

No. 13604

**GREECE
and
ROMANIA**

Consular Convention. Signed at Athens on 22 May 1972

Authentic text: English.

Registered by Greece on 30 October 1974.

**GRÈCE
et
ROUMANIE**

Convention consulaire. Signée à Athènes le 22 mai 1972

Texte authentique : anglais.

Enregistrée par la Grèce le 30 octobre 1974.

CONSULAR CONVENTION¹ BETWEEN THE KINGDOM OF GREECE AND THE SOCIALIST REPUBLIC OF ROMANIA

The Kingdom of Greece and the Socialist Republic of Romania;

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

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

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

The Kingdom of Greece:

Mr. Basil Tsamissis, Director of the Consular Affairs for the Royal Ministry of Foreign Affairs;

The Socialist Republic of Romania:

Mr. Gheorghe Badescu, Director of the Consular Department of the Ministry of Foreign Affairs;

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

Article 1

For the purposes of this Convention:

(a) The term “consulate” shall mean any consulate-general, consulate, vice consulate or consular agency;

(b) The term “consular district” shall mean the area assigned for the performance of the duties of a consulate;

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

(d) The term “consular officer” shall mean any person, who has been charged with the performance of consular duties, including the head of a consulate;

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

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

(g) The term “member of a consulate” shall mean consular officers, consular employees and members of the service staff;

(h) The term “member of consular staff” shall mean consular officers other than the head of the consulate, consular employees and members of the service staff;

(i) The term “member of the domestic staff” shall mean the person employed exclusively in the private service of a member of the consulate;

(j) The term “members of a family” shall mean the wife (husband), the minor children and parents of a member of the consulate, on the condition that these persons live in the same house with him;

¹ Came into force on 28 September 1974, i.e., the thirtieth day after the date of the exchange of the instruments of ratification, which took place at Bucharest on 29 August 1974, in accordance with article 46 (2).

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

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

(m) The term “vessel of the sending State” shall mean any vessel, other than a warship, having the nationality of the sending State, according to the laws of the state.

CHAPTER I. CONSULAR RELATIONS

Article 2. ESTABLISHMENT OF CONSULATES

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

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

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

Article 3. CONSULAR COMMISSION AND EXEQUATUR

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

(2) After such agreement has been obtained, the sending State shall transmit the consular commission to the Ministry of Foreign Affairs of the receiving State through diplomatic channel. The commission shall specify the capacity, forename, surname and the rank of the head of the consulate, the limits of the consular district and the seat of the consulate.

(3) Upon the grant of the exequatur, free of charge, the head of the consulate shall be admitted to the performance of his duties.

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

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

Article 4. TEMPORARY CHARGE

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

(2) The forename and surname of any person temporarily placed in charge of a consulate in conformity with paragraph (1) of this article shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

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

*Article 5. CITIZENSHIP OF THE MEMBERS
OF THE CONSULATE*

(1) Consular officers shall be citizens of the sending State only, shall not be permanently resident in the receiving State and shall not be sent in that State for other purposes.

(2) The consular employees and members of the service staff of a consulate shall be only citizens of the sending State or citizens of the receiving State. In the latter case the express consent of the receiving State is required.

*Article 6. NOTIFICATION OF APPOINTMENT
OF STAFF MEMBERS OF THE CONSULATE*

Name, surname and rank of consular officers, other than the head of the consulate, and also the name, surname and citizenship of consular employees or of the members of the service staff shall be notified, in advance, to the Ministry of Foreign Affairs of the receiving State.

Article 7. IDENTITY DOCUMENTS

(1) A consular officer shall be given an appropriate document, free of charge, indicating his identity and capacity.

(2) The provisions of this article shall also apply to consular employees and to the members of the service staff, provided that the persons concerned are neither citizens of the receiving State nor citizens of the sending State residing in the receiving State.

(3) The provisions of paragraph (1) shall also apply to family members of a member of the consulate provided that the persons concerned are neither citizens of the receiving State nor citizens of the sending State permanently resident in the receiving State and on condition that they do not follow a profitable activity in the receiving State.

