

**No. 15060**

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**FINLAND  
and  
GERMAN DEMOCRATIC REPUBLIC**

**Consular Convention. Signed at Berlin on 28 April 1975**

*Authentic texts: Finnish and German.*

*Registered by Finland on 20 October 1976.*

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**FINLANDE  
et  
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Convention consulaire. Signée à Berlin le 28 avril 1975**

*Textes authentiques : finnois et allemand.*

*Enregistrée par la Finlande le 20 octobre 1976.*

## [TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE REPUBLIC OF FINLAND AND THE GERMAN DEMOCRATIC REPUBLIC

The Republic of Finland and the German Democratic Republic,  
Having in mind the purposes and principles of the Charter of the United Nations,

Desiring to regulate consular relations and to contribute to the further development of friendly relations between the two States,

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

The President of the Republic of Finland: Paul Gustafsson, Head of Department, Ministry of Foreign Affairs;

The President of the Council of State of the German Democratic Republic:  
Ewald Moldt, Deputy Minister for Foreign Affairs,

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

*Chapter I. DEFINITIONS*

*Article 1.* 1. For the purposes of this Convention, the following expressions shall have the meanings hereunder assigned to them:

(1) "Consular post" means a consulate-general, consulate or vice-consulate;

(2) "Consular district" means the area within which a consular post is entitled to exercise consular functions;

(3) "Head of consular post" means the person charged with the duty of acting in that capacity; the head of a consular post may be a consul-general, a consul or a vice-consul;

(4) "Consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions. The expression "consular officer" also includes any person assigned to a consular post in that capacity as a trainee;

(5) "Consular employee" means any person, other than a consular officer, exercising administrative or technical functions at a consular post. The expression "consular employee" also includes any person exercising service functions at a consular post;

(6) "Member of the consular post" means any consular officer or consular employee;

(7) "Members of the family" means the spouse of a member of the consular post, his children and parents and those of his spouse, provided that they form part of the household of the member of the consular post and are maintained by him;

<sup>1</sup> Came into force on 12 June 1976, i.e., the thirtieth day after the exchange of the instruments of ratification, which took place at Helsinki on 13 May 1976, in accordance with article 47 (1).

(8) "Consular premises" means buildings or parts of buildings and land ancillary thereto, irrespective of ownership, used for consular purposes;

(9) "Consular archives" includes the official correspondence, ciphers and codes, documents, books and technical devices of the consular post, together with any article of furniture intended for their safekeeping or protection;

(10) "Vessel of the sending State" means any civil vessel lawfully flying the flag of the sending State;

(11) "Aircraft of the sending State" means any civil aircraft lawfully bearing the national identification and registration marks of the sending State.

2. Nationals of the sending State are persons of the sending State possessing the nationality under the laws of that State.

3. Legal persons of the sending State are legal persons deriving their status as such from the laws of the sending State.

## Chapter II. ESTABLISHMENT OF CONSULAR POSTS, APPOINTMENT AND RECALL OF CONSULAR OFFICERS

*Article 2.* 1. A consular post may be established in the receiving State only with that State's consent.

2. The seat of the consular post, its classification, the consular district and the size of the consular staff shall be established by agreement between the sending State and the receiving State.

*Article 3.* 1. Prior to the appointment of a head of consular post by the sending State, the consent of the receiving State to the appointment of the person in question shall be obtained through the diplomatic channel.

2. The sending State shall transmit to the receiving State, through the diplomatic channel, the consular commission or other instrument of appointment of the head of a consular post. The commission or other instrument shall show the full name of the head of the consular post, his class, the seat of the consular post and the consular district.

3. The head of a consular post shall not enter upon his duties until an *exequatur* or other authorization has been granted by the receiving State. Pending delivery of the *exequatur* or other authorization, the head of a consular post may be admitted on a provisional basis to the exercise of his functions by the receiving State. In that case, the provisions of this Convention shall apply.

*Article 4.* 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, the sending State may designate a consular officer of the consular post in question or of another consular post in the receiving State, or a member of the diplomatic staff of its diplomatic mission in the receiving State, to act provisionally as head of the consular post. The receiving State shall be notified in advance, through the diplomatic channel, by the sending State.

