

No. 23393

**BULGARIA
and
SYRIAN ARAB REPUBLIC**

Consular Convention. Signed at Sofia on 12 June 1981

Authentic texts: Bulgarian, Arabic and French.

Registered by Bulgaria on 18 June 1985.

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[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA AND THE SYRIAN ARAB REPUBLIC

The People's Republic of Bulgaria and the Syrian Arab Republic,

Desiring to continue to develop and intensify the friendly relations between the two States, on the basis of the generally recognized principles of international law and, in particular, on the basis of the principles of sovereign equality of States, territorial integrity and non-interference in internal affairs,

Desiring also to regulate consular relations,

Have decided to conclude this Consular Convention.

CHAPTER I. DEFINITIONS

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

1. "Consular post" means any consulate-general, consulate, vice-consulate or consular agency;

2. "Consular district" means the area assigned to a consular post for the exercise of consular functions;

3. "Head of consular post" means the person charged by the sending State with the duty of acting in that capacity;

4. "Consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions;

5. "Consular employee" means any person employed in the administrative, technical or domestic service of a consular post;

6. "Members of the consular post" means consular officers and consular employees;

7. "Members of the family" means the husband or wife of a member of the consular post, the children or two parents of such member, or the two parents of the aforesaid husband or wife, provided that such persons form part of the household of the member of the consular post;

8. "Consular premises" means the buildings or parts of buildings, including the residence of the head of a consular post, and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

9. "Consular archives" includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the cipher and code materials, seals, card-indexes and any article of furniture intended for their protection or safekeeping;

10. "Official correspondence" means any correspondence pertaining to the consular post and to its functions;

11. "Vessel" means any vessel flying the flag of the sending State;

¹ Came into force on 27 May 1982, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Damascus on 27 April 1982, in accordance with article 52.

12. "Aircraft" means any civil aircraft registered in the sending State in accordance with its laws and bearing its distinguishing marks;

13. "Nationals of the sending State" means persons having the nationality of the sending State under the laws in force in that State;

14. "Bodies corporate of the sending State" means institutions established in accordance with the laws in force in the sending State. They shall be considered and treated as such in the receiving State.

CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES

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

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

3. Subsequent changes in the seat of the consular post, its classification or consular district may be made by the sending State only with the consent of the receiving State.

4. The prior express consent of the receiving State shall also be required for the opening of an office forming part of a consular post elsewhere than at the seat thereof.

Article 3. 1. Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.

2. The head of a consular post shall be provided by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and showing, as a general rule, his full name, his category and class, the consular district and the seat of the consular post.

The sending State shall transmit the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.

3. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an exequatur, whatever the form of this authorization. Preferably such authorization should be granted as soon as possible. Pending delivery of the exequatur, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of this Convention shall apply to him.

4. A State which refuses to grant an exequatur is not obliged to give to the sending State reasons for such refusal.

Article 4. 1. If the head of a consular post is unable for any reason to carry out his functions or the position of head of consular post is temporarily vacant, the sending State may authorize a consular officer belonging to the same post or another of its consular posts in the receiving State or one of the members of the diplomatic staff of its diplomatic mission in the receiving State to act as temporary head of the consular post. The name of the person concerned shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. The acting head of a consular post shall enjoy the same rights, privileges and immunities as are enjoyed by the head of a consular post under this Convention.

3. When a member of the diplomatic staff of the diplomatic mission of the sending State is entrusted with the functions of acting head of consular post, the privileges and immunities accorded to him by virtue of his diplomatic status shall not be affected.

Article 5. As soon as a head of a consular post is admitted even provisionally or in the capacity of acting head of post to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district and take the necessary measures to enable him to carry out the duties of his office and to have the benefit of the provisions of this Convention.

Article 6. The Ministry of Foreign Affairs of the receiving State shall be notified by the sending State of:

- (a) The appointment of members of a consular post, their full name and functional titles, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;
- (b) The arrival or final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;
- (c) The engagement and discharge of persons resident in the receiving State as members of the consular post.

