

**No. 14628**

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**UNITED STATES OF AMERICA  
and  
BULGARIA**

**Consular Convention (with agreed memorandum and exchange of letters). Signed at Sofia on 15 April 1974**

*Authentic texts: English and Bulgarian.*

*Registered by the United States of America on 11 March 1976.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
BULGARIE**

**Convention consulaire (avec mémorandum d'accord et échange de lettres). Signée à Sofia le 15 avril 1974**

*Textes authentiques : anglais et bulgare.*

*Enregistrée par les États-Unis d'Amérique le 11 mars 1976.*

## CONSULAR CONVENTION<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF BULGARIA

The United States of America and the People's Republic of Bulgaria,  
Desiring to regulate and develop consular relations between the two countries in order to facilitate the protection of their national interests and the rights and interests of their nationals,

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

For the United States of America: Martin F. Herz, Ambassador of the United States of America;

For the People's Republic of Bulgaria: Andon Traykov, First Deputy Minister of Foreign Affairs;

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

### PART I. DEFINITIONS

#### *Article 1.*

For the purposes of the present Convention, the terms listed below shall have the following meanings:

(a) "Consulate" means a consulate-general, consulate, vice-consulate, or consular agency;

(b) "Consular district" means the area assigned to a consulate for the performance of consular functions;

(c) "Head of a consulate" means a person who has been entrusted by the sending State to act in this capacity;

(d) "Consular officer" means any person, including the head of a consulate, to whom the exercise of consular functions has been entrusted by the sending State;

(e) "Consular employee" means any person who performs administrative, technical or service duties at a consulate;

(f) "Member of a consulate" means any consular officer or consular employee;

(g) "Premises of a consulate" means buildings or parts of buildings, as well as the grounds ancillary thereto, used exclusively for the purposes of a consulate, regardless of ownership;

(h) "Consular archives" means all official correspondence, documents, letters, books, films, tapes, records, codes and ciphers, office equipment, as well as filing cabinets and other furniture intended for their safekeeping;

(i) "Vessel of the sending State" means any vessel sailing under the flag of the sending State, excluding warships.

<sup>1</sup> Came into force on 29 May 1975, i.e., 30 days after the date of exchange of the instruments of ratification, which took place at Washington on 28 April 1975, in accordance with article 52 (1).

PART II. OPENING OF CONSULATES AND APPOINTMENT  
OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES

*Article 2. OPENING OF CONSULATES*

1. A consulate may be opened on the territory of the receiving State only with the consent of that State.
2. The seat of the consulate, its rank and consular district shall be determined by agreement between the sending and receiving States.

*Article 3. APPOINTMENT OF THE HEAD OF A CONSULATE*

1. Prior to the appointment of a head of a consulate, the sending State must ascertain through diplomatic channels that the receiving State will recognize the person concerned as head of the consulate.
2. The sending State shall forward through diplomatic channels to the receiving State a consular commission or other similar document for the appointment of a head of a consulate. The consular commission or the other similar document shall contain the name of the head of the consulate, his rank, the consular district in which he will exercise his functions and the seat of the consulate.
3. After the presentation of the consular commission or other similar document for the appointment of a head of a consulate, the receiving State shall issue to him, in the shortest possible period of time, an exequatur or other authorization.
4. The head of a consulate may commence to exercise consular functions after the receiving State issues to him an exequatur or other authorization.
5. The receiving State may grant to the head of a consulate provisional recognition permitting him to exercise consular functions until such time as the exequatur or other authorization has been issued to him.
6. Immediately after granting recognition, even provisional, the competent authorities of the receiving State shall take all necessary measures to enable the head of the consulate to exercise his functions and to enjoy the rights, facilities, privileges and immunities due him under the Convention and the law of the receiving State.

*Article 4. EXERCISING TEMPORARILY THE FUNCTIONS  
OF A HEAD OF A CONSULATE*

1. If for some reason the head of a consulate is unable to carry out his functions, or if the position of head of a consulate is vacant, the sending State may entrust a consular officer of the same or of another consulate in the receiving State, or a member of the diplomatic staff of the diplomatic mission in the receiving State, with the temporary exercise of the functions of head of the consulate. The receiving State shall be notified in advance of the name of this person.
2. The person entrusted with the temporary exercise of the functions of a head of a consulate shall enjoy the rights, facilities, privileges and immunities as the head of the consulate as provided by this Convention.
3. Entrusting a member of the diplomatic staff of the diplomatic mission of the sending State with consular functions according to paragraph 1 of this Article does not limit the privileges and immunities to which he is entitled by virtue of this diplomatic status, subject to the provisions of Article 44 of this Convention.

*Article 5. NOTIFICATION OF THE APPOINTMENT OF CONSULAR OFFICERS  
AND CONSULAR EMPLOYEES*

1. The sending State shall notify the receiving State, in advance, in writing, of the full name, function and class of each consular officer.