2. A person designated to act provisionally as head of a consular post shall enjoy the same rights, facilities, privileges and immunities as are accorded under this Convention to the head of the consular post.

3. When a member of the diplomatic staff of the diplomatic mission of the sending State is designated to act provisionally as head of a consular post his diplomatic facilities, privileges and immunities shall not be affected.

*Article 5.* 1. The full name and class of all consular officers, other than the head of a consular post, shall be notified by the sending State to the receiving State through the diplomatic channel.

2. The Ministry of Foreign Affairs of the receiving State shall be notified in advance of the arrival or final departure of any member of the consular post or members of his family.

*Article 6.* Only nationals of the sending State who are not permanently resident in the receiving State may be consular officers.

*Article 7.* The receiving State may at any time notify the sending State, through the diplomatic channel, that the exequatur or other authorization for the head of a consular post is withdrawn or that a member of the consular post is *persona non grata*. No reason need be given for the decision. In any such case, the sending State shall recall the person concerned. If the sending State fails to recall that person within a reasonable time, the receiving State may refuse to consider him as a member of the consular post.

### Chapter III. FACILITIES, PRIVILEGES AND IMMUNITIES

*Article 8.* 1. The receiving State shall treat any member of a consular post with due respect and shall take the necessary steps to ensure that he is able to exercise his functions effectively.

2. The receiving State shall ensure that any member of a consular post is able to enjoy the facilities, privileges and immunities provided for in this Convention.

*Article 9.* 1. The receiving State shall render to the sending State such aid and assistance as it can in the acquisition of consular premises and of accommodation for members of the consular post.

2. The sending State or a member of the consular post may purchase or rent, in accordance with the laws of the receiving State, consular premises and accommodation for members of the consular post, provided that the latter are nationals of the sending State and are not permanently resident in the receiving State.

*Article 10.* 1. The national coat of arms and the name of the consular post in the official languages of the sending and receiving States may be affixed to the building of the consular post.

2. The flag of the sending State may be flown on the building of the consular post and on the residence of the head of the consular post.

3. The head of the consular post may fly the flag of the sending State on his means of transport used by him on official business.

*Article 11.* 1. The receiving State shall ensure the protection of the consular premises. However, the consular premises shall not be used for purposes incompatible with the nature and functions of a consular post.

2. The consular premises and the residence of the head of the consular post shall be inviolable. 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, the head of the diplomatic mission of the sending State or a person authorized by them.

*Article 12.* Consular archives shall be inviolable at all times and wherever they may be.

*Article 13.* 1. A consular post shall have the right to communicate with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State. The consular post may employ all customary means of communication, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. The installation and use of a wireless transmitter shall require the consent of the receiving State. The consular post shall be charged the same rates for the use of regular means of communication as the diplomatic mission.

2. The official correspondence of the consular post and the consular bag shall be inviolable and shall be neither opened nor detained. The consular bag must bear visible external marks of its character and may contain only official documents or articles intended for official use. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the consular bag contains something other than official documents or articles intended for official use, they may suggest that it be opened in their presence by an authorized representative of the sending State. If this suggestion is rejected, they may demand that the bag be returned to the sender.

3. The receiving State shall accord to a consular courier who is in possession of an official document indicating his status and the number of packages constituting the consular bag the same rights, privileges and immunities as are accorded to diplomatic couriers of the sending State. The foregoing shall also apply to consular couriers *ad hoc*, except that the immunities of such a courier shall cease to apply when he has delivered the consular bag to the consignee.

4. A consular bag may also be entrusted to the captain of an aircraft or of a ship. He shall not, however, be considered to be a consular courier. The consular post may assign one of its members to take possession of the consular bag directly from, or to deliver it to, the captain of an aircraft or of a ship, provided that the relevant security regulations are observed.

*Article 14.* 1. The head of a consular post shall enjoy personal inviolability and shall not be amenable to the criminal, civil or administrative jurisdiction of the receiving State or to coercive measures by other competent authorities in that State.