Article 7. 1. A consular officer shall have the nationality of the sending State only and shall not be domiciled in the receiving State.

2. Consular officers shall not carry on any professional or commercial activity in the receiving State for their personal profit.

Article 8. 1. The receiving State shall issue to all consular officers and consular employees who are not nationals or permanent residents of the receiving State, and to all member of their families, an appropriate document indicating their identity and rank.

2. The receiving State may at any time, and without having to state the reasons for its decision, notify the sending State through the diplomatic channel that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned, terminate his functions with the consular post or withdraw his appointment.

3. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 2 of this article, the receiving State may, as the case may be, either withdraw the *exequatur* from the person concerned or cease to consider him as a member of the consular staff.

Article 9. The functions of a member of a consular post shall come to an end *inter alia*:

- (a) On notification by the sending State to the receiving State that his functions have come to an end;
- (b) On withdrawal of the *exequatur*;

- (c) On notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff in the cases provided for in article 8, paragraph 3.

CHAPTER III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 10. The receiving State shall accord full facilities for the performance of the functions of the consular post and of the consular officers and shall take the necessary measures to enable such officers to enjoy the rights, privileges and immunities provided for in this Convention.

Article 11. 1. The sending State may, in accordance with the laws of the receiving State, acquire, own or use in any manner determined by those laws such land, buildings or parts of buildings as may be required for the needs of the consular post or for the accommodation of members of the consular post who are nationals of the sending State.

2. The receiving State shall render all necessary assistance to the sending State to facilitate the acquisition of land, buildings or parts of buildings for the purposes specified in paragraph 1.

3. The sending State shall not be exempt from the obligation to comply with the laws of the receiving State relating to construction and town planning or other restrictions applicable to the area in which the land, buildings or parts of buildings concerned are situated.

Article 12. 1. The sending State shall have the right to the use of its national flag and coat of arms in the receiving State in accordance with the provisions of this article.

2. The national flag of the sending State may be flown and its coat of arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.

Article 13. 1. Consular premises and the accommodation of consular officers shall be inviolable. The authorities of the receiving State shall not enter such premises or accommodation without the consent of the head of the consular post or the head of the diplomatic mission of the sending State or of a person designated by one of them.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the consular post against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

3. The consular premises, their furnishings, any other articles therein and the means of transport shall be immune from any search, requisition, confiscation or measure of execution.

Article 14. The consular archives and consular documents shall be inviolable at all times and wherever they may be.

Article 15. 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. Where public means of communication are employed, the conditions in force for the diplomatic mission shall apply to the consular post.

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

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 something other than official correspondence or documents or articles intended exclusively for official use, they may return the bag to its place of origin.

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

5. The consular couriers of the sending State shall enjoy in the territory of the receiving State the same rights, privileges and immunities as are enjoyed by diplomatic couriers provided that such couriers carry official documents indicating their status and the number of packages constituting the bag. The same provisions shall also apply to a consular courier acting temporarily in that capacity, whose rights, privileges and immunities shall cease when the consular bag has been delivered to the consignee.

6. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft or to deliver the bag to him.

Article 16. The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 17. 1. The head of a consular post and the members of his family shall enjoy immunity from the criminal, civil and administrative jurisdiction of the receiving State.

They shall enjoy personal inviolability and may not, therefore, be arrested, detained or deprived of their freedom in any way.

2. Consular officers, other than the head of a consular post, and members of their families residing with them shall enjoy immunity from the criminal, civil and administrative jurisdiction of the receiving State in respect of acts performed in the exercise of their functions. They may not be arrested, detained or deprived of their freedom in any way in respect of acts performed outside the scope of their functions except in the case of a serious offence punishable under the laws of the receiving State by imprisonment for a minimum term of at least five years or a more severe penalty and on the basis of a decision by a competent penal authority of that State. With the exception of such cases, they shall not be liable to imprisonment or any other form of restriction on their personal freedom except in execution of a judicial decision of final effect.