Article 8. PROHIBITION OF CERTAIN ACTIVITIES

(1) Members of the consulate shall not engage in commercial activities or any occupation for gain other than their consular duties or work at the consulate.

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

*Article 9. TERMINATION OF FUNCTIONS
OF A MEMBER OF A CONSULATE*

(1) The functions of a member of a consulate cease usually by:

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

(2) The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that a consular employee or member of the service staff is unacceptable.

In such a case, the sending State shall decide, as the case may be, to recall the consular officer or terminate the appointment of the consular employee or of the member of the service staff of the consulate.

(3) If the sending State fails to carry out this obligation within a reasonable period, the receiving State may, in the case of the head of a consulate, withdraw the exequatur or notify the sending State, through the diplomatic channel, of the decision taken, that it declines to continue to recognize the person concerned as a member of the consular staff.

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

CHAPTER II. CONSULAR FUNCTIONS

Article 10. PURPOSES OF CONSULAR DUTIES

(1) The performance of consular duties has as its object

- (a) to defend the rights of the sending State and of its citizens in the receiving State;
- (b) to further the development of relations between the sending State and the receiving State in the commercial, economic, maritime, cultural and scientific fields;
- (c) to inform by all legal means about the conditions and evolution of commercial, economic, maritime, scientific, cultural and tourist life in the receiving State;
- (d) to promote by all means the cooperation between the two States in the above fields;
- (e) to help and assist the citizens of the sending State.

(2) The provisions of the Convention relative to citizens of the sending State shall equally apply to juridical persons possessing the nationality of that State conferred under its law.

Article 11. PERFORMANCE OF CONSULAR DUTIES

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

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

(3) Consular duties provided by the present Convention shall be performed within the consular district; the performance of consular duties outside that district shall be subject to the prior consent of the receiving State.

(4) Consular duties provided by this chapter, as well as any other consular duty assigned to the consular officers by the sending State, shall be performed according to the laws of the receiving State.

Article 12. COMMUNICATION WITH THE AUTHORITIES OF THE RECEIVING STATE

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

- (a) to the competent local authorities within his consular district;
- (b) to the central authorities of the receiving State to such extent as the laws, regulations and usages of the receiving State permit or according to the international agreements on the subject.

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

Article 13. REGISTRATION OF CITIZENS
OF THE SENDING STATE

(1) A Consular officer shall be entitled to keep a register of citizens of the sending State with permanent or temporary residence in the consular district.

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

Article 14. REPRESENTATION OF CITIZENS BEFORE COURTS
AND OTHER AUTHORITIES OF THE RECEIVING STATE

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

Article 15. ISSUE OF PASSPORTS AND VISAS

A consular officer shall be entitled

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

Article 16. DUTIES RELATING TO CIVIL STATUS

(1) A consular officer shall be entitled to register the birth or death of the citizens of the sending State and to issue the appropriate certificate. Nothing in the provisions of this paragraph shall exempt the persons concerned from any obligation under the law of the receiving State as regards the notification of a birth or death.

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

Article 17. TRANSMISSION OF DOCUMENTS

To the extent that the law of the receiving State permits, a consular officer shall be entitled to serve judicial or extrajudicial documents, emanating from the courts of the sending State, upon a citizen of the sending State who is temporarily or permanently resident in the receiving State.

Article 18. DUTIES RELATING TO GUARDIANSHIP
AND TRUSTEESHIP

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

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

Article 19. NOTARIAL DUTIES

(1) To the extent that the laws of the receiving State permit, a consular officer shall be entitled to perform within the consular premises, at the residence of citizens of the sending State, on board of vessels or aircrafts under the flag of that State, the following duties:

- (a) to receive, draw up and authenticate declarations of citizens of the sending State;
- (b) to draw up, authenticate and receive for safekeeping testaments of citizens of the sending State;
- (c) to receive, draw up and authenticate other acts and documents of a juridical character of citizens of the sending State, provided that they do not relate to immovable property situated in the receiving State, or to real rights affecting such property;
- (d) to give a certain date to acts and documents of a juridical character of citizens of the sending State and to legalise signatures and seals on such acts and documents;
- (e) to legalise copies, translations or acts at the request of citizens of the sending State;
- (f) to legalise certificates of origin of goods and other similar documents;
- (g) to legalise signatures and seals on acts and documents of a juridical character emanating from the courts or other authorities of the receiving State and intended for use in the sending State;
- (h) to receive for safekeeping acts and documents appertaining to citizens of the sending State or addressed to them.