2. The sending State shall also notify the receiving State in writing of:
- (a) the appointment of members of a consulate, their arrival after their appointment, their final departure or the termination of their functions, as well as all other changes affecting their status which may take place while they are working in the consulate;
  - (b) the arrival and final departure of a member of the family of a member of the consulate who resides with him as part of his household, and also when an individual becomes or ceases to be a member of the family;
  - (c) the employment or dismissal of a person as a member of a consulate who is a national or permanent resident of the receiving State.

*Article 6. ISSUANCE OF AN IDENTITY DOCUMENT*

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

*Article 7. NATIONALITY OF CONSULAR OFFICERS*

A consular officer shall be a national of the sending State and shall not be a national or a permanent resident of the receiving State.

*Article 8. DECLARING AS UNACCEPTABLE A HEAD OF A CONSULATE  
OR OTHER MEMBER OF A CONSULATE*

The receiving State may at any time, and without having to explain its decision, notify the sending State that the head of the consulate or other consular officer is *persona non grata* or that another member of the consulate is unacceptable. In such a case the sending State is obliged to recall such person or terminate his functions in the consulate. If the sending State fails within a reasonable time to carry out its obligation, the receiving State may refuse to recognize the person concerned as a member of the consulate.

PART III. RIGHTS, FACILITIES, PRIVILEGES AND IMMUNITIES

*Article 9. FACILITIES FOR THE OPERATION OF A CONSULATE*

The receiving State shall ensure the proper conditions for the normal operation of a consulate and shall take all necessary measures to enable members of the consulate to carry out their duties and enjoy the rights, facilities, privileges and immunities provided by the present Convention and the law of the receiving State.

*Article 10. USE OF THE NATIONAL FLAG AND COAT-OF-ARMS*

1. The coat-of-arms of the sending State, along with the inscription of the consulate in the language of the sending and of the receiving States, may be placed on the consular premises.

2. The flag of the sending State may be flown at the consular premises and at the residence of the head of a consulate.

3. The flag of the sending State may be flown on the official means of transport of the head of a consulate.

4. In exercising the rights stipulated by this Article the law and customs of the receiving State shall be observed.

*Article 11.* ACQUIRING CONSULAR PREMISES AND RESIDENCES

1. The sending State shall have the right, in the territory of the receiving State, in accordance with the law of the receiving State, to acquire, own, lease for any period of time, construct and improve, or otherwise hold and occupy such grounds, buildings and appurtenances as may be necessary and appropriate for consular purposes, including residences for consular officers and consular employees who are not nationals or permanent residents of the receiving State.

2. The receiving State shall render all necessary assistance to the sending State with a view to facilitating the acquisition of grounds, buildings or parts of buildings for the purposes mentioned in paragraph 1 of this Article.

3. The provisions of paragraph 1 of this Article do not exempt the sending State from the obligation to observe the law of the receiving State relating to construction and zoning applicable to the region in which the respective grounds, buildings or parts of buildings are located.

*Article 12.* INVIOABILITY OF THE CONSULAR PREMISES AND OF THE RESIDENCE  
OF THE HEAD OF A CONSULATE

1. The consular premises shall be inviolable. The authorities of the receiving State may not enter the consular premises without the consent of the head of the consulate, the chief of the diplomatic mission of the sending State, or of a person designated by one of them. The receiving State shall take the necessary measures to ensure the protection of the consular premises.

2. The provisions of paragraph 1 of this Article shall also apply to the residence of the head of a consulate.

*Article 13.* INVIOABILITY OF THE CONSULAR ARCHIVES

The consular archives shall be inviolable at all times and regardless of the place where they are located.

*Article 14.* FREEDOM OF COMMUNICATION

1. A consulate shall be entitled to exchange communications with its Government, with the diplomatic missions and with other consulates of the sending State, wherever they may be. For this purpose the consulate may employ all ordinary means of communication, ciphers, diplomatic or consular couriers, diplomatic or consular bags. With respect to public means of communication the same tariffs and conditions shall be applied in the case of a consulate as are applied in the case of the diplomatic mission. A consulate may install and use a radio transmitter only with the consent of the receiving State.

2. The official correspondence of a consulate, regardless of the means of communication employed, as well as sealed consular pouches, bags and other containers, provided they bear visible external marks of their official character, shall be inviolable. They may contain nothing other than official correspondence or articles intended exclusively for official use.

3. The official correspondence of a consulate, including consular pouches, bags or other containers, as described in paragraph 2 of this Article, shall neither be opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that such pouch, bag or other container contains articles other than official correspondence or documents and articles intended exclusively for official use, they may request that such pouch, bag or other container be returned to its place of origin.

4. Consular couriers of the sending State shall enjoy on the territory of the receiving State the same rights, privileges and immunities enjoyed by diplomatic couriers.

5. The master of a vessel or the captain of a civil aircraft of the sending State may also be charged with the conveyance of a consular bag. The master or captain shall be provided with an official document indicating the number of containers forming the consular bag entrusted to him; he shall not, however, be considered to be a consular courier. By arrangement with the appropriate authorities of the receiving State, the consulate may send a member of the consulate to take possession of the consular bag directly and freely from the master of the vessel or captain of the aircraft or to deliver such bag to him.