Article 18. 1. Members of the consular post and members of their families residing with them shall enjoy immunity from the criminal, civil and administrative jurisdiction of the receiving State except in respect of a civil action:

- (a) Relating to immovable property situated in the territory of the receiving State, unless they hold it on behalf of the sending State for consular purposes;
- (b) Relating to successions in which they are involved as executors, administrators, heirs or legatees as private persons, and not on behalf of the sending State;
- (c) Arising out of a contract concluded by them in which they did not contract expressly or impliedly as representatives of the sending State;
- (d) By a third party for damage arising from an accident in the receiving State caused by a motor vehicle.

2. If criminal proceedings are instituted against a member of the consular post or a member of his family, or if such a person is arrested, detained or deprived of his freedom in any way, the competent authorities of the receiving State shall promptly notify the head of the consular post.

3. If criminal proceedings are instituted against a member of the consular post, they shall be conducted rapidly and in a manner which will hamper the exercise of his functions at the consular post as little as possible.

Article 19. 1. Consular officers may be called upon to attend as witnesses in the course of judicial or administrative proceedings but no coercive measure may be applied to them if they decline to give evidence.

2. Consular employees may be called upon to appear as witnesses before the court or other competent authorities of the receiving State. They may decline to give evidence concerning matters connected with the exercise of their functions. Coercive measures against consular employees are inadmissible.

3. The provisions of this article shall also apply to members of the families of consular officers or consular employees if they form part of their households and are not nationals of the receiving State.

4. The authority requiring the evidence of members of the consular post shall avoid any interference with the performance of their functions. It may, when possible, take such evidence at their residence or at the consular post or accept a statement from them in writing.

5. Members of the consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 20. 1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in articles 17, 18 and 19.

2. The waiver of privileges and immunities shall in all cases be express, except as regards the provisions of paragraph 3 of this article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he enjoys immunity from jurisdiction under article 18 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The 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 21. The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 22. 1. Consular officers, consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to registration, residence and work permits and similar formalities with which aliens in general are required to comply.

2. The provisions of paragraph 1 of this article shall not, however, apply to any consular employees who are not permanent employees of the sending State or who carry on any private gainful occupation in the receiving State, or to members of their families.

Article 23. 1. Subject to the provisions of paragraph 3 of this article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall apply also to members of the private staff who are in the employ of members of the consular post, on condition:

- (a) That they are not nationals of or permanently resident in the receiving State;
- (b) That they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

Article 24. 1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) Taxes of a kind which are normally incorporated in the price of goods or services;
- (b) Dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of article 25;
- (c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph 3 (b);
- (d) Dues and taxes on private income of any kind, having its source in the receiving State, including taxes on capital gains;

- (e) Charges levied for specific services rendered;
- (f) Registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 25.

2. Members of the consular post who employ persons whose wages or salaries are subject to income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose concerning income tax.

3. In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

- (a) 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;
- (b) Shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, 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.

Article 25. 1. The sending State shall be exempt in the receiving State from all dues and taxes in respect of:

- (a) Land, buildings and parts of buildings used for consular purposes or for the accommodation of members of the consular post, provided that the premises in question are owned by or leased in the name of the sending State;
- (b) The contracts and instruments relating to the acquisition of the immovable property referred to in paragraph 1 (a);
- (c) The performance of consular functions, including the levying of consular fees and charges.

2. The sending State shall also be exempt in the receiving State from all dues and taxes in respect of the ownership, possession or utilization of all movable property used exclusively for consular purposes.

3. The exemption referred to in this article shall not apply to charges levied for specific services rendered.

Article 26. 1. The receiving State shall permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on articles for the official use of the consular post; articles for the personal use of consular officers and members of their families, including articles intended for their first installation.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this article in respect of articles intended for their installation which are imported during the first six months after their arrival in the receiving State.

