otherwise deprived of liberty only in the case of a grave crime or on the basis of a sentence of a court of the receiving State which has entered into effect. For the purposes of this

Convention, the term “grave crime” means a premeditated crime for which the law of the receiving State prescribes imprisonment for a period of at least five years or a more serious punishment.

4. If in the cases referred to in paragraph 3 of this article criminal proceedings must be instituted against a consular officer, the receiving State shall promptly notify the diplomatic mission of the sending State.

Article 34. 1. Members of the consular staff may be invited to give evidence as witnesses in civil or criminal cases in the course of judicial and administrative proceedings. However, no coercive measures may be applied against consular officers.

2. The judicial or administrative authorities of the receiving State requesting a consular officer to give evidence as a witness shall take all reasonable measures to avoid interfering with the performance of consular duties and shall, wherever possible, take such evidence at the consular post or at the residence of the consular officer.

3. A consular officer invited to give evidence may, instead of taking an oath, make a statement testifying to the truth of the evidence given by him.

4. Members of the consular staff and members of their families residing with them may refuse to give evidence concerning matters connected with the official duties of the consular post.

Article 35. 1. The sending State may waive the immunities of members of the consular staff. Such waivers shall in all cases be express, and the receiving State shall be notified thereof in writing through the diplomatic channel.

2. Waiver of immunity from jurisdiction in respect of civil and administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgement, for which a separate waiver must be made.

Article 36. Members of the consular staff and members of their families who are nationals of the sending State and reside with them shall be exempt from any obligations under the laws and regulations of the receiving State in respect of residence permits and registration of foreigners.

Article 37. 1. Consular officers and employees and members of their families residing with them shall, provided that they are nationals of the sending State, be exempt from the payment of all taxes and charges, with the exception of:

- a) Indirect taxes of a kind which are normally included in the price of goods or services;
- b) Taxes and charges on immovable property belonging to them and situated in the receiving State, subject to the exceptions provided for in article 25;
- c) Taxes and charges on private income derived from sources within the receiving State;
- d) Registration, mortgage and State (stamp and court) fees subject to the exceptions provided for in article 25;
- e) Duties on property and the transfer of property in the receiving State, with the exception of the cases provided for in article 39;
- f) Charges levied for specific services rendered.

2. Members of the service staff who are nationals of the sending State shall be exempt from charges and taxes on the wages which they receive for performing their official duties.

Article 38. 1. The receiving State shall, in accordance with its laws and regulations, permit the entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services to;

- a) Articles including motor vehicles, intended for the official use of the consular post;
- b) Articles intended for the personal use and requirements of a consular officer or members of his family residing with him.

2. Consular employees shall enjoy the exemptions provided for in paragraph 1 (b) of this article in respect of articles imported at the time of first installation.

Article 39. If a member of the consular staff or a member of his family residing with him dies and leaves movable property in the receiving State, no tax or charge of any kind shall be imposed on such property, provided that the deceased was not a national or permanent resident of the receiving State and that the presence of the property in that State was due solely to the presence of the deceased in his capacity as a member of the consular staff or a member of the family of a member of the consular staff.

The receiving State shall authorize the export of the deceased's movable property except for articles acquired in that State the export of which is prohibited.

Article 40. Members of the consular staff and members of their families residing with them shall, provided that they are not nationals of the receiving State, be exempt in that State from service in the armed forces, and also from compulsory public service of any kind.

CHAPTER IV

FINAL PROVISIONS

Article 41. All persons enjoying privileges and immunities under this Convention must, without prejudice to their privileges and immunities, comply with the laws and regulations of the receiving State, including those relating to traffic and vehicle insurance.

Article 42. 1. The provisions of this Convention shall also apply to consular functions performed by members of the staff of the diplomatic mission of the sending State who are entrusted with the performance of consular functions and whose names have been notified to the Ministry of Foreign Affairs of the receiving State.

2. The performance of consular functions by members of the staff of the diplomatic mission referred to in paragraph 1 of this article shall not affect the privileges and immunities to which they are entitled as members of the diplomatic mission.

Article 43. This Convention is subject to ratification. The exchange of the instruments of ratification shall take place at Rome.

Article 44. This Convention shall enter into force on the thirtieth day after the exchange of the instruments of ratification and shall remain in force until such time as one of the High Contracting Parties denounces it after giving one year's notice to that effect.

IN WITNESS WHEREOF the plenipotentiaries of the High Contracting Parties have signed this Convention and have thereto affixed their seals.

DONE at Moscow on 16 May 1967, in duplicate in the Russian and Italian languages, both texts being equally authentic.

For the Presidium
of the Supreme Soviet
of the Union of Soviet
Socialist Republics:

[A. GROMYKO]

For the President
of the Italian Republic:

[A. FANFANI]

PROTOCOL

TO THE CONSULAR CONVENTION BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE ITALIAN REPUBLIC

1. The Contracting Parties agree that the notification to the consular post referred to in article 29, paragraph 2, of the Consular Convention between the Union of Soviet Socialist Republics and the Italian Republic shall take place within one to three days from the time of the arrest, detention, or other deprivation of liberty, depending on the state of communications.

2. The Contracting Parties agree that the rights referred to in article 29, paragraph 3, of the Consular Convention shall be accorded within two to four days after the date on which the national is arrested, detained or otherwise deprived of liberty, depending on where he is.

3. The Contracting Parties agree that the rights referred to in article 29, paragraph 3, of the Consular Convention shall be accorded on a continuing basis.

This Protocol shall form an integral part of the Consular Convention between the Union of Soviet Socialist Republics and the Italian Republic of 16 May 1967.

DONE at Moscow on 16 May 1967, in duplicate in the Russian and Italian languages, both texts being equally authentic.

For the Presidium
of the Supreme Soviet
of the Union of Soviet
Socialist Republics:

[A. GROMYKO]

For the President
of the Italian Republic:

[A. FANFANI]