

No. 20774

**FRANCE
and
GERMAN DEMOCRATIC REPUBLIC**

**Consular Convention (with exchange of letters). Signed at
Berlin on 16 June 1980**

Authentic texts: French and German.

Registered by France on 25 February 1982.

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et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

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Enregistrée par la France le 25 février 1982.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE FRENCH REPUBLIC AND THE GERMAN DEMOCRATIC REPUBLIC

The President of the French Republic and the Council of State of the German Democratic Republic,

Prompted by the desire to develop and strengthen the friendly relations between the two countries in the spirit of the provisions of the Final Act of the Conference on Security and Co-operation in Europe,² and especially those provisions regarding the conclusion of consular conventions,

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

The President of the French Republic: Henry Bayle, Ambassador Extraordinary and Plenipotentiary of the French Republic;

The Council of State of the German Democratic Republic: Oskar Fischer, Minister for Foreign Affairs of the German Democratic Republic,

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

CHAPTER I. DEFINITIONS

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

(a) "Consular post" means any consulate-general, consulate, vice-consulate, separate consular chancery or consular agency;

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

(c) "Head of consular post" means the person charged with the duty of acting in that capacity;

(d) "Consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions as a consul-general, consul-general deputy, consul, deputy consul, vice-consul or consular attaché;

(e) "Consular employee" means any person, other than a consular officer, performing administrative or technical duties at the consular post;

(f) "Member of the service staff" means any person employed in the domestic service of a consular post;

(g) "Member of the consular post" means any consular officer, consular employee or member of the service staff.

(h) "Member of the private staff" means any person who is employed exclusively in the private service of a member of the consular post;

¹ Came into force on 29 October 1981, i.e., the thirtieth day following the date of the exchange of the instruments of ratification, which took place at Paris on 29 September 1981, in accordance with article 47 (1).

² *International Legal Materials*, vol. 14, 1975, p. 1292.

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

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

(k) "Consular archives" includes all official correspondence, papers, documents, books, films, tapes, registers and files, cipher devices, codes and other technical working material for the exclusive use of the consular post, together with any article of furniture intended for their protection or safe keeping;

(l) "Official correspondence" means any correspondence relating to the consular post and its functions;

(m) "Vessel of the sending State" means any ship or other sea-going vessel or floating craft lawfully flying the flag of the sending State or registered in the said State, with the exception of warships and police or customs vessels;

(n) "Aircraft of the sending State" means any aircraft flown by a pilot registered in the sending State and lawfully bearing the national identification and registration marks of the sending State, with the exception of military, police and customs aircraft.

2. The provisions of this Convention which are applicable to nationals of the sending State shall also apply, where appropriate, to bodies corporate which have their headquarters in the territory of the sending State and which are constituted in accordance with the laws of that State.

CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS, APPOINTMENT AND RECALL OF CONSULAR OFFICERS

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

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

Article 3. 1. The sending State shall obtain confirmation through the diplomatic channel that the person it intends to appoint as head of the consular post has met with the approval of the receiving State.

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

3. The head of a consular post may not enter upon his duties until the exequatur granted by the receiving State has been received. The exequatur shall be granted as soon as possible. Pending delivery of the exequatur, the receiving State may permit the head of a consular post to exercise his functions on a provisional basis. In that case, the provisions of this Convention shall apply.

Article 4. 1. If the head of a consular post is unable for any reason to carry out his or her functions or the position of head of consular post is temporarily vacant, the sending State may designate a consular officer of the consular post in

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

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

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

Article 5. The sending State shall give prior notice in writing to the receiving State, through the diplomatic channel, of:

- (a) The appointment of the members of a consular post, including the dates of their entry on duty, their official duties at the consular post, the date of their arrival and final departure or termination of their functions, and any other change affecting their status which may occur in the course of their service at the consular post;
- (b) The dates of arrival and final departure of any member of the family of a member of the consular post and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;
- (c) The date of arrival or final departure of members of the private staff and date of termination of service;
- (d) The engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff.

Article 6. Only nationals of the sending State who are not permanently resident in the receiving State and are not, with the exception of their official duties, engaged in any gainful employment there may be consular officers.