(2) The documents enumerated in paragraph (1) have the same juridical value and probative force in the receiving State as if authenticated, legalised or certified by the competent authorities of that State.

Article 20. DUTIES RELATING TO ESTATES

(1) In any case, where a citizen of the sending State dies on the territory of the receiving State, the competent authorities of that State shall promptly supply the consulate of the sending State with any information which may be at their disposal relative to heirs, legatees, their permanent or temporary residence, assets of the estate and also about a possible existence of a will. The said authority shall notify similarly the consulate of the sending State in any case where it comes to its knowledge that the deceased left an estate on the territory of a third State.

(2) The competent authority of the receiving State shall promptly inform the consulate of the sending State, where a person, citizen of the sending State, is entitled to an estate as an heir, holder of interests or legatee.

(3) The competent authority of the receiving State shall promptly inform the consulate of the sending State of any measures which they have taken for the preservation or administration of State goods left by the deceased, citizen of the sending State, on the territory of the receiving State.

The consular officer may lend his assistance personally or through an authorised representative in taking the measures mentioned in the above paragraph.

A consular officer may likewise,

- (a) concern himself with safeguarding the rights in an estate of citizens of the sending State;
- (b) watch over the transfer to citizens of the sending State of money and other property due to them under an estate on the territory of the receiving State. The transfer shall be made in conformity with the law of the receiving State.

(4) In any case where the proceedings related to estates on the territory of the receiving State have been fulfilled, money or property (or the proceeds of the sale of any such property) due under an estate to a citizen of the sending State, holder of interests or legatee, not present or represented in the receiving State, the consulate of the sending State may receive such money or property provided that

- (a) the consent of the authorities of the receiving State to the transfer of the money or property from that State to the sending State was obtained;
- (b) all liabilities of the estate declared within the legal limits of time under the law of the receiving State have been paid or guaranteed;
- (c) capacity of inheritor, holder of rights or legatee is justified;
- (d) rights (taxes) relative to estates were paid or guaranteed.

(5) If a citizen of the sending State dies while temporarily present in the territory of the receiving State, money and personal effects in his possession, not claimed by an heir present on that territory, shall be handed over to the consulate of the sending State on a provisional basis without formality, for safekeeping, observing the right of administrative and judicial authorities of the receiving State to take them back from the consulate in the interest of justice.

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

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

(7) In so far as the provisions of this article do not otherwise provide, the provisions of article 14 shall also apply in relation to estates.

Article 21. DUTIES RELATING TO SEA AND RIVER SHIPPING

(1) A consular officer shall be entitled to render assistance to a vessel of the sending State which has put into a port or is in anchorage within his consular district. He may facilitate the entry into, stay in and departure of the vessel from the port of the receiving State.

(2) To the extent that the law of the receiving State permits, the consular officer shall be entitled to proceed on board a vessel of the sending State to visit it, to verify and confirm the vessel's papers, together with any documents relative to the cargo, and generally to take measures for the enforcement of the law of the sending State relative to shipping.

Without prejudice to the competence of the authorities of the receiving State and to the extent that the law of sending State permits, the consular officer is also entitled to take measures to ensure the maintenance of good order and discipline on board the vessel.

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

the passengers, the cargo, the equipment and supplies. The authorities of the receiving State shall accord the consular officer the necessary assistance in taking measures required as a result of the wreck, running aground or damage of the vessel. The competent authorities of the receiving State shall invite the consular officer to be present at any enquiry to establish the cause of the occurrence and to collect evidence for this purpose.