*Article 15.* RESPECT OF THE PERSON OF MEMBERS OF A CONSULATE  
AND THE MEMBERS OF THEIR FAMILIES

The receiving State shall be obliged to treat the members of the consulate and the members of their families residing with them as part of their households with due respect and to take all appropriate measures to prevent any encroachment upon their person, freedom or dignity.

*Article 16.* IMMUNITY OF MEMBERS OF A CONSULATE FROM THE JURISDICTION  
OF THE RECEIVING STATE

1. Consular officers and members of their families residing with them and forming part of their households shall be immune from the criminal, civil and administrative jurisdiction of the receiving State.

2. Consular employees and members of their families residing with them and forming part of their households shall be immune from the criminal jurisdiction of the receiving State. They shall also be immune from the civil and administrative jurisdiction of the receiving State with respect to any act performed in their official capacity.

3. The provisions of paragraphs 1 and 2 of this Article shall not, however, apply to civil proceedings:

- (a) resulting from contracts that have not been concluded by the consular officer or consular employee on behalf of the sending State;
- (b) concerning succession, in respect of which the consular officer or consular employee is involved as an executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) concerning liability for damages caused in the receiving State by means of transport;
- (d) concerning private immovable property on the territory of the receiving State, unless the consular officer or consular employee holds it on behalf of the sending State for the purposes of the consulate.

4. No measures of execution shall be taken against the persons mentioned in this Article, except in the cases under paragraph 3 (a), (b), (c) and (d) of this Article, and under the condition that these measures shall not infringe upon the inviolability of their person or residence.

*Article 17.* WAIVER OF IMMUNITY

1. The sending State may waive the immunity from jurisdiction of members of a consulate and of the members of their families residing with them and forming part of their households. Such waiver shall always be express and in writing. Waiver of

immunity from jurisdiction with respect to civil proceedings shall not be held to imply waiver of immunity with respect to the execution of judgment, for which a separate waiver shall be necessary.

2. In the event a member of a consulate or a member of his family residing with him and forming part of his household initiates legal proceedings with respect to which he would enjoy immunity from jurisdiction under Article 16 of this Convention, he has no right to invoke immunity with regard to any counter-claim directly related to the principal claim.

*Article 18. EXEMPTION FROM OBLIGATION TO GIVE WITNESS TESTIMONY*

1. Members of a consulate may be requested to give evidence as witnesses in judicial or administrative proceedings. Consular employees are not entitled to decline to give evidence with the exception of the cases referred to in paragraph 3 of this Article. If a consular officer declines to give evidence, no coercive measure shall be taken against him.

2. The appropriate provisions of paragraph 1 of this Article pertaining to consular officers and consular employees shall also apply to members of their families residing with them as part of their households.

3. Members of a consulate are entitled to decline to give evidence as witnesses with regard to matters falling within the performance of their official functions or to produce any official document and official correspondence. They are also entitled to decline to give opinions as experts on the law of the sending State, as well as on its application and interpretation.

4. The authorities of the receiving State taking evidence from consular officers or from consular employees shall take all steps to avoid interference with the performance of their official functions. Where it is possible, the evidence may be given at the consulate or at the residence of the consular officer or consular employee, or it may be given in a written form.

*Article 19. EXEMPTION FROM SERVICES AND DUTIES*

The receiving State shall exempt the members of a consulate, and the members of their families living with them and forming part of their households, from any services of a compulsory nature, as well as from any public or military duties.

*Article 20. EXEMPTION FROM REGISTRATION*

Members of a consulate and members of their families living with them and forming part of their households shall be exempt from all obligations provided for in the law of the receiving State regarding registration, residence permits and other similar requirements applicable to aliens.

*Article 21. EXEMPTION OF THE SENDING STATE FROM DUES  
AND TAXES ON REAL PROPERTY*

1. No national, regional or local dues or taxes of any kind shall be imposed or collected in the receiving State in respect of:

- (a) grounds, buildings or parts of buildings owned or leased by the sending State or by a natural or juridical person acting on behalf of that State and used exclusively for any of the purposes specified in Article 11 of this Convention;
- (b) transactions or documents relating to the acquisition of such immovable property.

2. The provisions of subparagraph 1 (a) of this Article shall not apply with regard to payments for specific services rendered.

3. The exemption accorded under paragraph 1 of this Article shall not apply to such dues and taxes, if under the law of the receiving State they are payable by a person contracting with the sending State or with a person acting on its behalf.

*Article 22.* EXEMPTION OF THE SENDING STATE FROM DUES  
AND TAXES ON MOVABLE PROPERTY

The sending State shall be exempt from all dues and taxes on movable property which it owns or possesses and is used for consular purposes, as well as from all dues and taxes in connection with the acquisition, possession or maintenance of such property.

