

No. 20537

**SWEDEN
and
ROMANIA**

**Consular Convention. Signed at Stockholm on 12 February
1974**

*Authentic texts: Swedish, Romanian and English.
Registered by Sweden on 30 October 1981.*

**SUÈDE
et
ROUMANIE**

**Convention consulaire. Signée à Stockholm le 12 février
1974**

*Textes authentiques : suédois, roumain et anglais.
Enregistrée par la Suède le 30 octobre 1981.*

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

The Kingdom of Sweden and the Socialist Republic of Romania,

Desiring further to strengthen the ties of friendship between them and to regulate their relations in the consular field on the basis of respect for the principles of national sovereignty and independence, of non-interference in internal affairs, of equal rights and of the promotion of their mutual advantage,

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

The Kingdom of Sweden: Mr. Sven Andersson, Minister for Foreign Affairs,

The Socialist Republic of Romania: Mr. Dumitru Lazar, Ambassador Extraordinary and Plenipotentiary of the Socialist Republic of Romania in Sweden,

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

Article 1. DEFINITIONS

For the purposes of this Convention:

a) The term "consular post" means any consulate-general, consulate or vice-consulate;

b) The term "consular district" means the area assigned for the performance of the duties of a consular post;

c) The term "head of a consular post" means the person appointed to act in such capacity;

d) The term "consular officer" means any person, including the head of a consular post, who has been charged in that capacity with the performance of consular duties;

e) The term "consular employee" means any person belonging to the administrative or technical staff of a consular post;

f) The term "member of the service staff" means any person belonging to the domestic staff of a consular post;

g) The term "members of a consular post" means consular officers, consular employees and members of the service staff;

h) The term "members of a family" means the wife (husband) and minor children of a member of a consular post, together with any other person whom the receiving State agrees to recognize in this capacity;

i) The term "consular premises" means buildings or parts of buildings and the land attached thereto irrespective of ownership and used exclusively for the purposes of a consular post;

¹ Came into force on 21 June 1975, i.e., the thirtieth day after the date of the exchange of the instruments of ratification, which took place at Bucharest on 22 May 1975, in accordance with article 46 (1) and (2).

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

k) The term “vessel of the sending State” means any vessel having the nationality of the sending State according to the laws of that State; the term shall not, however, include any ship of war.

CHAPTER I. CONSULAR RELATIONS

Article 2. ESTABLISHMENT OF CONSULAR POSTS

1. The establishment of a consular post by either High Contracting Party in the territory of the other High Contracting Party shall in each case be subject to the consent of the receiving State.

2. The site of a consular post, its rank and the limits of its consular district shall be determined by agreement between the sending State and the receiving State.

3. Any subsequent change as regards the site of a consular post, its rank or its consular district shall likewise be made only by agreement between the sending State and the receiving State.

Article 3. CONSULAR COMMISSION AND EXEQUATUR

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

2. After such agreement has been obtained, the sending State shall transmit the consular commission to the ministry of foreign affairs of the receiving State through the diplomatic channel. The consular commission shall specify the fore-name, surname and class of the head of the consular post, the limits of the consular district and the site of the consular post.

3. The head of the consular post is admitted to the performance of his duties by an authorisation from the receiving State termed an exequatur; the exequatur shall be issued as soon as possible and free of charge.

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

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

Article 4. TEMPORARY CHARGE

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

2. The forename and surname of any person temporarily placed in charge of a consular post in conformity with paragraph 1 of this Article shall be notified in advance to the ministry of foreign affairs of the receiving State.

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

Article 5. NUMBER OF MEMBERS OF THE CONSULAR POST

The sending State shall be free to assign to a consular post consular officers, consular employees and members of the service staff in such numbers as it may deem appropriate in view of the requirements of the consular post. The receiving State may, however, require that these numbers shall be kept within limits which it considers reasonable and normal having regard to the circumstances and conditions in the consular district.

Article 6. CITIZENSHIP OF MEMBERS OF THE CONSULAR POST

1. A consular officer shall be a citizen of the sending State only and shall not at the time of his appointment be permanently resident in the receiving State or already present in that State for other purposes. The last-mentioned provision shall not apply, however, in the case of a citizen of the sending State who is a member of a consular post, or of the diplomatic staff of the diplomatic mission of the sending State in the receiving State.

2. A consular employee or member of the service staff of a consular post shall be only a citizen of the sending State or of the receiving State.