2. The provision of paragraph 1 shall not apply in respect of an action:

- (1) Arising out of a contract concluded by him in which he did not contract expressly or impliedly as an agent of the sending State;
- (2) By a third Party for damage arising from an accident in the receiving State caused by a vehicle;
- (3) Relating to private immovable property situated in the receiving State, unless it is used on behalf of the sending State for consular purposes;
- (4) Relating to succession if he is involved as executor, administrator, heir or legatee in a private capacity and not on behalf of the sending State;
- (5) Relating to any professional or commercial activity which he carries on in the receiving State apart from his official functions.

3. No measures of execution shall be taken against the head of a consular post in the cases specified in paragraph 2 unless they can be carried out without infringing the inviolability of his person or of his residence.

4. The provisions of paragraphs 1 to 3 shall apply *mutatis mutandis* to members of the family of the head of a consular post.

*Article 15.* 1. Consular officers other than heads of consular posts, and consular employees, shall enjoy immunity from the criminal, civil and administrative jurisdiction of the receiving State and from coercive measures by other competent authorities in that State in respect of acts performed in the exercise of consular functions. A consular officer other than a head of consular post shall not be liable to arrest, detention pending trial or any other form of restriction on his personal freedom except in case of a wilful offence punishable under the laws of the receiving State by imprisonment for a term of five years or a more severe penalty or in execution of a judicial decision of final effect in respect of such an offence.

2. If criminal proceedings are instituted against a member of the consular post or he is arrested, detained pending trial or subjected to any other form of restriction on his personal freedom, the competent authorities in the receiving State shall promptly notify the head of the consular post.

3. If criminal proceedings are instituted against a consular officer, they 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 function as little as possible.

4. The immunity of persons referred to in paragraph 1 shall not extend to actions in the cases specified in article 14, paragraph 2.

5. No measures of execution shall be taken against persons referred to in paragraph 1 except in the cases specified in article 14, paragraph 2, and article 15, paragraph 1.

*Article 16.* 1. Members of a consular post may be called as witnesses by the courts or other competent authorities in the receiving State. However, they shall be under no obligation to give evidence concerning matters connected with the exercise of their official functions.

2. If a member of a consular post declines to appear and give evidence before the courts or other competent authorities in the receiving State, no coercive measures or penalties may be applied to him.

3. The courts or other competent authorities in the receiving State requiring the evidence of a member of a consular post shall take appropriate steps to avoid interference with the performance of his official functions. Evidence may accordingly be taken orally or in writing at the consular post or at the residence of a member of the consular post. Members of a consular post shall not be required to take an oath or make an affirmation.

4. The provisions of this article shall apply *mutatis mutandis* to members of the family of a member of a consular post.

*Article 17.* 1. The sending State may waive, with regard to a member of the consular post and members of his family, the privileges and immunities provided for in articles 14, 15 and 16. The waiver shall in all cases be express and shall be made in writing.

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

3. The waiver of immunity for the purposes of 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 18.* Members of the consular post and members of their families shall be exempt in the receiving State from public and personal service obligations of any kind.

*Article 19.* Members of the consular post and members of their families shall not be subject to the obligations in regard to registration and residence permits which are imposed under the laws of the receiving State on persons who are not nationals of the receiving State.

*Article 20.* 1. The sending State and the head of the consular post shall be exempt from all national or municipal dues and taxes on the purchase, ownership and occupation of consular premises and of the residence of the head of the consular post, other than such as represent payment for specific services rendered.

2. The exemption referred to in paragraph 1 shall not apply to dues and taxes which, under the laws of the receiving State, are payable by a person who contracted with the sending State or with the head of the consular post.

*Article 21.* 1. Members of the consular post and members of their families shall be exempt from all national or municipal dues and taxes, except:

- (1) Indirect taxes and dues of a kind which are normally incorporated in the price of goods or services;
- (2) Taxes and other dues on private immovable property situated in the receiving State, subject to the provisions of article 20;
- (3) Succession duties on inherited property in the receiving State, subject to the provisions of paragraph 2;
- (4) Taxes and other dues on private income having its source in the receiving State and capital taxes relating to investments in commercial undertakings having their headquarters in the receiving State;
- (5) Taxes, dues and other charges levied for specific services rendered;
- (6) Registration, court or record fees, mortgage dues and stamp duties in respect of immovable property, subject to the provisions of article 20.

