

No. 23395

**BULGARIA
and
IRAQ**

Consular Convention. Signed at Sofia on 7 September 1982

Authentic texts: Bulgarian, Arabic and English.

Registered by Bulgaria on 18 June 1985.

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CONSULAR CONVENTION¹ BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA AND THE REPUBLIC OF IRAQ

The People's Republic of Bulgaria and the Republic of Iraq,

Guided by the common aim of maintaining, developing and deepening the friendly relations between the two States in the spirit of the principles of the Charter of the United Nations,

Wishing to regulate the consular relations between the two States,

Have decided to conclude the present Convention and have agreed as follows:

CHAPTER I

Article 1. DEFINITIONS

For the purposes of the present Convention, the following expressions shall have the meaning 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 the consular functions;
3. "Head of a consular post" means the person charged to act in such capacity;
4. "Consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
5. "Consular employee" means any person employed in the technical or administrative service of a consular post;
6. "Member of the service staff" means any person employed in the domestic service of a consular post;
7. "Members of a consular post" means consular officers, consular employees and members of the service staff;
8. "Member of the private staff" means the person, employed exclusively in the private service of a member of the consular post;
9. "Members of the family" means the wife (husband), their children and parents who are in the legal maintenance of a member of the consular post and live together with him;
10. "Consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership and exclusively used for the activities of a consular post, including the residence of the head of the consular post;
11. "Consular archives" means all papers, documents, correspondence, books, seals and stamps, files, tapes and registers of the consular post, the cipher and code materials, the card indexes as well as any article of furniture intended for their protection and safekeeping;
12. "Vessel of the sending State" means any vessel other than a warship, having the nationality and flying the flag of the sending State and registered according to the laws and regulations of that State;

¹ Came into force on 3 August 1983, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Baghdad, in accordance with article 50 (1).

13. "Aircraft of the sending State" means any aircraft, other than a military aircraft, having the nationality and bearing the marks of the sending State and legally registered in that State.

CHAPTER II. CONSULAR RELATIONS

Article 2. ESTABLISHMENT OF A CONSULAR POST

1. Each Contracting Party may establish a consular post in the territory of the other Contracting Party.

The establishment of each consular post shall be subject to the consent of the receiving State.

2. The seat of the consular post, its classification, the limits of the consular district and the number of the members of the consular post shall be determined by agreement of the sending State and the receiving State.

3. Any subsequent change in the seat of the consular post, its classification, the limits of the consular district or the number of the members of the consular post may be made only by agreement of the sending State and the receiving State.

Article 3. THE CONSULAR COMMISSION AND THE EXEQUATUR

1. The sending State shall request in advance through the diplomatic channel the consent of the receiving State to the appointment of the head of the consular post.

2. After such consent has been obtained, the sending State shall transmit the consular commission to the receiving State through the diplomatic channel. The commission shall show the full name and the status of the head of the consular post, the seat of the consular post and the limits of the consular district.

3. After the issue by the receiving State of the exequatur, the head of the consular post shall be admitted to the exercise of his functions. Pending the issue of the exequatur, the receiving State may authorize the head of the consular post to exercise temporarily his consular functions. In that case the provisions of the present Convention shall apply.

4. From the moment, the head of the consular post is admitted, even provisionally, to exercise his functions, the receiving State shall be obliged to notify immediately the competent authorities of the consular district and to take the necessary measures in order that the head of the consular post be able to exercise his consular functions.

Article 4. TEMPORARY EXERCISE OF THE FUNCTIONS OF THE HEAD OF A CONSULAR POST

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, a consular officer of the same consular post, or of another consular post of the sending State in the receiving State, or a diplomatic agent of the sending State in the receiving State, may act provisionally as head of the consular post.

2. The full name of the acting head of the consular post shall be notified in advance to the receiving State through the diplomatic channel.

3. The acting head of the consular post shall be granted the rights, facilities, privileges and immunities enjoyed by the head of the consular post under the present Convention.

Article 5. NOTIFICATION OF THE APPOINTMENT
OF THE CONSULAR OFFICERS

1. The sending State shall notify in advance the full name and rank of the consular officers, other than the head of the consular post, to the receiving State through the diplomatic channel.