Article 7. NOTIFICATION OF APPOINTMENT OF MEMBERS OF THE CONSULAR POST

The forename, surname and class of a consular officer, other than the head of the consular post, as well as the forename and surname of a consular employee and of a member of the service staff, shall be notified in advance by the sending State to the ministry of foreign affairs of the receiving State.

Article 8. IDENTITY DOCUMENTS

1. A consular officer shall be given an appropriate document indicating his identity and capacity by the competent authority of the receiving State.

2. The provisions of this Article shall also apply to consular employees and to members of the families of consular officers and employees forming part of their households, provided that the person concerned is neither a citizen of the receiving State nor permanently resident in that State.

Article 9. PROHIBITION OF CERTAIN ACTIVITIES

Members of a consular post shall not engage in the receiving State in any occupation for gain other than their consular duties or work at the consular post.

Article 10. TERMINATION OF FUNCTIONS OF A MEMBER OF THE CONSULAR POST

1. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that a consular employee or member of the service staff is unacceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his appointment at the consular post.

2. If the sending State fails to carry out this obligation within a reasonable period, the receiving State may, in the case of the head of a consular post, withdraw the exequatur or other authorization or, in the case of any other member of the consular post, notify the sending State through the diplomatic channel that it declines to continue to recognise the person concerned as a member of the consular post.

3. In any case to which the provisions of paragraphs 1 or 2 of this Article apply, the receiving State shall not be obliged to explain the reason for its decision.

CHAPTER II. CONSULAR FUNCTIONS

Article 11. EXERCISE OF CONSULAR FUNCTIONS

1. Consular functions may be exercised, as provided in this Chapter, by consular posts and by the diplomatic mission of either High Contracting Party to the other High Contracting Party.

2. A consular officer shall be entitled, within the consular district, to perform the functions specified in this Chapter. He may, in addition, perform other consular functions entrusted to him by the sending State which are not in conflict with the laws and regulations of the receiving State and to which no objection is taken by the receiving State.

The performance by a consular officer of any consular function outside the consular district shall be subject to the prior consent of the receiving State.

3. Each High Contracting Party may entrust consular functions to its diplomatic mission to the other High Contracting Party. The names of the members of the diplomatic mission appointed to exercise the consular functions of the mission shall be notified to the ministry of foreign affairs of the receiving State. The provisions of this Chapter shall equally apply to these members of the mission. The performance of consular functions by these persons shall be without prejudice to the immunities and privileges to which they are entitled as members of the diplomatic mission.

Article 12. COMMUNICATION WITH AUTHORITIES OF THE RECEIVING STATE

1. In connexion with the performance of his duties under this Convention, a consular officer shall be entitled to apply:

- a. To the competent local authorities within his consular district;
- b. To the central authorities of the receiving State if and to the extent that the law and usages of the receiving State so permit.

2. A consular officer may apply direct to the ministry of foreign affairs of the receiving State only in the absence of a diplomatic agent of the sending State.

Article 13. SCOPE OF CONSULAR FUNCTIONS

1. A consular officer shall be entitled:

- a. To protect the rights and interests of the sending State and its citizens within the limits of international law;

b. To further the development of relations between the sending State and the receiving State in the commercial, economic, cultural and scientific fields and otherwise promote friendly relations between the two States.

2. The provisions of this Convention relative to citizens of the sending State shall, where the context so permits, apply also to juridical persons possessing the nationality of that State conferred under its law.

Article 14. REGISTRATION OF CITIZENS OF THE SENDING STATE

A consular officer shall be entitled to keep a register of citizens of the sending State present in the consular district. Such registration by a consular officer shall not exempt such a citizen from the obligation to comply with the laws and regulations of the receiving State with regard to the registration of aliens.

Article 15. REPRESENTATION OF CITIZENS BEFORE COURTS AND OTHER AUTHORITIES

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

2. A consular officer may, likewise, propose to the competent court or authority that consideration of the matter in question be postponed until such time as the citizen has been informed and has had reasonable opportunity to be present or represented.

Article 16. PROTECTION OF CITIZENS OF THE SENDING STATE

1. A consular officer shall be entitled within the consular district to communicate with a citizen of the sending State and may render him every assistance, *int. al.*, in legal matters.

No restriction shall be placed by the receiving State upon the access of a citizen of the sending State to the consular post or upon communication by him with the consular post.