3. The term "articles" shall also include means of transport.

4. Personal baggage accompanying consular officers and members of their families 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 this article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State. Such inspection shall be carried out in the presence of a consular officer of the sending State, the consular officer concerned or a member of his family, and with the authorization of the Ministry of Foreign Affairs.

5. Personal baggage accompanying the head of the consular post and members of his family shall be exempt from customs inspection.

Article 27. Subject to the laws of the receiving State concerning zones, entry into which is prohibited or regulated for reasons of national security, consular officers or consular employees and members of their families may move freely in the territory of the receiving State.

Article 28. 1. Consular employees who are nationals of or permanently resident in the receiving State shall be subject to the jurisdiction of the receiving State except in respect of the exercise of their functions.

2. Members of the family of a member of the consular post shall enjoy the privileges and immunities specified in this Convention provided that they are neither nationals of nor permanently resident in the receiving State and do not carry on any private gainful occupation in the receiving State.

3. Subject to the same conditions, members of the family of the head of the consular post shall enjoy personal inviolability as provided in article 17, paragraph 1, of this Convention.

4. The receiving State shall exercise its jurisdiction over the persons referred to in paragraphs 1 and 2 of this article in such a way as not to hinder unduly the performance of the functions of the consular post.

CHAPTER IV. CONSULAR FUNCTIONS

Article 29. Consular officers shall be entitled:

- (a) To protect in the receiving State the rights and interests of the sending State and of its nationals, including bodies corporate;
- (b) To further the development of commercial, economic, cultural and scientific relations between the Contracting Parties and to promote friendly relations between them;
- (c) To ascertain by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, to report thereon to the Government of the sending State and to give information to persons interested.

Article 30. 1. Consular officers shall be entitled, in accordance with the laws of the receiving State, to exercise the functions provided for by this Convention in the consular district.

A consular officer may, with the consent of the receiving State, exercise his consular functions outside his consular district.

2. In the exercise of their functions, consular officers may address:

- (a) The competent local authorities of their consular district;
- (b) The competent central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State.

Article 31. 1. A consular officer shall be entitled, in accordance with the laws and regulations of the receiving State, to represent or arrange appropriate representation for nationals of the sending State before the courts and other authorities of the receiving State 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. The same shall apply to bodies corporate of the sending State.

2. The representation provided for in paragraph 1 of this article shall cease as soon as the represented person appoints his own representative or himself assumes the defence of his rights and interests.

Article 32. A consular officer shall be entitled:

- (a) To register nationals of the sending State;
- (b) To receive any applications and declarations concerning nationality from nationals of the sending State and to issue documents relating thereto;
- (c) To issue travel documents to nationals of the sending State and to renew, amend, revoke, withdraw or retain such documents;
- (d) To issue appropriate visas to persons wishing to travel to the sending State and to revoke such visas.

Article 33. 1. To the extent permitted by the laws of the sending State, a consular officer shall be entitled:

- (a) To draw up and transcribe documents concerning births and deaths of nationals of the sending State;
- (b) To solemnize marriages and to draw up the necessary documents, provided that both parties to such a marriage are nationals of the sending State and on condition that the competent authorities of the receiving State are notified if the laws of that State so require;
- (c) To register a marriage or divorce in accordance with the laws of the receiving State, provided that at least one of the parties thereto is a national of the sending State;
- (d) To receive declarations concerning the family status of nationals of the sending State.

2. The foregoing provisions shall not exempt the persons concerned from the obligation to make the declarations required by the laws of the receiving State.

3. The competent authorities of the receiving State shall transmit to the consular post without delay and free of charge any copies of or extracts from certificates of civil status of nationals of the sending State which they are asked to supply for administrative purposes.