2. The sending State shall notify in advance the first arrival and final departure of the consular officer and the members of his family to the receiving State through the diplomatic channel.

Article 6. NATIONALITY OF THE CONSULAR OFFICER

A person appointed as a consular officer shall be only a national of the sending State and shall not be permanent resident in the receiving State.

Article 7. IDENTITY DOCUMENT

1. The competent authorities of the receiving State shall issue gratis to the consular officer a special document, indicating his identity and rank.

2. The provisions of paragraph 1 of this article shall also apply to consular employees, members of the service staff and members of the private staff, provided, however, that the said persons shall not have the nationality of the receiving State or have the nationality of the sending State and are not permanent residents of the receiving State.

3. The provisions of this article shall also apply to the members of the families of persons mentioned in paragraphs 1 and 2 above.

CHAPTER III. CONSULAR FUNCTIONS

Article 8. PURPOSES OF CONSULAR FUNCTIONS

The consular functions consist in:

1. Protecting in the receiving State the rights and interests of the sending State and its nationals, both individuals and bodies corporate;

2. Helping and assisting the nationals, both individuals and bodies corporate of the sending State;

3. Developing of commercial, economic, cultural, scientific and tourist relations between the sending State and the receiving State;

4. Getting information, through all legitimate means, about the development of commercial, economic, cultural, scientific and tourist life in the receiving State;

5. Promoting in any way friendly relations between the two States, in accordance with the provisions of the present Convention.

Article 9. EXERCISE OF THE CONSULAR FUNCTIONS

1. The consular officer shall exercise his functions inside the consular district. He may, with the consent of the receiving State, exercise his functions outside that district.

2. In the exercise of his functions, the consular officer may address:

(a) The competent local authorities within his consular district;

(b) The competent central authorities of the receiving State to the extent that this is allowed by the laws and regulations and usages of the receiving State.

3. The consular officer may directly communicate with the Ministry of Foreign Affairs of the receiving State where there is no diplomatic mission of the sending State.

4. Consular functions may be also exercised by the diplomatic agents of the diplomatic mission of the sending State in the receiving State. In such a case, the privileges and immunities to which they are entitled by virtue of their diplomatic status shall be observed.

Article 10. REGISTRATION OF THE NATIONALS
OF THE SENDING STATE

The consular officer shall have the right to keep a register for the nationals of the sending State, sojourning permanently or temporarily in the consular district. Such registration shall not exempt those nationals from being subject to the laws and regulations of the receiving State related to the registration of aliens.

Article 11. ISSUE OF PASSPORTS AND GRANTING OF VISAS

A consular officer shall be entitled:

1. To issue passports and other travel documents to the nationals of the sending State and to renew, amend, extend and invalidate such passports and other documents;

2. To grant visas.

Article 12. FUNCTIONS RELATING TO CIVIL STATUS

1. A consular officer shall be entitled:

(a) To accept any application related to the civil status of nationals of the sending State;

(b) To register and accept communications and documents related to marriages, births and deaths of nationals of the sending State;

(c) To officiate marriages in accordance with the laws and regulations of the sending State, provided that both parties thereto are nationals of the sending State.

2. The provisions of paragraph 1 of this article shall not exempt the nationals concerned from any obligations under the laws and regulations of the receiving State, relating to the registration of marriages, births and deaths.

3. The competent authorities of the receiving State shall be obliged to inform the consular post of the sending State as soon as possible, within 7 days, for the death of a national of the sending State on the territory of the receiving State, as well as for grave accidents when it is necessary to render assistance and help.

Article 13. REPRESENTING NATIONALS BEFORE COURTS
AND OTHER AUTHORITIES IN THE RECEIVING STATE

1. A consular officer shall be entitled, in accordance with the laws and regulations of the receiving State, to represent before the courts and other authorities of the receiving State nationals of the sending State, both individuals and bodies corporate, and to take appropriate measures in order to ensure legal defence when such nationals, owing to absence or for any other reason, are not able to assume in time the protection of their own rights and interests.