2. A consular officer shall be notified by the competent authorities of the receiving State when a citizen of the sending State is arrested or detained in custody within his consular district. Such notification shall be made without delay and in any event within five days.

3. Any communication addressed to the consular officer by a citizen of the sending State who has been so arrested or detained shall be forwarded without delay by the competent authorities. The consular officer shall likewise be entitled to communicate with the arrested or detained person and may assist him in obtaining legal assistance and representation.

The consular officer shall also be entitled to visit the arrested or detained person. Such visits shall be allowed without delay. After the expiry of seven days from the time of arrest or detention, such visits shall not be postponed by the competent authorities of the receiving State.

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

5. The rights accorded to a consular officer under paragraphs 3 and 4 of this Article shall be exercised in conformity with the laws and regulations of the receiving State.

Article 17. ISSUE OF PASSPORTS AND VISAS

A consular officer shall be entitled:

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

Article 18. DUTIES RELATING TO CIVIL STATUS

1. A consular officer shall be entitled to register the birth or death of a citizen of the sending State and to issue the appropriate certificate, in accordance with the law of that State.

Nothing in the provisions of this paragraph shall exempt the person concerned from any obligation under the law of the receiving State as regards the notification of a birth or death.

2. The consular officer shall be entitled to solemnise a marriage between citizens of the sending State and issue the appropriate certificate. The persons concerned shall promptly inform the proper authorities of the receiving State of a marriage so solemnised.

Article 19. DUTIES RELATING TO GUARDIANSHIP AND TRUSTEESHIP

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

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

Article 20. NOTARIAL DUTIES

1. To the extent that the laws of the receiving State so permit, a consular officer shall be entitled:

- a. To receive, draw up and authenticate declarations of citizens of the sending State;
- b. To receive, draw up and authenticate declarations relative to the testamentary dispositions and other declarations relating to the estates of citizens of the sending State;

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

2. The duties enumerated in paragraph 1 of this Article may be performed at the consular post or, if the person concerned is unable for good reason to come to the consular post, elsewhere.

Article 21. DUTIES RELATING TO ESTATES

1. Where it comes to the knowledge of the competent authorities of the receiving State that a citizen of the sending State has died on the territory of the former State, they shall promptly so notify the consular post.

2. The competent authorities of the receiving State shall, when so requested, promptly inform a consular officer of any measures which they have taken for the preservation or administration of property left in the receiving State by a deceased citizen of the sending State.

A consular officer may lend his assistance personally or through a representative in the taking of such measures.

3. A consular officer may likewise:

- a. Concern himself with safeguarding the rights in an estate of citizens of the sending State;
- b. Watch over the transfer to citizens of the sending State of money or property, or the proceeds of the sale of any such property, due to them under an estate on the territory of the receiving State. The transfer shall be made in conformity with the laws and regulations of the receiving State.

4. In any case where money or property, or the proceeds of the sale of any such property, due under an estate to a citizen of the sending State, not present or represented in the receiving State, is given by the competent authority or person to a consular post for transmission to that citizen, the consular post may receive such money or property, provided that all the liabilities of the estate declared within the legal limits of time as also any taxes leviable under the law of the receiving State shall first be paid or guaranteed and that the consent of the competent authorities of the receiving State to the transfer of the money or property from that State to the sending State shall be obtained.

5. In any case where a citizen of the sending State who is not domiciled in the receiving State dies while temporarily present in that State, money and personal effects in his possession, provided that they are not claimed by a person who is present and entitled to claim them, shall be handed over to the appropriate consular officer of the sending State on a provisional basis and without formality. This provision shall be without prejudice to the right of the administrative or judicial authorities of the receiving State to take charge of them in the interests of justice.

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

6. A citizen of either High Contracting Party shall enjoy in the territory of the other High Contracting Party the same rights as a citizen of the latter with regard to the acquisition, or disposal, of property upon death.

Article 22. DUTIES RELATING TO SEA AND RIVER SHIPPING

1. A consular officer shall be entitled to render assistance to a vessel of the sending State which has come to a port or other place of anchorage within the consular district.

The consular officer may proceed on board the vessel as soon as she has received pratique. The master and members of the crew shall be permitted to communicate with the consular officer.

A consular officer may invoke the aid of the competent authorities of the receiving State in any matter relating to the performance of his duties with respect to a vessel of the sending State or to the master and members of the crew of such a vessel.