2. Succession duties shall not be levied on movable property of a deceased member of the consular post or of a member of his family the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

*Article 22.* 1. The import and export of articles and motor vehicles for the official use of the consular post shall be permitted without a licence and shall be exempt from customs duties, taxes and charges in accordance with the laws of the receiving State as applied to diplomatic missions in the receiving State.

2. The import and export of articles and motor vehicles for the personal use of a consular officer or members of his family, including articles intended for the first installation of the household shall be permitted without a licence and shall be exempt from customs duties, taxes and charges, in accordance with the laws of the receiving State as applied to members of the diplomatic staff of diplomatic missions in the receiving State.

3. The personal baggage of consular officers and members of their families shall be exempt from customs inspection, unless there is serious reason to believe that it contains articles the import and export of which are prohibited or are subject to

certain conditions. In such a case, the inspection shall be carried out in their presence or in the presence of an authorized representative.

4. Consular employees and members of their families shall be permitted to import and export articles intended for the first installation of the household and motor vehicles, without a licence and free of customs duties, taxes and charges in accordance with the laws of the receiving State as applied to members of the administrative and technical staff of diplomatic missions in the receiving State.

5. The exemptions from taxes and charges referred to in paragraphs 1, 2 and 4 shall not apply to charges for the storage and cartage of articles imported or exported and for similar services.

*Article 23.* Subject to the laws of the receiving State concerning zones entry into and sojourn in which is prohibited, members of the consular post and members of their families shall enjoy freedom of movement and travel in the receiving State.

*Article 24.* Members of the family of a member of the consular post who are nationals of or are permanently resident in the receiving State shall not enjoy the facilities, privileges and immunities provided for in this Convention. The foregoing shall also apply to a consular employee who is a national of or is permanently resident in the receiving State, with the exception of the right to decline to give evidence concerning matters connected with the exercise of his official functions provided for in article 16, paragraph 1.

#### *Chapter IV.* CONSULAR FUNCTIONS

*Article 25.* Consular officers shall:

- (1) Protect the rights and interests of the sending State and of its nationals, including legal persons;
- (2) Contribute to the development of economic, cultural and scientific relations between the sending State and the receiving State;
- (3) Otherwise promote the development of friendly relations between the sending State and the receiving State.

*Article 26.* 1. A consular officer may exercise his consular functions only within the consular district. The exercise of consular functions outside the consular district shall in every instance require the consent of the receiving State.

2. In the exercise of his consular functions, a consular officer may address directly the competent national authorities in the consular district.

*Article 27.* A consular officer shall have the right, without special power of attorney, to represent or arrange representation for nationals of the sending State before the authorities of the receiving State, in accordance with the laws of the receiving State, where, because of absence or other valid reasons, such nationals are unable at the proper time to assume the defence of their rights and interests. The foregoing shall also apply to the representation of legal persons of the sending State. Such representation shall be deemed to terminate if the persons represented appoint their own attorneys or themselves assume the defence of their rights and interests.



*Article 28.* A consular officer shall have the right:

- (1) To keep a register of nationals of the sending State;
- (2) To receive applications and deliver documents relating to nationality, in accordance with the laws of the sending State;
- (3) To issue, amend and renew travel documents for nationals of the sending State;
- (4) To issue visas.

*Article 29.* 1. A consular officer shall have the right:

- (1) To keep registers of marriages, births and deaths of nationals of the sending State;
- (2) To solemnize marriages in accordance with the laws of the sending State, provided that both parties to the marriage are nationals of the sending State and that solemnization of the marriage is not contrary to the laws of the receiving State;
- (3) To receive instruments acknowledging children born out of wedlock, irrespective of the nationality and age of the children, provided that the instrument bears the signature of a national of the sending State.