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

Article 8. The competent authorities of the receiving State shall issue free of charge to all members of the consular post and to members of their family, provided that they are not nationals or permanent residents of the receiving State, a document stating that they are members of the consular post or members of the family.

CHAPTER III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 9. 1. The receiving State shall treat members of a consular post with due respect and shall take all appropriate steps to ensure that they are able to exercise their functions effectively.

2. The receiving State shall take the appropriate steps to ensure that members of a consular post are able to enjoy the facilities, privileges and immunities provided for in this Convention.

Article 10. Within the framework of its laws, the receiving State shall assist the sending State in obtaining consular premises and residences for the members of the consular post.

Article 11. 1. On the territory of the receiving State, the sending State may, in accordance with the laws of the receiving State and subject to prior approval of the latter:

- (a) Acquire freehold title to, or use land, buildings or parts of buildings used as the headquarters of the consular post, as the residence of the head of the consular post or as accommodation for the other members of the consular post;
- (b) Build or convert for the purposes mentioned in the preceding subparagraph any buildings existing on the land purchased or placed at its disposal;
- (c) Transfer or surrender the rights provided for in subparagraphs (a) and (b) above.

2. The provisions of paragraph 1 shall not release the sending State from the obligation of respecting the laws of the receiving State regarding building and town planning.

Article 12. 1. The national coat of arms and the name of the consular post in the languages of the sending State and of the receiving State may be affixed to the building of the consular post.

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

3. The head of the consular post may fly the national flag of the sending State on the vehicles used by him in the exercise of his functions.

Article 13. 1. The receiving State is under a special duty to ensure protection of the consular premises so as to prevent any intrusion or damage and any disturbance of the peace of the consular post or impairment of its dignity.

2. The consular premises and the residence of the head of the consular post shall be inviolable. The authorities of the receiving State shall not enter the consular premises or the residence of the head of the consular post except with the consent of the head of the consular post, the head of the diplomatic mission of the sending State or a person authorized by them.

Article 14. Consular archives shall be inviolable at all times and wherever they may be.

Article 15. 1. A consular post shall have the right to communicate with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State. The consular post may employ all customary means of communication, including diplomatic or consular couriers, diplomatic or consular bags, and messages in code or cipher. The consular post may install and use a wireless transmitter only with the consent of the receiving State. The consular post shall be charged the same rates for the use of public means of communication as the diplomatic mission.

2. The official correspondence of the consular post shall be inviolable.

3. The receiving State shall accord to consular couriers who are in possession of an official document indicating their status and the number of packages

constituting the consular bag the same rights, privileges and immunities as are accorded to diplomatic couriers. The foregoing shall also apply to consular couriers *ad hoc*, except that the immunities of such a courier shall cease to apply when he has delivered the consular bag to the consignee. Only nationals of the sending State not permanently resident in the receiving State may be consular couriers.

Article 16. 1. Consular officers and consular employees shall not be subject to the jurisdiction of the receiving State in respect of acts committed in the exercise of consular functions.

2. Consular officers and consular employees shall not be subject to the civil and administrative jurisdiction of the receiving State in respect of acts committed in the exercise of consular functions.

3. However, the provisions of paragraph 2 of this article shall not apply in civil actions:

- (a) Arising out of a contract concluded by a consular officer or consular employee in which he did not contract expressly or implicitly as an agent of the sending State; or
- (b) Brought by a third Party for damage arising from an accident caused in the receiving State by a vehicle, ship or aircraft.

4. Consular officers shall not be liable to provisional arrest, detention pending trial or any other form of deprivation of or restriction on their personal freedom, unless they have been convicted by the competent judicial authority of a serious crime or in execution of a judicial decision of final effect.

5. "Serious crime" means, for the purposes of this article, any wilful offence punishable under the laws of the receiving State by imprisonment for a term of at least five years.

6. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and in a manner which will hamper the exercise of consular functions as little as possible. If, under the circumstances mentioned in paragraph 4 of this article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

7. In the event of the detention of a member of the consular post, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

Article 17. 1. Members of a consular post may be called as witnesses by the courts or other competent authorities of the receiving State. However, they are under no obligation to give evidence concerning matters connected with the work of the consular post, to produce correspondence or other documents relating thereto, or to speak as experts on the law of the sending State.