*Article 23.* EXEMPTION OF MEMBERS OF A CONSULATE FROM DUES AND TAXES

1. A member of a consulate and members of his family residing with him as part of his household shall be exempt from all dues and taxes imposed by the receiving State with respect to the salaries, wages, emoluments and allowances received from the sending State for the performance of official duties.

2. A member of a consulate, as well as members of his family residing with him as part of his household, shall be exempt from payment of all dues and taxes, whether national, regional or municipal, including dues and taxes on movable property belonging to them.

3. The exemption provided by paragraph 2 of this Article shall not apply with respect to:

- (a) indirect taxes normally included in the price of goods and services;
- (b) taxes and dues imposed on private immovable property located on the territory of the receiving State, unless an exemption is provided by Article 21 of this Convention;
- (c) estate and inheritance taxes and taxes on the transfer of property rights imposed by the receiving State, except as provided in Article 25 of this Convention;
- (d) dues and taxes on any kind of private income derived in the receiving State;
- (e) charges collected for rendering specific services;
- (f) dues and taxes on transactions or on documents related to transactions, including fees of any kind collected by reason of such transactions, except for taxes and charges exemption from which is provided by Article 21 of this Convention.

4. Members of a consulate who employ persons whose wages and salaries are not exempt from payment of income tax in the receiving State shall observe the requirements under the law of the receiving State on employers' obligations for the collection of income taxes.

*Article 24.* EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION

1. All articles, including motor vehicles, imported for the official use of a consulate shall, in conformity with the law of the receiving State, be exempt from customs duties and other dues and taxes of any kind imposed upon or by reason of importation to the same extent as if they were imported by the diplomatic mission of the sending State in the receiving State.

2. A consular officer and members of his family residing with him as part of his household shall be exempt from customs duties and charges imposed upon or by reason of importation of all articles designed for their personal use, including articles for the initial equipment of their households. A consular employee shall enjoy the ex-



emptions provided for in this paragraph only in respect of articles imported by him on his first arrival at the consulate.

3. The articles designed for personal use shall not exceed the quantities required for the direct use by the persons concerned.

4. The personal baggage of consular officers and members of their families living with them as part of their households shall be exempt from customs inspection. They may be inspected only in cases when there are serious reasons to believe that they contain articles other than stated in paragraph 2 of this Article or articles the importation or exportation of which is prohibited by the law of the receiving State or which are subject to the law on quarantine. Such an inspection must be undertaken in the presence of the consular officer concerned or a member of his family or a person representing him.

*Article 25. EXEMPTION FROM DUES AND TAXES ON MOVABLE PROPERTY  
IN CASE OF DEATH*

If a member of a consulate or a member of his family residing with him as part of his household dies and leaves movable property in the receiving State, no estate, succession, or inheritance or other tax or charge on the transfer of property at death shall be imposed by the receiving State with respect to that property, provided that the deceased person was not a national or a 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 a consulate or as a member of the family of such a member of a consulate.

*Article 26. IMMUNITY FROM REQUISITION*

The consular premises, as well as the means of transport of the consulate, are not liable to any form of requisition. If, for the needs of national defense or for other public needs expropriation is necessary, all possible measures must be taken to avoid hampering the execution of the consular functions and to promptly pay appropriate and effective compensation to the sending State.

*Article 27. FREEDOM OF TRAVEL*

To the extent not in conflict with the law of the receiving State concerning regions entry into which is prohibited or limited for reasons of national security, the receiving State shall ensure freedom of movement and travel on its territory for the members of the consulate and for members of their families residing with them and forming part of their households.

*Article 28. CONSULAR FEES*

1. A consulate may levy consular fees in the territory of the receiving State in accordance with the law of the sending State.

2. The sums collected under the provisions of paragraph 1 of this Article shall be exempt from all dues and taxes in the receiving State.

*Article 29. EXCLUSION FROM RIGHTS, FACILITIES, PRIVILEGES AND IMMUNITIES*

Members of a consulate and members of their families residing with them and forming part of their households, who are nationals of the receiving State or have their permanent residence there, shall not enjoy the rights, facilities, privileges and immunities provided for in this Convention, with the exception of those provided for under paragraph 3 of Article 18 of this Convention.

## PART IV. CONSULAR FUNCTIONS

*Article 30.* FUNCTIONS OF A CONSULATE

The functions of a consulate shall include:

- (a) contributing to the development of economic, commercial, cultural, scientific and tourist relations between the sending and the receiving States;
- (b) protecting the rights and interests of the sending State and of its nationals and juridical persons;
- (c) rendering assistance and cooperation to nationals and juridical persons of the sending State;
- (d) promoting the development of friendly relations between the sending and the receiving States.

*Article 31.* EXECUTION OF CONSULAR FUNCTIONS

1. A consular officer shall be entitled to carry out the functions provided for by this Convention, as well as other consular functions entrusted to him by the sending State which are not prohibited by the law of the receiving State or to which the receiving State does not object.