2. A consular officer shall be entitled:

- a. To take measures for the enforcement of the law of the sending State relative to shipping, where that law is applicable;
- b. To question the master and members of the crew, examine the vessel's papers, take statements with regard to the vessel's voyage and her destination and generally facilitate the vessel's entry into, stay in and departure from the port;
- c. To arrange for the replacement of the master or any member of the crew in accordance with the law of the sending State;
- d. To take measures to ensure the maintenance of good order and discipline on board the vessel;
- e. To arrange for the treatment in a hospital or the repatriation of the master or any member of the crew of the vessel.

3. A consular officer may, to the extent that the law of the receiving State permits him to do so, appear with the master or any member of the crew of the vessel before the courts and authorities of that State, render them every assistance and act as interpreter in matters between them and these courts and authorities.

4. The judicial authorities of the receiving State shall not be competent to entertain any proceedings with regard to the remuneration, or to a contract of service, of the master or a member of the crew of a vessel of the sending State.

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

The competent authorities of the receiving State shall, in addition, notify the consular officer in advance in any case where it is their intention to question the master or a member of the crew ashore.

The provisions of this paragraph shall not apply to examinations by the competent authorities with regard to customs, sanitary and passport control, wireless telegraphy, the safety of life at sea, the prevention of the pollution of the sea or to measures of seizure or execution arising out of civil or commercial claims.

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

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

7. If a vessel of the sending State is wrecked, runs aground or otherwise sustains damage in the national or territorial waters of the receiving State, the competent authorities of that State shall, without delay, so notify a consular officer and inform him of the measures which they have taken to rescue and preserve the vessel and its crew, passengers, cargo, equipment and supplies.

The authorities of the receiving State shall accord the consular officer the necessary assistance in taking measures required in connexion with the accident to the vessel. They shall invite the consular officer to be present at any enquiry to establish the cause of the occurrence and to collect evidence for this purpose.

If neither the owner of the wrecked or damaged vessel nor any other authorised person is in a position to make arrangements for the conservation and custody of the vessel and its equipment and supplies, the consular officer shall be entitled to make such arrangements on behalf of the owner. A consular officer may under similar circumstances make such arrangements with regard to cargo owned by a citizen of the sending State and found or brought into port from a wrecked vessel of the sending State or of a third State.

No customs duties, taxes or other similar charges of any kind shall be levied on a wrecked vessel or on its cargo, equipment or supplies, unless they are delivered for use or consumption in the receiving State.

Article 23. DUTIES RELATING TO CIVIL AVIATION

The provisions of Article 22 shall also apply, to the extent that they are capable of such application, to civil aviation, provided that this is not contrary to the provisions of any agreements in force between the High Contracting Parties.

CHAPTER III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 24. FACILITIES, PRIVILEGES AND IMMUNITIES GRANTED
BY THE RECEIVING STATE

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

2. The receiving State shall be under a duty to accord to a consular officer the respect due to him and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

SECTION I

Article 25. USE OF THE COAT-OF-ARMS AND FLAG

1. The coat-of-arms of the sending State together with an appropriate inscription designating the consular post in the languages of the High Contracting Parties may be affixed to the consular post as well as to the residence of the head of the consular post.

2. The flag of the sending State may be flown at the consular post and at the residence of the head of the consular post as also on the means of transport used by him in connexion with the performance of his official duties.

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

Article 26. FACILITIES FOR ACQUIRING PREMISES AND ACCOMMODATION

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

2. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

Article 27. INVIOLABILITY OF THE CONSULAR PREMISES AND THE RESIDENCE
OF THE HEAD OF THE CONSULAR POST

1. The consular premises shall be inviolable.

2. The authorities of the receiving State shall not enter the consular premises except with the consent of the head of the consular post, of the head of the diplomatic mission of the sending State or of a person nominated by one of them.

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

4. Property used exclusively for the purposes of the consular activities of the sending State, including means of transport, shall not, irrespective of ownership, be subject to any measure of requisitioning, seizure or execution in so far as this would prevent the effective performance of the work of the consular post.

5. The provisions of this Article shall also apply to the residence of the head of the consular post when situated in the same building as the consular premises.