2. The consular officer shall, if the laws of the receiving State so require, notify the competent authorities of the receiving State of the performance of the acts specified in paragraph 1.

*Article 30.* A consular officer shall have the right:

- (1) To receive and certify declarations by nationals of the sending State;
- (2) To receive, certify and accept for safekeeping wills and other documents relating to unilateral legal acts by nationals of the sending State;
- (3) To receive, certify and accept for safekeeping documents concerning legal transactions between nationals of the sending State, provided that they do not relate to the establishment, transfer or annulment of rights to immovable property in the receiving State;
- (4) To authenticate signatures of nationals of the sending State on documents and on copies of and extracts from documents;
- (5) To legalize documents issued by the competent authorities or officials of the receiving State and intended for use in the sending State;
- (6) To perform any other notarial acts assigned to him by the sending State.

*Article 31.* Instruments drawn up and contracts, extracts, copies and other documents certified or authenticated by a consular officer in accordance with article 30, and translations certified by him, shall have the same legal validity and evidential value in the receiving State as if they had been drawn up, translated, certified or authenticated by the competent authorities of the receiving State, provided that they are not contrary to the laws of the receiving State.

*Article 32.* 1. A consular officer shall have the right:

- (1) To accept from nationals of the sending State, for safekeeping, documents, money, valuables and other articles belonging to them;
- (2) To accept from the authorities of the receiving State, for transmittal to the owners, documents, money, valuables and other articles lost by nationals of the sending State during their presence in the receiving State.

2. Articles accepted for safekeeping under the provisions of paragraph 1 may be exported from the receiving State only in accordance with the laws of that State.

*Article 33.* 1. The competent authorities of the receiving State shall inform a consular officer without delay of the death of a national of the sending State and shall transmit a death certificate free of cost.

2. The competent authorities of the receiving State shall communicate to a consular officer without delay information concerning the estate of a national of the sending State deceased in the receiving State, the existence of a will and persons having a rightful interest in the estate.

3. The competent authorities of the receiving State shall notify a consular officer if it comes to light, in connexion with succession proceedings in the receiving State, that nationals of the sending State have a rightful interest in the estate, irrespective of where the estate is situated.

4. The competent authorities of the receiving State shall take the necessary measures for the protection of the estate referred to in paragraphs 2 and 3, if it is situated in the receiving State, and shall inform a consular officer accordingly.

5. A consular officer shall have the right to address the competent authorities of the receiving State with a view to the adoption of measures for the protection of the estate referred to in paragraphs 2 and 3, if it is situated in the receiving State, particularly in connexion with:

- (1) All measures to prevent impairment of the estate, including the sale of movable property;
- (2) The appointment of an executor or trustee.

6. If, upon completion of the succession proceedings in the receiving State, movable property constituting assets of the estate or proceeds of the sale of movable or immovable property constituting assets of the estate are adjudged to a national of the sending State who is not resident in the receiving State, such property or proceeds of the sale thereof shall be delivered to a consular officer for transmittal to the person concerned.

7. The property or proceeds from the sale thereof referred to in paragraph 6 shall be delivered to a consular officer only after all claims against the estate presented within the periods prescribed under the laws of the receiving State, and all taxes and duties relating to the estate, have been paid or secured.

8. The authorities of the receiving State shall deliver to a consular officer articles left by a national of the sending State deceased while temporarily present in the receiving State, if they cannot be delivered to members of the family or a duly authorized agent.

9. The export of the assets referred to in paragraphs 7 and 8 shall be effected subject to the laws of the receiving State.

*Article 34.* 1. A consular officer shall have the right to protect, in accordance with the laws of the receiving State, the rights and interests of a minor or other person lacking full capacity who is a national of the sending State and is resident in the receiving State. The consular officer shall notify the competent authorities of the receiving State of the appointment of a guardian, trustee or curator.

2. The competent authorities of the receiving State shall inform a consular officer of any case where it is necessary to appoint a guardian or trustee for a national of the sending State who is resident in the receiving State. The same shall apply to the appointment of a curator, if the property in question is situated in the receiving State.