The consular officer is entitled to request the competent authorities of the receiving State to take, or to continue to take measures for the purposes specified in the preceding paragraph

(4) In any case where the owner or the ship holder of a vessel wrecked, run aground or damaged or other person competent on his behalf cannot take the necessary measures relative to the vessel, cargo and supplies, the consular officer shall be entitled to make on his behalf such arrangements. The consular officer may likewise take such measures relative to cargo or supplies belonging to a citizen of the sending State and coming from cargo or supplies brought into a port or found on or near the coast or on the vessel run aground or damaged. No customs duties, taxes or other similar charges of any kind shall be levied on a wrecked vessel or on its cargo, equipment or supplies, unless they are delivered for use or consumption in the receiving State.

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

The provisions of this paragraph shall not apply to any examination with regard to customs, sanitary and passport control.

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

- (a) the entry in or the removal of a vessel from the register of the sending State;
- (b) the purchase of a vessel intended for entry in the register of the sending State or the sale abroad of any vessel on that register;
- (c) the putting into service, or taking out of service, of a vessel on the register of the sending State;
- (d) the loss of, or any damage sustained by, a vessel on the register of the sending State.

(7) A consular officer may get in touch with the local authorities of the receiving State in order to ensure medical assistance, including treatment in a hospital, for the master and members of the crew of a vessel of the sending State. He may likewise make arrangements for the departure of any such person from the territory of the receiving State.

Article 22. DUTIES RELATING TO CIVIL AIR NAVIGATION

(1) The consular officer may perform the rights of control and examination provided by the laws and regulations of the sending State with regard to registered aircrafts in that State and with regard to their crews to the extent that the laws and rules of the receiving State so permit. The consular officer may also give assistance to their crews.

(2) When a registered aircraft of the sending State is damaged on the territory of the receiving State the competent authorities of that State shall, without delay, so notify the nearest consulate to the place where the damage occurred.

CHAPTER III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 23. FACILITIES GRANTED TO THE CONSULATE AND ITS MEMBERS BY THE RECEIVING STATE

(1) The receiving State shall take all necessary measures to ensure that the consulate and members of the consulate are enabled to perform their duties and that they receive the immunities, privileges and facilities due to them under this Convention.

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

Section I

Article 24. USE OF THE COAT-OF-ARMS AND FLAG

(1) The coat-of-arms of the sending State together with the inscription designating the consulate in the language of that State and of the receiving State, may be affixed to the consulate.

(2) The national flag of the sending State may be flown at the consulate and at the residence of the head of the consulate as also on the means of transport used by him in connection with the performance of his official duties.

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

Article 25. FACILITIES FOR ACQUIRING PREMISES FOR THE CONSULATE AND HOUSES FOR THE MEMBERS OF THE CONSULATE

The receiving State shall facilitate, in accordance with its law, the acquisition, by the sending State, of necessary premises for a consulate or shall assist the sending State in their acquisition under some other form of tenure.

The receiving State shall likewise assist the consulate in the acquisition of appropriate houses for its members.

Article 26. INVIOABILITY OF CONSULAR PREMISES AND THE RESIDENCE OF THE HEAD OF A CONSULATE

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

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

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

(4) Property used exclusively for the purposes of the consular activities of the sending State, including means of transport, shall not, irrespective of ownership, be subject to any measure of requisitioning, seizure or execution.

*Article 27. FISCAL EXEMPTIONS REGARDING CONSULAR PREMISES,
AND MEANS OF TRANSPORT*

(1) The buildings owned or leased by the sending State, used exclusively to serve as consular premises, shall be exempt of taxes or other similar charge of any kind, including national, regional, provincial or municipal dues, with the exception of any payment due in respect of specific services rendered.

(2) In case of leased property by the sending State, the fiscal exemption shall not apply for the taxes or charges which, under the law of the receiving State, do not fall upon the inhabitants.

(3) The exemptions provided under paragraph (1) shall also apply in respect of means of transport, owned by the sending State, used to serve for the performance of the consular activities.