Article 34. 1. A consular officer shall be entitled:

- (a) To receive and certify any declaration from a national of the sending State;
- (b) To draw up, certify and accept for safekeeping wills and other documents as well as declarations of nationals of the sending State;
- (c) To draw up, legalize and keep contracts between nationals of the sending State. The foregoing shall not apply to contracts relating to the establishment, transfer or termination of rights to immovable property situated in the receiving State;
- (d) To certify or legalize the signatures of nationals of the sending State;
- (e) To translate and legalize any instruments and documents issued by the authorities of the sending State or of the receiving State and to certify translations or copies of and extracts from such documents;
- (f) To perform the functions of a notary public on behalf of the sending State;

(g) To legalize such invoices and certificates of origin as may be issued or certified by the competent authorities of the receiving State.

2. The instruments and documents referred to in paragraph 1 shall have in the receiving State the same legal validity and evidentiary value as authentic documents legalized or certified by the judicial authorities or other competent authorities of the receiving State.

Article 35. A consular officer shall be entitled to accept for safekeeping from nationals of the sending State documents, sums of money, valuables and other articles belonging to them.

[Such documents, sums of money, valuables and property may be exported from the receiving State only if the laws in force in that State so permit.]¹

Article 36. 1. The competent authorities of the receiving State shall without delay notify a consular officer of the opening of a succession in that State following the death of a national of the sending State, or of the opening of a succession, regardless of the nationality of the deceased, in which a national of the sending State may have an interest as a statutory or testamentary heir.

2. The competent authorities of the receiving State shall take the necessary steps provided for in the laws and regulations of that State to protect the estate and to transmit to a consular officer a copy of the will, where such a will has been made by the deceased, and any information available to them concerning the estate, the heirs, their domicile and residence and the value and contents of the estate, including sums deriving from social insurance, income and insurance policies. They shall also report the date of the opening of succession proceedings or the current status of such proceedings.

3. A consular officer shall be entitled *ex officio*, without having to present a power of attorney, to represent directly or indirectly through his representative before the courts or other competent authorities of the receiving State any national of the sending State who has a right in respect of the estate or who has a claim on the estate in the receiving State if such heir is absent or has not appointed a representative.

4. A consular officer shall be entitled to insist:

- (a) On the preservation of the estate, on the affixing and removal of seals and the adoption of measures with a view to the preservation of the estate, including the appointment of an administrator for the estate, and also that he be able to participate in such operations;
- (b) On the sale of property forming part of the estate and also that he be notified of the date set for such sale in order that he may be present.

5. Upon completion of the succession proceedings or other official procedures, the competent authorities of the receiving State shall without delay notify a consular officer and, following the settlement of debts, taxes and charges, transfer to him within a period of three months the estate or the individual shares of the persons whom he represents.

6. Where the value of the estate is insignificant, a consular officer may request that the estate be delivered to him. He shall then be entitled to transmit it to the persons concerned.

¹ The text between brackets does not appear in the authentic French text.

[7. A consular officer shall be entitled to receive for transmittal to the persons concerned the individual shares and legacies payable to nationals of the sending State who are not residing in the receiving State and also to receive sums payable to the persons concerned as compensation, pension or social security benefits, salary arrears and insurance policies.

8. The transfer of property and assets to the sending State in application of the provisions of paragraphs 5, 6 and 7 of this article may take place only in accordance with the laws of the receiving State.]¹

Article 37. 1. The authorities of the receiving State shall notify the competent consular post when they are aware of instances in which it is necessary to appoint a guardian or trustee for a national of the sending State who is permanently or temporarily resident in that State.

2. The provisions of article 31 of this Convention shall apply in respect of the protection and defence of the rights and interests of minors and persons lacking legal capacity.

3. A consular officer may apply to the competent authorities of the receiving State with regard to the appointment of guardians or trustees and, in particular, may propose candidates for the exercise of such functions if the laws of the receiving State so permit.