2. If a consular officer declines to give evidence or to appear for that purpose before the courts or other competent authorities in the receiving State, no coercive measures or other penalties may be applied.

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

4. Members of the family of a member of the consular post shall be under no obligation to give evidence concerning matters connected with the work of the consular post.

Statements in evidence by members of the family of a consular officer may be taken orally or in writing at the residence of the consular officer.

Article 18. 1. The sending State may waive, with regard to a member of the consular post and members of his family, the privileges and immunities provided for in Articles 16 and 17. The waiver shall in every instance be made in writing.

2. The institution of proceedings by a member of the consular post who enjoys immunity from jurisdiction shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

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

Article 19. Members of the consular post and members of their families shall be exempt in the receiving State from public and personal service obligations of any kind.

Article 20. Members of the consular post and members of their families shall not be subject to the obligations in regard to registration, residence permits and work permits which are imposed under the laws of the receiving State on persons who are not nationals of the receiving State.

Article 21. 1. Consular premises and the residence of the head of the consular post, if owned or rented by the sending State or made available to it for its use, shall be exempt from all dues and taxes, whether national, regional or municipal, with the exception of charges levied for services rendered.

2. The exemptions provided for in paragraph 1 shall not apply to dues and taxes which, under the laws of the receiving State, are payable by a person who contracted with the sending State.

3. The provisions of paragraphs 1 and 2 of this article shall also apply to means of transport which are the property of the sending State and are used exclusively for the business of the consular post.

Article 22. 1. Consular officers and consular employees and members of their families shall be exempt from all dues and taxes, whether national, regional or municipal, except:

(a) Indirect dues and taxes of a kind which are normally incorporated in the price of goods or services;

- (b) Dues and taxes on private immovable property situated in the receiving State;
- (c) Estate, succession or inheritance duties, and duties on transfers, subject to the provisions of article 23;
- (d) Dues and taxes on private income having its source in the receiving State and on the assets located there;
- (e) Dues, taxes and other charges levied for specific services rendered;
- (f) Registration, court or record fees, mortgage dues and stamp duties subject to the provisions of article 21.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws of that State impose on them concerning the levying of income tax.

Article 23. 1. In the event of the death of a member of the consular post or of a member of his family, succession duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

2. The receiving State shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death.

Article 24. 1. The receiving State shall, in accordance with its laws, 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, including motor vehicles;
- (b) Articles for the personal use of the consular officer or members of his family, 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. Consular officers and members of their families shall be exempt from inspection of their personal baggage, unless there is serious reason to believe that it contains articles the import or export of which is prohibited by the law of the receiving State or subject to its quarantine regulations. In such a case, the inspection shall be carried out in the presence of the consular officer or member of his family, or of an authorized representative.

Article 25. The receiving State shall ensure that members of the consular post and their families may enjoy freedom of movement and travel, subject to laws concerning zones entry into and sojourn in which is prohibited or subject to special regulation for reasons of national security.

Article 26. 1. Members of the consular post who are nationals of or are permanently resident in the receiving State shall not enjoy the facilities, privileges

and immunities provided for in this Convention, with the exception of the right provided for in paragraph 1 of article 17.

2. Members of the family of a member of the consular post who is a national of or is permanently resident in the receiving State, and members of the family of a member of the consular post and members of the service staff who are themselves nationals of or are permanently resident in the receiving State, or are gainfully employed there, shall not enjoy any facility, privilege or immunity provided for in this Convention.

3. However, the receiving State shall exercise its jurisdiction over the persons mentioned in paragraphs 1 and 2 in a manner which will not unduly impede the exercise of the functions of the consular post.

CHAPTER IV. CONSULAR FUNCTIONS

Article 27. Consular officers shall be entitled to:

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

Article 28. 1. A consular officer may exercise his consular functions only within his consular district. The exercise of consular functions outside the consular district shall in every instance require the authorization of the receiving State.

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

Article 29. A consular officer shall have the right, in accordance with the laws of the receiving State, to ensure appropriate representation for nationals of the sending State before the courts and other authorities of the receiving State and to arrange for provisional measures to be taken in order to safeguard the rights and interests of such nationals where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests.