2. A consular officer shall be entitled to execute his functions only within the limits of the consular district. A consular officer may execute his functions outside the limits of the consular district only with the advance consent of the receiving State given separately in each instance.

3. In executing his functions, a consular officer may approach verbally or in writing:

- (a) the competent local authorities in his consular district;
- (b) the competent central authorities of the receiving State, provided this is allowed by the law and customs of the receiving State.

*Article 32.* REPRESENTATION BEFORE THE AUTHORITIES OF THE RECEIVING STATE

1. A consular officer shall be entitled, in accordance with the law of the receiving State, to represent before the courts and other authorities of the receiving State, nationals of the sending State, including juridical persons, or to take appropriate measures in order to ensure legal protection of their rights and interests in cases where, because of absence or any other reason, these nationals are not in a position to undertake timely defense of their rights and interests.

2. The representation referred to in paragraph 1 of this Article shall cease as soon as the represented person appoints his own representative or himself assumes the defense of his rights and interests.

*Article 33.* FUNCTIONS WITH REGARD TO TRAVEL DOCUMENTS

A consular officer shall be entitled:

- (a) to issue to nationals of the sending State passports or other similar documents, extend the validity of the same, cancel them, as well as make other amendments in them;
- (b) to issue visas or other documents to persons wishing to travel to the sending State.

*Article 34.* FUNCTIONS REGARDING CIVIL STATUS

1. A consular officer shall be entitled:

- (a) to register nationals of the sending State;

- (b) to accept any application related to nationality;
- (c) to register and receive communications and documents related to births and deaths of nationals of the sending State;
- (d) to solemnize a marriage, provided that both parties thereto are nationals of the sending State and provided also that the solemnization of such a marriage is not prohibited under the law of the receiving State;
- (e) to accept applications concerning the marital status of nationals of the sending State.

2. The provisions of subparagraphs (c) and (d) of paragraph 1 of this Article do not exempt the persons concerned from the obligation to observe the formalities required by the law of the receiving State.

#### *Article 35. NOTARIAL FUNCTIONS*

1. A consular officer shall be entitled:

- (a) to accept and certify declarations of nationals of the sending State, as well as to issue to them appropriate documents;
- (b) to authenticate signatures of nationals of the sending State;
- (c) to legalize all kinds of documentation issued by authorities of the sending or of the receiving State, as well as to authenticate copies and extracts of these documents;
- (d) to translate documents and to certify to the accuracy of the translations;
- (e) to draw up, certify, attest, authenticate, legalize and take other actions which might be necessary to validate any act or document of a legal character, as well as copies thereof, including commercial documents, declarations, registrations, testamentary dispositions, and contracts, upon the application of a national of the sending State, when such document is intended for use outside the territory of the receiving State, and also for any person, when such document is intended for use in the territory of the sending State.

2. The acts and documents specified in subparagraph (e) of paragraph 1 of this Article, certified or legalized by a consular officer of the sending State, shall have in the receiving State the same validity and effect as the documents certified or legalized by the competent authorities of the receiving State, provided they have been drawn and executed in conformity with the law of the country in which they are designed to take effect. The authorities of the receiving State, however, are obliged to recognize the validity of the above-mentioned documents only to the extent that they do not conflict with the law of the receiving State.

#### *Article 36. SERVING JUDICIAL DOCUMENTS*

A consular officer shall be entitled to serve judicial and other documents on nationals of the sending State in accordance with existing international agreements or, in the absence of such agreements, to the extent permitted by the law of the receiving State.

#### *Article 37. NOTIFICATION ON THE ESTABLISHMENT OF GUARDIANSHIP OR TRUSTEESHIP*

1. The competent authorities of the receiving State shall notify the consulate in writing of instances in which it is necessary to establish a guardianship or trusteeship over a national of the sending State who is not of age or is not in a position to perform legal acts, or over property of a national of the sending State located in the

receiving State when, for whatever reason, such property cannot be administered by the national of the sending State.

2. A consular officer may, on matters mentioned in paragraph 1 of this Article, contact the appropriate authorities of the receiving State and, in particular, may propose appropriate persons to be appointed to act as guardians or trustees in accordance with the law of the receiving State.

*Article 38. COMMUNICATION WITH NATIONALS OF THE SENDING STATE*

1. A consular officer shall be entitled, in his consular district, to communicate with any national of the sending State, to render him assistance or give him advice and, when necessary, to assure him legal assistance. If a national of the sending State desires to visit the consular officer or to converse with him, the receiving State shall in no way restrict the access of such national to the consulate of the sending State or prevent the consular officer of the sending State from visiting such a national.

2. In any case in which a national of the sending State is subjected to any form of deprivation or limitation of his personal freedom, the competent authorities of the receiving State shall inform the consulate of the sending State immediately and, in any event, not later than after three calendar days from the date on which the national was placed under any form of deprivation or limitation of personal freedom. Upon his request, a consular officer shall be informed of the reasons for which the national has been arrested or deprived of personal freedom.