4. Where no provision has been made for administration of the property of minors or persons lacking legal capacity, a consular officer may appoint a person to administer the aforesaid property or request the competent authorities of the receiving State to take the necessary steps for that purpose.

5. A consular officer may, in accordance with the laws of the sending State, take care of a minor who is a national of that State residing in the territory of the receiving State, if the receiving State recognizes his competence to do so.

Article 38. 1. A consular officer shall be entitled to communicate with nationals of the sending State, to meet them, to provide them with assistance in their relations with the authorities of the receiving State in matters dealt with by such authorities and to assist them in securing the services of a lawyer, an interpreter or any other person in that connection.

2. The receiving State shall not restrict the communications of a national of the sending State with the consular post or the access of such national to the consular premises.

3. The competent authorities of the receiving State shall assist a consular officer in obtaining information concerning a national of the sending State with a view to enabling such officer to communicate with and meet that national.

Article 39. 1. The competent authorities of the receiving State shall without delay, and in any case within five days, inform the consular post of the sending State if a national of that State is arrested or deprived of his personal freedom in any other way in the consular district of the post. Any communication addressed to the consular post by the person who is arrested or deprived of his personal freedom in any other way shall also be forwarded by the aforesaid authorities within 10 days. The aforesaid authorities shall without delay inform the person concerned of his rights under this paragraph.

¹ The text between brackets does not appear in the authentic Arabic text.

2. A consular officer shall be entitled to visit and communicate with any national of the sending State who is arrested, serving a prison sentence or deprived of his freedom in any other way. The meeting shall take place at the earliest opportunity following the date of the request. The visit may be repeated at reasonable intervals if permission is requested in advance.

3. The rights referred to in paragraph 1 of this article may be exercised only in conformity with the laws and regulations of the receiving State, subject to the proviso that the aforesaid laws and regulations must not invalidate those rights.

Article 40. A consular officer shall be entitled to extend aid and assistance to vessels of the sending State and their crews while they are in the territorial or inland waters of the receiving State. The consular officer may take any steps to apply the laws and other legal provisions of the sending State concerning shipping. For that purpose, he may also visit a vessel of the sending State and be visited by the master and crew of such a vessel in accordance with the provisions of the regulations in force at the ports of the receiving State.

Article 41. 1. Without prejudice to the rights of the authorities of the receiving State, a consular officer shall be entitled to investigate any incident occurring on board a vessel of the sending State during the voyage, question the master and any member of the crew, inspect the ship's papers, take statements with regard to the voyage and place of destination, settle, to the extent permitted by the laws of the sending State, disputes of any kind arising between the master, officers and seamen, arrange for the hospitalization and repatriation of the master or any other member of the crew and facilitate the vessel's entry into, stay in and departure from a port.

A consular officer may request the co-operation and assistance of the authorities of the receiving State in the performance of these functions.

[2. The authorities of the receiving State shall not intervene in any matter arising on board the vessel, with the exception of disorder liable to disturb the peace and public order, on shore or in the port, or to affect public health or security, or in which persons other than crew members are involved.]¹

3. A consular officer shall be entitled, in accordance with the laws of the receiving State, to accompany the master or a crew member of a vessel of the sending State when called upon to appear before the courts or other authorities of the receiving State.

Article 42. 1. Where the competent authorities of the receiving State intend to carry out an inspection or an investigation or take coercive measures on board a vessel of the sending State which is in the territorial waters of the receiving State, they shall notify the consular post before such measures are initiated in order that a consular officer may be present. Such notification shall specify the exact time at which the measures are to be taken. Where a consular officer or his representative has not been present at the proceedings, he may apply to the authorities in question, requesting that full information be provided regarding what has taken place.

These provisions shall also apply in cases where the master or any member of the crew is to be questioned by the authorities of the receiving State.

¹ The text between brackets does not appear in the authentic Bulgarian text.