Article 30. A consular officer shall have the right:

- (a) To keep a register of nationals of the sending State;
- (b) To receive applications and deliver documents relating to nationality, in accordance with the laws of the sending State;
- (c) To issue, renew, amend, cancel and withdraw travel documents for nationals of the sending State;
- (d) To issue visas.

Article 31. 1. Consular officers shall have the right:

- (a) To keep registers of marriages, births and deaths of nationals of the sending State and to issue the appropriate documents; however, this provision shall not release nationals of the sending State from the obligation to respect

the laws of the receiving State in respect of the registration of marriages, births and deaths;

- (b) To solemnize marriages provided that both parties to the marriage are nationals of the sending State and that neither of them is at the same time a national of the receiving State;
- (c) To receive instruments acknowledging children born out of wedlock, irrespective of the nationality and age of the children, provided that the instrument bears the signature of a national of the sending State.

2. Consular officers shall, if the laws of the receiving State so require, notify the competent authorities of the receiving State of the solemnization of marriages referred to in paragraph 1 (b) of this article.

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

- (a) To receive and certify declarations by nationals of the sending State;
- (b) To receive, certify and accept for safekeeping wills, testaments and other documents relating to unilateral legal acts by nationals of the sending State;
- (c) To receive, certify and accept for safekeeping contracts concluded between nationals of the sending State, provided they do not concern the establishment, transfer or annulment of rights to immovable property in the receiving State;
- (d) To authenticate signatures of nationals of the sending State on documents and on copies of and extracts from documents;
- (e) To legalize documents issued by the competent authorities or officials of the receiving State and intended for use in the sending State;
- (f) To translate documents and certify translations;
- (g) To issue other documents in exercise of their consular functions assigned to them by the sending State, in accordance with the laws of that State, provided that such documents are not contrary to the laws of the receiving State.

2. Instruments and documents specified in paragraph 1 of this article shall have the same legal validity and evidential value in the receiving State as corresponding instruments and documents authenticated or certified by the competent authorities of the receiving State, provided that they are not contrary to the laws of the receiving State.

Article 33. 1. A consular officer shall have the right:

- (a) To accept from nationals of the sending State for safekeeping documents, money, personal effects and other articles belonging to them, provided that this is not contrary to the laws of the receiving State;
- (b) To accept from the authorities of the receiving State, for transmittal to the owners, documents, money, personal effects and other articles lost by nationals of the sending State during their temporary presence in the receiving State.

2. Articles accepted for safekeeping under the provisions of paragraph 1 of this article may be exported from the receiving State only when this is not contrary to the laws of that State.

Article 34. 1. The competent authorities of the receiving State shall inform a consular officer without delay of the death in the receiving State of a national of the sending State and shall transmit to him a copy of the death certificate. The issue and transmittal of the certificate shall be free of charge.

2. The competent authorities of the receiving State shall, as soon as they are apprised thereof, inform the consular officer of the initiation of succession proceedings in the receiving State when the heirs or other persons entitled to claim on the estate are nationals of the sending State, are not permanently resident in the receiving State and have no representative there. If the consular officer is the first to learn of the death of a national of the sending State, he shall, with a view to protecting the estate, notify the death to the competent authorities of the receiving State.

3. The consular officer may request the competent authorities of the receiving State to take measures for the protection and administration of the estate left in that State by or for a national of the sending State. The authorities of the receiving State shall inform the consular officer of any measures already taken. In accordance with the laws of the receiving State, the consular officer may assist with the implementation of those measures and ensure that heirs or other entitled persons are represented.

4. Where the heir or entitled person is a national of the sending State and is not permanently resident in the receiving State, the authorities of the receiving State shall deliver to the consular officer movable property constituting assets of the estate or net proceeds of the sale of movable or immovable property, provided that:

- (a) Any claims on the estate presented in the period prescribed by the laws of the receiving State have been paid or secured;
- (b) The estate duties have been paid or secured;
- (c) The competent authorities of the receiving State have authorized the delivery of the estate or net proceeds of their sale;
- (d) The status of the person concerned as an heir or entitled person has been proven.