3. The competent authorities of the receiving State shall immediately inform the national of the sending State of the rights accorded to him by this Article to communicate with a consular officer.

4. A consular officer shall be entitled to receive from and send to a national of the sending State, who is under any form of deprivation or limitation of his personal freedom, letters or other forms of correspondence and to take appropriate measures to ensure him legal assistance and representation.

5. A consular officer shall be entitled to visit a national of the sending State who is under any form of deprivation or limitation of his personal freedom, including such national who is in prison or detained in the consular district pursuant to a judgment, to converse and to correspond with him in the language of the sending or the receiving State or to arrange legal representation for him. These visits shall take place as soon as possible, but, in any case, shall not be refused after the expiration of a period of four calendar days from the date on which such national has been subjected to any form of deprivation or limitation of personal freedom. The visits may be made on a recurring basis, but, subject to local prison regulations, at intervals of not more than one month.

6. In the case of a trial of a national of the sending State in the receiving State, the appropriate authorities shall, at the request of a consular officer, inform such officer of the charges against such national. A consular officer may attend the trial of such national as well as all subsequent appeal proceedings.

7. A national to whom the provisions of this Article apply may receive from a consular officer parcels containing food, clothes, medicaments and reading and writing materials to the extent the applicable regulations of the institution in which he is detained so permit.

8. The rights contained in this Article shall be exercised in accordance with the law of the receiving State, provided that such law must be applied so as to give full effect to the purposes for which these rights are intended.

*Article 39.* NOTIFICATION ON THE DEATH OF A NATIONAL OF THE SENDING STATE

Whenever the competent authorities of the receiving State learn that a national of the sending State has died in the receiving State, they shall immediately notify the appropriate consular officer and, upon his request, send him a copy of the death certificate or other documentation confirming the death which has occurred.

*Article 40.* FUNCTIONS WITH REGARD TO ESTATES

When the competent authorities of the receiving State learn that in the receiving State there is an estate:

- (a) of a national of the sending State who has left no one in the receiving State authorized to administer his property or who has no representative in the receiving State, or
- (b) of a deceased person, irrespective of nationality, with regard to whose property the consular officer shall be entitled to represent his interests under the provisions of Article 42 of this Convention,

then the above-mentioned authorities shall notify the appropriate consulate of the sending State of this fact.

*Article 41.* CONSERVATION OF INTERESTS OF DECEASED NATIONAL

1. When a deceased national of the sending State leaves property in the receiving State, the consular officer shall be entitled, with respect to the protection, conservation and administration of the estate, to approach the competent authorities of the receiving State with a view towards representing the interests of a national of the sending State, not a permanent resident of the receiving State, unless or until such national is otherwise represented. In this connection, he may request the competent authorities of the receiving State to permit him to be present at the inventorying and sealing and, in general, to take an interest in the proceedings.

2. To the extent permitted by the law of the receiving State, the consular officer may undertake appropriate actions personally or through an attorney in fact.

*Article 42.* REPRESENTATION OF INTERESTS OF NATIONALS IN ESTATES

1. If a national of the sending State, not a permanent resident of the receiving State, has, or claims to have, a right to property left in the receiving State by a deceased person, irrespective of the latter's nationality, and if that national is not in the receiving State or does not have a representative there, the consular officer of the sending State shall be entitled to represent the interests of such national with respect to the estate, to the extent permitted by the law of the receiving State.

2. A consular officer of the sending State shall be entitled to receive for transmission to a national of the sending State who is not a permanent resident of the receiving State any money or other property to which such national is entitled as a consequence of the death of another person, including shares in an estate, payments made pursuant to employee's compensation laws, pension and social benefits systems in general, and proceeds of insurance policies, unless the court, agency, or person making distribution directs that transmission be effected in a different manner. The court, agency, or person making distribution may require that a consular officer comply with conditions laid down with regard to:

- (a) presenting a power of attorney or other authorization from such national residing outside the receiving State;
- (b) furnishing reasonable evidence of the receipt of such money or other property by such national; and

(c) returning the money or other property in the event he is unable to furnish such evidence.

3. Whenever a consular officer is permitted under the law of the receiving State to carry out the functions provided for in this Article, he shall be entitled to request of the competent authorities of the receiving State the same assistance which these authorities would extend to a national of the receiving State in the exercise of these functions under similar circumstances.

4. In connection with the performance by a consular officer of the functions provided for in this Article, the receiving State will take all appropriate measures to secure for nationals of the sending State the same opportunity for the protection of their interests in estates as that enjoyed by nationals of the receiving State.

#### *Article 43. PROVISIONAL CUSTODY OF DECEDENT'S MONEY AND EFFECTS*

If a national of the sending State who is temporarily present in the receiving State, in which he does not maintain permanent residence, dies, the consular officer shall be entitled without delay to take provisional custody of the money and effects in such person's possession, provided that the deceased person shall not have left in the receiving State an heir or testamentary executor appointed by the decedent to take care of his personal estate and provided that such provisional custody will be relinquished to a duly appointed administrator or other authorized person.