Article 28. FISCAL EXEMPTION REGARDING CONSULAR PREMISES, THE RESIDENCE OF THE HEAD OF THE CONSULAR POST AND MEANS OF TRANSPORT

1. Land, buildings or parts of buildings owned or leased by the sending State and used exclusively to serve as the consular premises or as the residence of the head of the consular post shall be exempt from all taxes or other similar charges of any kind including municipal dues, with the exception of any payment due in respect of specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to taxes or charges which, under the law of the receiving State, are payable by the person who contracted with the sending State.

3. The provisions of paragraphs 1 and 2 shall also apply in respect of means of transport owned by the sending State and used for the official purposes of the consular post.

Article 29. INVIOABILITY OF CONSULAR ARCHIVES

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

Article 30. FREEDOM OF COMMUNICATION

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

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

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a citizen of the receiving State nor, unless he is a citizen of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

Article 31. FREEDOM OF MOVEMENT

Subject to the laws and regulations of the receiving State with regard to areas into which entry is prohibited or restricted for reasons of national security, the members of the consular post shall be permitted to travel freely in that State.

Article 32. CONSULAR FEES AND CHARGES

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

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

SECTION II

Article 33. IMMUNITY FROM JURISDICTION AND PERSONAL INVIOABILITY

1. Members of a consular post shall not be subject to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in their official capacity.

2. The provisions of paragraph 1 of this Article shall not, however, apply to a civil action:

- a.* Arising out of a contract concluded by a member of the consular post in which he did not contract expressly or impliedly on behalf of the sending State;
- b.* Brought by a third party in respect of damage resulting from an accident in the receiving State caused by a vehicle, vessel or aircraft.

3. In respect of an act performed otherwise than in his official capacity a consular officer shall be treated as exempt from:

- a.* Detention in custody or preventive arrest except in the case of an offence committed on the territory of the receiving State and involving a penalty of deprivation of liberty for at least five years and only on the basis of a decision by the competent judicial authority of the receiving State;
- b.* Any other measure of deprivation of liberty except in execution of a judicial decision of final effect.

4. Where criminal proceedings are instituted against a consular officer he shall appear before the competent authorities of the receiving State. However, the proceedings shall be conducted with the respect due to the consular officer by virtue of his official position and so as to interfere to the least extent possible with the performance of his duties. When, in the circumstances mentioned in paragraph 3 of this Article it has become necessary to deprive a consular officer of

his liberty, the proceedings against him shall be instituted with the minimum of delay.

5. In any case where a member of the consular post or a member of his family forming part of his household is subjected to any form of deprivation of liberty pending trial or where criminal proceedings have been instituted against him, the competent authorities of the receiving State shall immediately inform the head of the consular post accordingly. In any case where the head of the consular post is subjected to any such measure, the authorities of the receiving State shall inform, through the diplomatic channel, the sending State accordingly.

Article 34. THE GIVING OF EVIDENCE AS A WITNESS

1. Members of a consular post may be requested to give evidence as witnesses in judicial or administrative proceedings. If a consular officer declines to comply with such a request, no coercive measures shall be taken against him and no penalty imposed.

A consular employee or member of the service staff of a consular post shall not be entitled to decline to comply with such a request except in cases where the provisions of paragraph 3 of this Article apply.

2. The authority requesting the evidence of a consular officer shall avoid interference with the performance of his duties. Such evidence may be given in writing or orally at the consular post or at the residence of the consular officer. In the case of a consular employee all reasonable steps shall be taken to avoid interference with the work of the consular post.

3. A member of the consular post shall be entitled to decline to give evidence with regard to any matter within the scope of his official duties or to produce any document or object from the consular archives. He may likewise decline to give evidence in the capacity of an expert witness with regard to the law of the sending State.

4. A member of the consular post requested to give evidence shall be entitled to make an affirmation in lieu of an oath.

Article 35. EXEMPTION FROM PERSONAL SERVICES AND OTHER OBLIGATIONS

The members of a consular post shall be exempt in the receiving State from military obligations, from public service of any kind and from contributions in lieu thereof. They shall also be exempt from all requirements under the laws and regulations of the receiving State relative to the registration of aliens and permission to reside in the receiving State.

Article 36. EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on:

- a. Articles for the official use of the consular post;
- b. Articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment.

The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

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

3. Personal baggage accompanying consular officers shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph *b* of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer concerned.

Article 37. FISCAL EXEMPTIONS

1. Members of a consular post shall enjoy the same exemption from taxes and other similar charges imposed or collected in the receiving State as corresponding personnel of the diplomatic mission of the sending State.