3. The competent authorities of the receiving State shall be entitled to take any provisional measures that may be necessary for the protection of the interests of a minor or other person lacking full capacity who is a national of the sending State and is resident in the receiving State. If the consular officer informs the competent authorities of the receiving State that no guardian, trustee or curator is being appointed by the sending State, the competent authorities of the receiving State may appoint a guardian, trustee or curator. In that case, a consular officer may propose to the competent authorities of the receiving State a suitable person for such appointment.

*Article 35.* 1. A consular officer shall have the right to communicate with any national of the sending State, to have access to him, to assist him in his dealings with the authorities of the receiving State, to ensure that he receives aid and the assistance of a lawyer or other person and to provide an interpreter.

2. The receiving State shall in no way restrict the contacts with and access to the consular post of a national of the sending State.

3. The authorities of the receiving State shall assist a consular officer in obtaining information concerning persons possessing only the nationality of the sending State, in order that the consular officer may communicate with or have access to such persons. The foregoing shall also apply to the captain and members of the crew of a ship or aircraft of the sending State, provided that they are not nationals of the receiving State.

*Article 36.* 1. The competent authorities of the receiving State shall inform a consular officer within three days of the arrest, detention pending trial or any other restriction on the personal freedom of a national of the sending State.

2. A consular officer shall have the right to visit within four days and to maintain communications with a national of the sending State who has been arrested or detained pending trial, who is serving a term of imprisonment or whose personal freedom has been restricted in any other way. The right shall be granted on a recurrent basis and shall be exercised in accordance with the laws of the receiving State. Such laws may not, however, nullify the rights of the consular officer specified in this Convention. If a national of the sending State whose personal freedom is in any way restricted in the receiving State refuses a visit by a consular officer, the latter shall have the right in every instance to receive the refusal in person.

3. The competent authorities of the receiving State shall without delay inform a national of the sending State who has been arrested or detained pending trial, who is serving a term of imprisonment or whose personal freedom has been restricted in any other way of the provisions of paragraphs 1 and 2.

*Article 37.* 1. A consular officer shall have the right, within his consular district, to render aid and assistance to a vessel of the sending State in a port of the receiving State or in the territorial sea or internal waters of that State.

2. A consular officer may, at any time, within his consular district, board a vessel of the sending State, provided that it has not been quarantined. In cases where the vessel has not yet been cleared for free contacts with the shore, the competent authorities of the receiving State shall be notified before the vessel of the sending State is boarded by a consular officer. The captain and members of the crew shall have the right to communicate with the consular officer and, in accordance with the laws of the receiving State, to visit the consular post.

3. In the exercise of his functions, a consular officer may, within his consular district, address the competent authorities of the receiving State and request assistance in all matters relating to a vessel of the sending State, the captain, members of the crew, the passengers and the cargo.

*Article 38.* 1. A consular officer shall have the right:

- (1) Without prejudice to the rights of the authorities of the receiving States, to investigate any incidents which occurred during the voyage on board a vessel of the sending State, to question the captain and members of the crew, to examine the ship's papers, to take statements regarding the route and destination of the vessel and to receive the ship's protest;
- (2) Without prejudice to the rights of the authorities of the receiving State, to resolve any disputes between the captain and a member of the crew, including disputes relating to wages and articles of agreement, and to take steps for the hiring or dismissal of the captain or of a member of the crew, if such action is provided for in the laws of the sending State;
- (3) To take steps to obtain medical treatment or repatriation to the sending State for the captain, a member of the crew or a passenger;
- (4) To receive, issue or authenticate declarations or documents provided for under the laws of the sending State and of the State of destination of the cargo relating to ships and their cargo or, at the request of the competent authorities of the sending State, to extend the validity of such statements or documents and to collect the required fees.

2. A consular officer shall have the right, in accordance with the laws of the receiving State, to appear before courts and other competent authorities of the receiving State together with the captain or of a member of the crew, to assist him and to provide him with an interpreter.