#### *Article 44. COMPLIANCE WITH RECEIVING STATE LAW IN ESTATES MATTERS*

In exercising the rights provided by Articles 40 to 43 inclusive of this Convention, the consular officer must comply with the law of the receiving State in the same manner and to the same extent as a national of the receiving State and, irrespective of the provisions of Article 16 of this Convention, shall be subject in this respect to the civil jurisdiction of the receiving State. Further, nothing in these Articles shall authorize a consular officer to act as an attorney at law.

#### *Article 45. RENDERING ASSISTANCE TO VESSELS*

1. A consular officer shall be entitled to provide any type of assistance to the vessels of the sending State which are in the ports or other anchorages of the receiving State.

2. A consular officer may board the vessels of the sending State as soon as *pratique* is granted. On such occasions, he may be accompanied by members of the consulate.

3. The master and members of the crew may communicate with and meet the consular officer, observing the law of the port and the law relating to crossing the border.

4. The consular officer may request the cooperation of the authorities of the receiving State in carrying out his functions with regard to vessels of the sending State and with regard to the master and members of the crew.

#### *Article 46. RENDERING ASSISTANCE TO MASTER AND CREW*

1. Without prejudice to the rights of the authorities of the receiving State, the consular officer shall be entitled:

(a) to investigate any incident aboard a vessel of the sending State while underway, to question the master and any member of the crew, to inspect the vessel's papers, to receive information in connection with the voyage and destination of

the vessel and also to facilitate the entry, stay and departure of a vessel of the sending State;

- (b) to take steps connected with the signing on and discharging of the master and of a crew member;
- (c) to settle disputes between the master and a crew member, including disputes concerning wages and employment contracts, insofar as this action is authorized by the law of the sending State and does not conflict with the law of the receiving State;
- (d) to take measures for the maintenance of good order and discipline aboard the vessel;
- (e) to take steps for hospitalization or repatriation of the master or a member of the crew of the vessel;
- (f) to receive, draw up or certify any declaration or other document provided for by the law of the sending State in regard to the vessel;
- (g) to undertake other steps to apply the law of the sending State concerning merchant shipping.

2. The consular officer may, if permitted by the law of the receiving State, appear together with the master or a crew member before the courts or other authorities of the receiving State in order to render them any assistance, as well as to appear in the capacity of an interpreter, in actions before such courts and authorities.

#### *Article 47. PROTECTION OF INTERESTS IN CASE OF INVESTIGATIONS*

1. When the courts or other competent authorities of the receiving State intend to take compulsory actions or to start an official investigation aboard a vessel of the sending State which is in the territorial waters of the receiving State, those authorities must notify the appropriate consular officer. Unless an emergency makes this notification impossible, it shall be given before initiation of the actions involved, so that the consular officer might be present when the actions are carried out. If the consular officer or his representative has not been present during these actions, the competent authorities of the receiving State shall, upon his request, provide him with a full account of the actions taken.

2. The provisions of paragraph 1 of this Article shall also apply in cases in which it is necessary for the competent authorities of the port area to question the master or a member of the crew on shore.

3. Except at the request of the ship's master or the consular officer, the judicial or other competent authorities of the receiving State shall not interfere in the internal affairs of the ship on questions of relations between the members of the crew, labor relations, discipline and other activities of an internal character, when the peace, safety and law of the receiving State are not violated.

4. The provisions of paragraphs 1 and 2 of this Article shall not be applied, however, to ordinary customs, passport and sanitary controls, or to the saving of human life at sea, prevention of pollution of the sea, or to other activities undertaken at the request of, or with the consent of, the master of the ship.

#### *Article 48. ASSISTANCE TO DAMAGED VESSELS*

1. If a vessel of the sending State is wrecked, grounded, or suffers any other damage in the internal or territorial waters of the receiving State, the competent authorities of the receiving State shall inform the consulate as soon as possible and

inform it of the measures taken for saving the passengers, the vessel, its crew and cargo.

2. The consular officer may give any assistance to the vessel, the members of the crew and the passengers, as well as take measures for safeguarding the cargo and repairing the vessel. He may also ask the authorities of the receiving State to undertake such measures.

3. If the owner of the vessel, the master or other authorized person is not in a position to undertake the necessary measures for safeguarding the vessel and its cargo, the consular officer, on behalf of the owner, may undertake those measures which the owner himself would undertake in such a case. The provisions of this paragraph shall also apply to every object belonging to a national of the sending State and representing a part of the cargo of a vessel, whether of the sending State or of a third State, which has been found on or near the shore, or has been brought to a port of the receiving State.

4. A vessel which has suffered a misfortune and its cargo and provisions shall not be subject to customs duties on the territory of the receiving State unless delivered for use in that State.

#### *Article 49.* FUNCTIONS WITH REGARD TO AIRCRAFT

The provisions of Articles 45 to 48 inclusive of the present Convention shall also apply to civil aircraft to the extent they are applicable and on the condition that such application is not contrary to the provisions of any agreement in force between the two countries.