[2. In the event of an emergency or if the investigation is carried out at the request of the master, a consular officer shall be informed as soon as possible during the course of the investigation.]¹

He shall, at his request, also be notified in the event of an investigation carried out in his absence.

Article 43. 1. The provisions of articles 40, 41 and 42 shall not be invoked against the authorities of the receiving State in matters concerning the application of laws and customs regulations, quarantine measures and other controls pertaining to public health, the port police, the security of goods and the admission of aliens.

[2. The provisions of the aforesaid articles shall not apply to warships.]²

Article 44. 1. Where a vessel of the sending State is wrecked, runs aground or suffers any other damage within the boundaries of the receiving State, the competent authorities of that State shall so notify the consular post as soon as possible and inform it of the measures taken or contemplated to save the passengers, the vessel and the cargo.

A consular officer may extend any assistance to the vessel, the members of its crew and its passengers and may take measures to safeguard the cargo and repair the vessel. He may also apply to the authorities of the receiving State and request them to take such measures.

2. Where neither the owner, the master nor any other authorized person is in a position to make the necessary arrangements for the preservation and administration of the vessel or its cargo, a consular officer may, on behalf of the owner of the vessel, make such arrangements as the owner himself could have made for such purposes.

3. The provisions of paragraph 2 of this article shall also apply to any article belonging to a national of the sending State and forming part of the cargo of a vessel of the sending State or of a third State which is found on or near the coast of the receiving State or brought into a port in the consular district.

4. The competent authorities of the receiving State shall extend the necessary assistance to the consular officer in all action to be taken in connection with the damage to the vessel.

5. The damaged vessel and its cargo and supplies shall not be subject to customs duty in the territory of the receiving State unless they are delivered for use or consumption in that State.

Article 45. The spirit of the texts of articles 40 to 44 of this Convention shall apply to aircraft of the sending State.

Article 46. A consular officer shall be entitled to perform consular functions other than those specified in this Convention if so authorized by the sending State, provided that they are not contrary to the laws in force in the receiving State.

Article 47. The consular post may levy in the territory of the receiving State the fees and charges provided for by the laws and regulations of the sending State for consular acts.

¹ The text between brackets does not appear in the authentic Bulgarian text.

² The text between brackets does not appear in the authentic French text.

CHAPTER V. FINAL PROVISIONS

Article 48. 1. All persons enjoying privileges and immunities under this Convention shall be required, without prejudice to those privileges and immunities, to comply with the laws and regulations of the receiving State, including the highway code and the regulations concerning the insurance of motor vehicles. They shall also be required not to interfere in the internal affairs of that State.

[2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.]¹

Article 49. 1. The provisions of this Convention apply also to the consular services of diplomatic missions.

2. The names of the members of a diplomatic mission responsible for the performance of consular functions shall be notified to the Ministry of Foreign Affairs of the receiving State.

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

Article 50. After the receiving State has been duly notified, and provided that it has no objection, a consular post of the sending State may exercise consular functions in the receiving State on behalf of a third State.

Article 51. This Convention is subject to ratification. The exchange of the instruments of ratification shall take place at Damascus.

[*Article 52.* This Convention shall enter into force on the thirtieth day following the exchange of the instruments of ratification and shall remain in force until such time as one of the High Contracting Parties denounces it after giving the other High Contracting Party six months' notice to that effect.]²

[IN WITNESS WHEREOF, the plenipotentiaries of the High Contracting Parties have signed and sealed this Convention.]¹

DONE at Sofia on 12 June 1981 in three original copies, in the Bulgarian, Arabic and French languages. In the event of any difference in the interpretation of the Bulgarian and Arabic texts, the French text shall prevail.

For the People's Republic
of Bulgaria:

[Signed]

TODOR NETSOV

For the Syrian Arab Republic:

[Signed]

ADNAN MOURAD

¹ The text between brackets does not appear in the authentic French text.

² The text between brackets does not appear in the authentic Arabic text.