2. For the purposes of this Article the term "corresponding personnel of the diplomatic mission" refers to members of the diplomatic staff in the case of consular officers, and to members of the administrative and technical staff in the case of consular employees; the same term also includes members of the service staff.

Article 38. PRIVILEGES OF MEMBERS OF THE FAMILIES OF MEMBERS OF THE CONSULAR POST

Members of the family of a member of the consular post forming part of his household shall enjoy the privileges accorded to him under Article 35 and, in the case of a consular officer or a consular employee, Articles 36 and 37, provided that they are neither citizens of the receiving State nor permanently resident in that State or engaged in private occupation for gain in that State.

Article 39. EXCEPTIONS TO IMMUNITIES AND PRIVILEGES

The immunities and privileges accorded under this Convention shall not be extended to citizens of the receiving State or permanent residents of that State with the exception, in the case of consular employees, of those accorded to such employees under Articles 33 and 34 and, in the case of members of the service staff of a consular post, of the privilege accorded under paragraph 3 of Article 34 only.

Article 40. PROPERTY OF A DECEASED MEMBER OF THE CONSULAR POST

In the event of the death of a member of the consular post not a citizen of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there 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 41. WAIVER OF IMMUNITIES

1. The sending State may waive the immunities and privileges accorded under Articles 33 and 34 in respect of persons entitled to benefits under these Articles. Such waiver shall always be express, except as provided in paragraph 2 of this Article, and shall be notified in writing to the competent authorities of the receiving State.

2. The initiation of proceedings by a member of a consular post in a matter where he might enjoy immunity from jurisdiction under Article 33 paragraph 1 shall preclude him from invoking immunity of jurisdiction in respect of any counter-claim directly connected with the principal claim.

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

Article 42. BEGINNING AND END OF CONSULAR PRIVILEGES AND IMMUNITIES

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

2. Members of the family of a member of the consular post forming part of his household shall receive the privileges provided in the present Convention from the date from which he enjoys privileges in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner. In the case of the persons referred to in paragraph 2 of this Article, their privileges shall come to an end when they cease to belong to the household of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges shall subsist until the time of their departure.

4. However, with respect to acts performed by a member of a consular post in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

Article 43. NOTIFICATION OF ARRIVALS AND DEPARTURES

The ministry of foreign affairs of the receiving State shall be notified of:

- a. The arrival and final departure of a member of the family of a member of the consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of that family;

- b. The engagement and discharge of persons resident in the receiving State as consular employees or as members of the service staff.

SECTION III

Article 44. OBSERVANCE OF THE LAW OF THE RECEIVING STATE

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

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

Article 45. THIRD PARTY RISK INSURANCE

Means of transport (motor vehicles, vessels and aircraft) owned by the sending State and used for the official purposes of a consular post or owned by members of a consular post or by members of their families shall be insured against third-party risks in conformity with the laws and regulations of the receiving State.

CHAPTER IV. FINAL PROVISIONS

Article 46

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

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

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

TILL BEKRÄFTELSE HÄRAV har de befullmäktigade ombuden under-tecknat denna konvention och försett den med sina sigill.

SOM SKEDDE i Stock-holm den 12 februari 1974 i två exemplar på svenska, rumänska och engelska språken. I händelse av meningsskiljaktigheter rörande tolkningen skall den engelska texten äga vitsord.

För Konungariket
Sverige:

För Socialistiska
Republiken Rumänien:

DREPT PENTRU CARE, plenipotențiarii respectivi au semnat prezenta Con-venție, punind sigiliile lor.

FĂCUTĂ în două exemplare, la Stockholm, azi 12 februarie 1974 în limbile suedeză, română și engleză. În caz de interpretare diferită a textelor, textul englez va prevala.

Pentru Regatul Suediei:

[Signed — Signé]¹

Pentru Republica
Socialistă România:

[Signed — Signé]²

IN WITNESS WHEREOF, the respective Plenipoten-tiaries have signed this Convention and affixed thereto their seals.

DONE in duplicate in Stockholm this 12th day of February 1974 in the Swedish, Romanian and English languages. In case of different interpretation of the texts, the English text shall prevail.

For the Kingdom
of Sweden:

For the Socialist Republic
of Romania:

¹ Signed by Sven Andersson — Signé par Sven Andersson.

² Signed by D. Lazar — Signé par D. Lazar.