Article 28. INVIOABILITY OF CONSULAR ARCHIVES

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

Article 29. FREEDOM OF COMMUNICATION

(1) The receiving State shall grant facilities to a consulate of the sending State to communicate freely with its government and with the diplomatic mission or other consulates of that State in the receiving State. For this purpose the consulate may employ all public means of communication; it may make use of diplomatic or consular couriers, diplomatic or consular bags, plain language or cyphers. However, the consulate may install or use a radio telegraphy only by the prior consent of the receiving State.

(2) The official correspondence of a consulate shall be inviolable.

“Official correspondence” means any correspondence relative to a consulate and its functions.

(3) The consular bag cannot be opened and detained. However, when the competent authorities of the receiving State have serious reasons to believe that the consular bag contains other objects than correspondence, documents or objects mentioned under paragraph (4) of this article, they may ask for the consular bag to be sent where it comes from.

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

(5) The consular courier shall be provided with [an] official document indicating his status and the number of packages constituting the consular bag. A consular courier cannot be a citizen of the receiving State or a resident in that State. The consular courier shall be protected by the receiving State in the performance of his duties, shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

*Article 30. COMMUNICATION WITH CITIZENS OF THE SENDING STATE
AND THEIR PROTECTION*

(1) The consular officer shall be entitled within his consular district, to con-

verse and communicate with a citizen of the sending State, to visit him, and when the case may arise, take the necessary steps to provide him with legal assistance and representation.

The citizens of the sending State may communicate with the consular officer and visit him.

(2) The competent authorities of the receiving State shall, without delay, inform the consulate of the sending State, and in any event within three days, when in his consular district a citizen of that State has been arrested or subjected to any other form of deprivation of personal liberty.

(3) The consular officer shall be entitled to receive correspondence or other communication from a citizen who has been arrested or subjected to any other form of deprivation of personal liberty, to communicate and visit him. The performance of this right cannot be delayed by the authorities of the receiving State after the expiry of five days from the date of arrest or any other form of deprivation of liberty.

(4) In any case where a citizen of the sending State is serving a sentence of imprisonment, the consular officer shall be entitled to communicate and visit him.

(5) The rights mentioned under paragraphs (3) and (4) of this article shall be performed according to the laws and regulations of the receiving State, relative to communication and visit of persons subjected to any form of deprivation of liberty.

(6) The competent authorities of the receiving State shall inform a citizen of the sending State of the rights of communication granted to him under this article.

Article 31. FREEDOM OF MOVEMENT

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

Article 32. RIGHTS AND CONSULAR FEES

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

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

Section II

Article 33. IMMUNITY FROM JURISDICTION

AND PERSONAL INVIOLABILITY OF THE MEMBERS OF THE CONSULATE

(1) The members of the consulate shall not be subject to the jurisdiction of judicial and administrative authorities of the receiving State in respect of acts performed in their official capacity.

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

(a) arising out of a contract concluded by a member of the consulate in which he did not contract expressly or impliedly on behalf of the sending State;

(b) brought by a third party in respect of damage resulting from an accident in the receiving State caused by a vehicle, vessel or aircraft.

(3) In respect of an act performed otherwise than in his official capacity, a consular officer cannot be arrested or subject to any other form of deprivation of per-

sonal liberty, except when he is accused by a decision of the competent juridical authority of the receiving State for a serious offence or when a consular officer has been convicted by a judicial decision of final effect.

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

(5) Where criminal proceedings are instituted against a consular officer, he shall appear before the competent authorities of the receiving State. However, the proceedings shall be conducted with the respect due to the consular officer by virtue of his official position so as to avoid interference with the performance of his duties to the least extent possible. In the circumstances mentioned under paragraph (3) of this article, when a consular officer was arrested, detained or subjected to any other form of deprivation of liberty, the proceedings against him shall be instituted with the minimum of delay.