5. Export of the assets referred to in paragraph 4 of this article shall be governed by the laws of the receiving State.

Article 35. 1. The competent authorities of the receiving State shall inform a consular officer when it is necessary, in order to protect the rights and interests of a national of the sending State, including rights and interests relating to assets in the receiving State, to appoint a guardian or trustee or to take any other protective measure provided for by the laws of the receiving State.

2. In dealing with the questions mentioned in paragraph 1 of this article, the consular officer may address the competent authorities of the receiving State. He may, in particular, suggest a qualified person to act as guardian or trustee.

Article 36. 1. A consular officer shall have the right to communicate with any national of the sending State, to have access to him, to assist him in his dealings with the authorities of the receiving State, as well as in matters handled by those authorities, and, where necessary, to enable him to obtain the assistance of a lawyer or other qualified person, particularly an interpreter.

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

3. The competent authorities of the receiving State shall notify a consular officer of the arrest, detention or subjection to any other form of deprivation of personal freedom of a national of the sending State. The notification shall take place as soon as possible, and in any case within six days from the said national's arrest, detention or subjection to any other form of deprivation of personal freedom. The consular officer shall also be informed of the offences of which the said national is accused and of the legal provisions which are the grounds for the action.

4. A consular officer shall have the right to visit a national of the sending State who is arrested, detained or subjected to any other deprivation of personal freedom or who is serving a custodial sentence in the receiving State, to converse and correspond with him and to arrange for his legal representation. Visiting rights shall be granted to the consular officer as soon as possible and in any case within 12 days from the date of the said national's arrest, detention or subjection to any other form of deprivation of personal freedom. Recurrent visits shall be granted at reasonable intervals.

5. The competent authorities of the receiving State shall transmit without delay to the consular officer correspondence and communications from a national of the sending State who is arrested, detained or subjected to any other form of deprivation of personal freedom, or who is serving a custodial sentence in the receiving State.

6. The competent authorities of the receiving State shall inform any national of the sending State who is arrested, detained or subjected to any other form of deprivation of personal freedom, or who is serving a custodial sentence in the receiving State, of his rights under this article.

7. The rights laid down in this article shall be exercised in accordance with the laws of the receiving State, with the proviso that those laws may not prohibit the exercise of such rights.

Article 37. 1. Consular officers shall have the right to render assistance to vessels of the sending State and their crews during their stay in a port of the receiving State or in the territorial sea or internal waters of that State and, to that end, to board such vessels as soon as they are cleared for free contacts with the shore. They may exercise the functions provided by the laws of the sending State regarding ships of that State and their crews, provided that this is not contrary to the laws of the receiving State.

2. The captain and members of the crew shall have the right to communicate with the consular post. They shall also have the right to visit the consular post in accordance with the laws of the receiving State, with the proviso that those laws may not prohibit the exercise of that right.

Article 38. Consular officers shall have the right to take statements regarding the voyage of vessels of the sending State, to examine and stamp the ship's papers and, without prejudice to the powers of the authorities of the receiving State, to investigate any incidents which occurred during the voyage and to settle, provided that the laws of the sending State so permit, disputes of any kind between the captain and the members of the crew.

Article 39. 1. Where the competent authorities of the receiving State intend to take coercive measures or to conduct investigations on board a vessel of the sending State which is in a port or in the territorial sea or internal waters of the receiving State, the consular post shall be notified in advance by the competent authorities of the receiving State in order that a consular officer may be present. Where the consular officer has not been present at the proceedings, he shall be entitled, on application to the authorities in question, to receive full information regarding what has taken place.

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

3. The provisions of paragraphs 1 and 2 of this article shall not apply to customs, health and passport controls, or to investigations conducted as part of a maritime safety inspection of a vessel of the sending State.

Article 40. 1. If a vessel of the sending State is wrecked, runs aground or otherwise sustains damage in a port or in the territorial sea or internal waters of the receiving State, the competent authorities of the receiving State shall immediately notify the consular post and inform it of the measures taken for the preservation of human life, of the vessel and of the cargo.