*Article 39.* 1. If the courts or other competent authorities of the receiving State intend to take coercive measures or to conduct other investigations on board a vessel of the sending State, the consular officer shall be notified in advance by the competent authorities of the receiving State in order that he may be present during such operations. If the urgency of the measures to be taken precludes advance notification, the competent authorities of the receiving State shall be required to provide the consular officer with a written report on the incident and on the action taken.

2. The provisions of paragraph 1 shall also apply if the captain or members of the crew are to be interrogated ashore by the competent authorities concerning incidents connected with the vessel of the sending State.

3. The provisions of this article shall not apply to normal customs, passport and sanitary inspections or to measures taken at the request or with the consent of the captain of the vessel.

*Article 40.* 1. If a vessel of the sending State is wrecked, runs aground or otherwise sustains damage in a port of the receiving State or in the territorial sea or internal waters of that State, the competent authorities of the receiving State shall immediately notify a consular officer and shall inform him of the measures taken for the preservation of human life, of the vessel and of the cargo. A consular officer may render every assistance to the vessel of the sending State, the captain, members of the

crew and the passengers and may take measures for the custody of the cargo and the repair of the vessel.

2. A consular officer may take on behalf of the owner of the vessel of the sending State, such measures as the owner of the vessel or of the cargo could himself have caused to be taken, if neither the captain of the vessel, its owner, his agent nor the underwriters concerned are in a position to make the necessary arrangements for the custody or disposal of such vessel or its cargo.

3. The provisions of paragraphs 1 and 2 shall also apply to articles, being the property of a national of the sending State, which were on board a vessel of the receiving State or of a third State and which are found as flotsam or jetsam on the coast or in the waters of the receiving State or are brought into a port of that State.

4. The competent authorities of the receiving State shall render to a consular officer all necessary assistance in the measures to be taken by him in connexion with damage to a vessel of the sending State.

5. A damaged vessel of the sending State, its cargo and its supplies shall be exempt from customs duties, charges and dues in the receiving State, provided that they are not retained for use in that State.

*Article 41.* The provisions of articles 37 to 40 of this Convention shall apply *mutatis mutandis* to aircraft of the sending State.

*Article 42.* In addition to the functions provided for in this Convention, a consular officer may exercise any other consular functions entrusted to him by the sending State, provided that they are not contrary to the laws of the receiving State.

*Article 43.* A consular officer shall be entitled to levy consular fees in the receiving State in accordance with the laws of the sending State.

#### *Chapter V.* GENERAL AND FINAL PROVISIONS

*Article 44.* All persons enjoying facilities, privileges and immunities under this Convention shall refrain from interfering in the internal affairs of the receiving State. Without prejudice to their facilities, privileges and immunities, it is their duty to respect the laws of the receiving State, including those relating to traffic and to the insurance of motor vehicles.

*Article 45.* 1. The provisions of this Convention shall also apply to consular activities of the diplomatic mission of the sending State. The rights and duties of consular officers specified in this Convention shall also apply to members of the diplomatic staff of the diplomatic mission of the sending State who have been entrusted with the exercise of consular functions. The names of such diplomats shall be notified to the Ministry of Foreign Affairs of the receiving State. If the laws of the receiving State provide for the presentation of a commission and the granting of an *exequatur*, the latter shall be delivered free of cost.

2. The performance of consular functions by members of the diplomatic staff of a diplomatic mission in accordance with paragraph 1 shall not affect the facilities, privileges and immunities which they enjoy as members of the diplomatic staff of the diplomatic mission.

*Article 46.* The sending State may, with the consent of the receiving State, exercise consular functions in the receiving State on behalf of a third State.

*Article 47.* 1. This Convention shall be ratified. It shall enter into force on the thirtieth day after the exchange of instruments of ratification, which shall take place at Helsinki.

2. This Convention shall remain in force until the expiry of a period of six months from the date on which one of the High Contracting Parties notifies the other High Contracting Party of its intention to terminate the Convention.

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

DONE at Berlin on 28 April 1975, in duplicate in the Finnish and German languages, both texts being equally authentic.

For the Republic of Finland:

PAUL GUSTAFSSON

For the German Democratic Republic:

EWALD MOLDT

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