(6) In any case where a consular officer is subjected to any form of deprivation of liberty or where criminal proceedings have been instituted against him, the competent authorities of the receiving State shall immediately inform the head of the consulate, accordingly. In any case where the head of the consulate is subjected to one of such measures, the authorities of the receiving State shall inform, through diplomatic channel, the sending State, accordingly.

*Article 34. THE GIVING OF EVIDENCE AS A WITNESS
AND ACCOMPLISHMENT OF EXAMINATION*

(1) The members of a consulate may be requested to give evidence as witnesses in judicial and administrative proceedings. If the consular officer declines to comply with such a request, no coercive measures shall be taken against him and no penalty imposed.

The consular employees or members of the service staff of a consulate shall not be entitled to decline to comply with such a request except in cases where the provisions of paragraph (3) of this article apply.

(2) The authority of the receiving State requesting the evidence of a consular officer or of a consular employee shall avoid interference with the performance of their duties. The authority may receive such evidence from the consular officer at the consulate or at the residence of the consular officer or accept his written declaration.

(3) The members of the consulate shall be entitled to decline to give evidence with regard to any matter within the scope of their official duties or to produce correspondence or other official documents.

(4) A consular officer requested to give evidence shall be entitled to make an affirmation in lieu of an oath, even in the case when the laws of the receiving State provide such a duty.

(5) The members of the consulate shall not be requested to give evidence in the capacity of expert witnesses.

*Article 35. EXEMPTION FROM PERSONAL SERVICES
AND OTHER OBLIGATIONS*

The members of a consulate shall be exempt in the receiving State for service in the armed forces, from public service of any kind and from contribution in lieu thereof. They shall also be exempt from all requirements under the laws and regulations of the receiving State relative to the registration of aliens and permission to reside in the receiving State.

Article 36. CUSTOMS EXEMPTIONS

(1) The receiving State shall grant, under its laws and regulations in force, entry authorisation and exemption of any customs duties or other taxes or similar charges of any kind for the objects intended for

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

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

(2) Consular employees and the members of the service staff of the consulate shall be accorded the exemptions and privileges provided under paragraph (1), letter (b), of this article in respect of articles imported in connexion with their first installation.

(3) The personal baggage of consular officers and their family members, residing with them and accompanied by them, shall be exempt from customs control. The baggage may be inspected only if there is serious reason to believe that its content include[s] articles other than those referred to in paragraph (1), letter (b), of this article or articles which under the laws and regulations of the receiving State may not be imported or exported or are subject to quarantine. In any such case inspection shall take place in the presence of the consular officer concerned or of his family.

Article 37. FISCAL EXEMPTIONS

(1) Consular officers and employees shall be exempt from all taxes and other personal or real charges, national, regional and communal, except

- (a) indirect taxes which are normally incorporated in the price of goods or services;
- (b) without prejudice to provisions to article 27, taxes or other similar charges of any kind on immovable property situated on the territory of the receiving State;
- (c) without prejudice to the provisions of article 38 (b), taxes or other similar charges of any kind on estates or on any transfer of property;
- (d) taxes or other similar charges on any income, gained in the receiving State, except income deriving from emoluments as compensation for their official duties;
- (e) without prejudice to the provisions of article 27, registration, court or record fees, mortgage dues and stamp duties;
- (f) charges levied for specific services rendered;

(2) The members of the service staff shall be exempt from any taxes for emoluments as compensation for their official duties.

(3) The members of the consulate employing persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon income tax.

*Article 38. EXEMPTION GRANTED IN CASE OF DEATH
OF A MEMBER OF THE CONSULATE*

In case of death of a member of a consulate, the receiving State

- (a) shall permit the export of movable property of the deceased with the exception of any such property acquired in the receiving State, the export of which was prohibited on the date of death;

- (b) shall exempt the estate movable property of any taxes or similar charges of any kind with the condition that this property was on the territory of the receiving State due solely to the presence there of the deceased person in his consular capacity.