Consular officers may render every assistance to the vessel, members of the crew and the passengers and may take measures for the safe custody of the cargo and the repair of the vessel. They may also request the authorities of the receiving State to take such measures.

2. If neither the operator of the vessel, its owner, its captain nor any other accredited person is in a position to make the necessary arrangements for the custody or disposal of the vessel or its cargo, the consular official may make all necessary arrangements to that end.

3. The provisions of paragraphs 1 and 2 of this article shall also apply to articles, being the property of a national of the sending State, from the cargo of a vessel from the sending State, the receiving State or a third State, which are found as flotsam or jetsam off the coast or in the territorial sea or internal waters or in a port of the receiving State, or are brought into a port of that State.

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

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

Article 41. 1. A consular officer shall be entitled to exercise the functions provided for by the laws of the sending State with respect to aircraft of that State and their crews, provided that the laws of the receiving State do not prohibit the exercise of those functions. He may also render assistance to them.

2. If an aircraft from the sending State suffers an accident on the territory of the receiving State, the competent authorities shall inform without delay the consular post nearest to the scene of the occurrence.

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

Article 43. 1. The consular post may levy, for consular services rendered, consular fees and charges provided for by the laws of the sending State.

2. The sums collected in the form of fees and charges referred to in paragraph 1 shall be exempt from all taxes and charges of the receiving State.

CHAPTER V. GENERAL AND FINAL PROVISIONS

Article 44. 1. All persons enjoying the facilities, privileges and immunities provided under this Convention shall, without prejudice to such facilities, privileges and immunities, respect the laws of the receiving State. They shall also refrain from interfering in the internal affairs of that State.

2. Means of transport which are the property of the sending State and which are intended for the use of the consular post, or which are the property of members of the consular post, are to be covered by compulsory insurance in the receiving State.

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

Article 45. 1. The provisions of this Convention shall also apply to consular activities of the diplomatic mission of the sending State. Members of the diplomatic staff of the diplomatic mission of the sending State who have been entrusted with the exercise of consular functions and whose names have been notified to the Ministry of Foreign Affairs of the receiving State shall enjoy the rights and are bound by the obligations provided under this Convention regarding consular officers and consular staff.

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

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

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

2. This Convention shall remain in force indefinitely and may be denounced by either of the High Contracting Parties by means of written notification. In that case, it shall cease to have effect six months after the date of its denunciation.

IN WITNESS WHEREOF the plenipotentiaries of the High Contracting Parties, duly authorized to that end, have signed this Convention and have thereto affixed their seals.

DONE at Berlin on 16 June 1980, in duplicate in the French and German languages, both texts being equally authentic.

For the President
of the French Republic:

[Signed]

HENRY BAYLE

For the State Council
of the German Democratic Republic:

[Signed]

OSKAR FISCHER

EXCHANGE OF LETTERS

I

Berlin, 16 June 1980

Sir,

I have the honour to refer to the Consular Convention between the German Democratic Republic and the French Republic, and I am authorized to propose to you that the following be agreed between the German Democratic Republic and the French Republic:

“On the basis of the generally recognized principles of international law, among which is the sovereign right of each State to determine the conditions of acquisition, maintenance and loss of its citizenship, the two Parties have agreed that for the purposes of implementation of article 36 of the Consular Convention signed today, consular officers of the sending State shall have the right to have access to persons who are nationals of the sending State in the receiving State, unless the latter are also nationals of the receiving State.”

I should be grateful if you would notify me of your Government's agreement to the above provisions, this letter and your reply constituting an arrangement between our two Governments.

Accept, Sir, etc.

[Signed]

OSKAR FISCHER
Minister for Foreign Affairs
of the German Democratic Republic

His Excellency Henry Bayle
Ambassador Extraordinary and Plenipotentiary
of the French Republic

II

Berlin, 16 June 1980

Sir,

I acknowledge receipt of your letter of today's date, the content of which is as follows:

[See note I]

I am authorized to state that your letter and this reply shall constitute an arrangement between our two Governments.

Accept, Sir, etc.

[Signed]

HENRY BAYLE
Ambassador Extraordinary and Plenipotentiary
of the French Republic

His Excellency Oskar Fischer
Minister for Foreign Affairs
of the German Democratic Republic