### PART V. GENERAL AND CONCLUDING PROVISIONS

#### *Article 50.* OBSERVING THE LAW OF THE RECEIVING STATE

1. All person enjoying privileges and immunities under this Convention are obliged, without prejudice to these privileges and immunities, to observe the law and customs of the receiving State.

2. The consular premises may not be used for purposes inconsistent with the exercise of consular functions.

#### *Article 51.* PERFORMANCE OF CONSULAR FUNCTIONS BY A DIPLOMATIC MISSION

1. The provisions of this Convention shall also apply in the case of consular functions being performed by a diplomatic mission.

2. The names of the members of the diplomatic mission entrusted with the performance of consular functions shall be communicated to the receiving State.

3. The members of the diplomatic mission referred to in paragraph 2 of this Article shall continue to enjoy the privileges and immunities granted them by virtue of their diplomatic status.

#### *Article 52.* ENTRY INTO FORCE AND DENUNCIATION

1. The present Convention shall be subject to ratification and shall enter into force after the expiration of thirty days following the date of the exchange of instruments of ratification which shall take place at Washington.

2. The present Convention shall remain in force until the expiration of six months from the date on which one of the Contracting Parties gives to the other Contracting Party written notification of its intention to terminate the Convention.



IN WITNESS WHEREOF, the respective plenipotentiaries of the Contracting Parties have signed the present Convention and affixed thereto their seals.

DONE at Sofia on this 15th day of April, 1974, in two originals in the English and Bulgarian languages, both texts having the same force.

For the United States  
of America:  
[Signed — Signé]<sup>1</sup>

For the People's Republic  
of Bulgaria:  
[Signed — Signé]<sup>2</sup>

#### AGREED MEMORANDUM

During the negotiations of the Consular Convention signed today between the United States of America and the People's Republic of Bulgaria, it was agreed by both sides that the terms "law" and "*Zakonodatelstvo*" would be employed in the appropriate provisions of the Convention and would be regarded as equivalent expressions for the purposes of the Convention. In this connection, the following explanations were given by the respective Chairmen of the United States and Bulgarian delegations concerning the meanings of the above-mentioned terms:

The Chairman of the United States delegation explained that the term "law", as employed in the present Convention, includes all relevant national, state and local laws, ordinances, regulations, resolutions and other similar provisions having the force and effect of law, including decisions and determinations of courts and other judicial and administrative agencies.

The Chairman of the Bulgarian People's Republic delegation explained that the term "*Zakonodatelstvo*", as employed in the present Convention, includes all laws, normative orders, codes, regulations and other normative acts which have legal force.

DONE at Sofia this 15th day of April, 1974.

For the United States  
of America:  
[Signed — Signé]<sup>1</sup>

For the People's Republic  
of Bulgaria:  
[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by Martin F. Herz—Signé par Martin F. Herz.

<sup>2</sup> Signed by Andon Traykov—Signé par Andon Traykov.

## EXCHANGE OF LETTERS

## I

Sofia, April 15, 1974

Excellency:

I have the honor to refer to the Consular Convention between the United States of America and the People's Republic of Bulgaria signed today and to confirm that the two countries have agreed to the following regarding the application of that Convention:

1. A person entering the People's Republic of Bulgaria for a temporary visit with an American passport which contains a valid Bulgarian entry visa or other document authorizing entry into Bulgaria shall, during the period for which he has received temporary visitor status in accordance with the valid visa or other document of authorization, be entitled to the consular protection provided in Article 38 of this Convention as a United States national, as well as the right to leave the People's Republic of Bulgaria without further documentation regardless of whether such person also possesses Bulgarian nationality.

2. A person entering the United States of America for a temporary visit with a Bulgarian passport containing a valid United States entry visa or other document authorizing entry into the United States shall, during the period for which he has been granted temporary visitor status in accordance with the valid visa or other document authorizing entry into the United States, be entitled to the consular protection as provided in Article 38 of the Convention as a Bulgarian national, as well as the right to leave the United States of America without further documentation, regardless of whether he also possesses United States nationality.

3. The persons indicated in paragraphs 1 and 2 do not lose the right to consular protection and the right to leave the country without further documentation if the period for which they have been granted temporary visitor status expires during the course of a judicial or administrative process which prevents their voluntary departure.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

[Signed]

MARTIN F. HERZ  
American Ambassador

His Excellency Andon Traykov  
First Deputy Minister of Foreign Affairs  
of the People's Republic of Bulgaria

[TRANSLATION — TRADUCTION]

MINISTRY OF FOREIGN AFFAIRS

Sofia, April 15, 1974

Excellency:

I have the honor to refer to the Consular Convention between the United States of America and the People's Republic of Bulgaria signed today and to confirm that the two countries have agreed to the following regarding the application of that Convention:

[*See letter I*]

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

[*Signed*]

A. TRAYKOV

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