Article 39. SOCIAL SECURITY EXEMPTION

(1) Subject to the provisions of paragraph (3) of this article, members of a consulate with respect to services rendered by them for the sending State shall be exempt from social security provisions which may be 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 consulate, on condition

- (a) that they are not citizens of or permanent residents in the receiving State; and
(b) that they are covered by the social security provisions which are in force in the sending State or in a third State.

(3) Members of the consulate 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 40. EXCEPTIONS TO IMMUNITIES AND PRIVILEGES

(1) The immunities and privileges accorded under this Convention shall not be extended to consular employees and members of the service staff of a consulate, citizens of the receiving State or citizens of the sending State permanently resident in that State; they shall benefit of immunities and privileges accorded under paragraph (3) of article 34 only.

(2) Family members of the members of a consulate shall benefit accordingly of the privileges extended to the latter, on the condition that they are not citizens of the receiving State, are not permanently resident or perform an activity for gain in that State.

(3) The receiving State shall exert its jurisdiction upon persons mentioned under paragraphs (1) and (2) of this article without any prejudice to the activity of the consulate.

Article 41. WAIVER OF IMMUNITIES AND PRIVILEGES

(1) The sending State may waive the immunities and privileges accorded under articles 33 and 34 for the members of the consulate.

(2) Such waiver shall in all cases be express, except as provided in paragraph (3) of this article, and shall be communicated to the receiving State in writing.

(3) The initiation of proceedings by a consular officer in a matter where he might enjoy immunity from jurisdiction under article 33, paragraph (1), shall preclude him from invoking immunity of jurisdiction in respect of any counter-claim directly connected with the principal claim.

(4) Waiver of immunity from jurisdiction for the purpose 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 measures a separate waiver shall be necessary.

Article 42. BEGINNING AND TERMINATION
OF IMMUNITIES AND PRIVILEGES

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

(2) Members of the families of the persons to whom paragraph (1) of this article applies shall receive the privileges accorded under the Convention

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

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

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

(4) The privileges of members of families shall likewise cease as from the moment when they cease to be members of the family of a member of the consulate. However, if the persons concerned undertake to depart from the territory of the receiving State within a reasonable period thereafter, the privileges shall continue to be accorded until that date.

(5) In the event of the death of a member of a consulate, members of his family shall continue to receive the privileges accorded to them under the Convention until the moment of their departure from the receiving State or until the expiry of a reasonable period granted for this purpose.

(6) The members of domestic staff shall benefit [from] the rights and facilities accorded under this Convention while they are employed in such capacity.

Article 43. NOTIFICATION OF ARRIVALS AND DEPARTURES

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

- (a) the arrival and final departure of a family member of a member of the consulate and, where appropriate, the fact that a person becomes or ceases to be such a member of that family;
- (b) the arrival and final departure of members of domestic staff and, where appropriate, the termination of their service as such;
- (c) the appointment and discharge of persons resident in the receiving State, as consular employees, members of the service staff or members of the domestic staff.

Section III

FINAL PROVISIONS

Article 44. OBSERVANCE OF THE LAWS OF THE RECEIVING STATE

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

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

(3) The consular premises shall not be used in a manner incompatible with the exercise of consular functions.

Article 45. THIRD PARTY RISK INSURANCE

(1) Motor vehicles owned by the sending State and used for the official purposes of a consulate or owned by the members of the consulate or by the members of their families shall be adequately insured against third party risks.

(2) Except where the laws of the receiving State otherwise provide, the provisions of paragraph (1) of this article shall not apply to consular employees, members of the service staff or members of a consulate who are citizens of the receiving State or permanently resident in that State.

Article 46. RATIFICATION, ENTRY INTO FORCE, DENUNCIATION

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

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

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

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

DONE in Athens, this 22nd day of May of one thousand nine hundred and seventy two, in duplicate and in the English language, both texts being equally authoritative.

For the Kingdom
of Greece:

[Signed — Signé]¹

For the Socialist Republic
of Romania:

[Signed — Signé]²

¹ Signed by Basil Tsamissis — Signé par Basil Tsamissis.

² Signed by Gheorghe Badescu — Signé par Gheorghe Badescu.