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

Article 14. TRANSMITTING OF JUDICIAL DOCUMENTS

The consular officer shall be entitled to transmit judicial and extra-judicial documents to nationals of the sending State sojourning in the territory of the receiving State.

Article 15. FUNCTIONS RELATING TO GUARDIANSHIP
AND TRUSTEESHIP

1. A consular officer shall have the right, within the limits imposed by the laws and regulations of the receiving State, to safeguard the interests of minors and persons lacking capacity, who are nationals of the sending State, including to propose an appropriate person for a guardian or trustee of these nationals.

2. The competent authorities of the receiving State shall notify in writing the consular post of instances in which it is necessary to establish a guardianship or trusteeship over a national of the sending State who is minor or lacking capacity.

Article 16. NOTARIAL FUNCTIONS

1. The consular officer shall have the right according to the laws and regulations of the receiving State to exercise the following functions:

- (a) To receive, draw up, legalize or authenticate declarations of nationals of the sending State;
- (b) To draw up, authenticate or receive for safekeeping testaments of nationals of the sending State;
- (c) To receive, draw up, legalize or authenticate documents, relating to juridical acts between the nationals of the sending State or unilateral juridical acts, except those on constitution or transmission of real rights on immovable property, situated in the receiving State;
- (d) To legalize signatures and seals on documents issued by the authorities of the sending State or of the receiving State, as well as to legalize copies, translations or extracts from these documents;
- (e) To legalize signatures on any documents of nationals of the sending State;
- (f) To receive objects and documents from nationals of the sending State or addressed to them;
- (g) To do and certify translations;
- (h) To exercise other notarial functions entrusted by the sending State.

2. The documents mentioned in paragraph 1 of this article, drawn up, legalized, authenticated or translated by the consular officer, have in the receiving State the same juridical and probative force as they would [if] drawn up, legalized, authenticated or translated by the competent authorities of the receiving State, provided that they are not in conflict with the laws and regulations of the receiving State.

Article 17. FUNCTIONS RELATING TO ESTATES

1. In the case of a death of a national of the sending State in the territory of the receiving State, the competent authorities of the latter State shall forthwith supply the consular post concerned with the information available to them relating to the estate or the testament, heirs and their permanent or temporary residence. The said authorities shall also inform the consular post of the sending State of any case where it comes to its knowledge that the deceased has left an estate in a third State.

2. The competent authorities of the receiving State shall readily inform the consular post of the sending State where an estate is left to a national of the sending State as a legitimate heir or a person having interest.

3. The competent authorities of the receiving State shall inform the consular post of the sending State of the measures taken by them to preserve and administer the estate left by a national of the sending State in the territory of the receiving State. The consular officer may render his assistance personally or through a representative authorized to take the measures mentioned in this paragraph.

The consular officer shall have the right:

- (a) Safeguarding the rights of the nationals, both individuals and bodies corporate, of the sending State with regard to estates in accordance with the laws and regulations of the receiving State;
- (b) Supervising the transfer of amounts of money, valuable property and other movable property to which the nationals, both individuals and bodies corporate, of the sending State are entitled to an estate in the territory of the receiving State. The transfer shall take place in accordance with the laws and regulations of the receiving State.

4. In any case where proceedings were instituted relating to an estate in the territory of the receiving State, the movable property of the estate (or the proceeds from the sale of movable and immovable property) to which a national of the sending State is entitled as a person, having interest, or a legitimate heir or a legatee, who is not a resident of the receiving State and did not take part or was not represented in the proceedings, shall be delivered to the consular post of the sending State for transfer to the legitimate heir or the person having interest subject to:

- (a) Obtaining approval by the authorities of the receiving State of the transfer of the money or property from that State to the sending State in accordance with the laws and regulations of the receiving State with due regard to the principle of reciprocity;
- (b) Payment or ensuring payment of all debts on the estate declared within the time limits prescribed by the laws and regulations of the receiving State;
- (c) Determining the status of the heir or the person having rights;
- (d) Payment or ensuring payment of the taxes relating to the estate.

5. If a national of the sending State dies while temporarily present in the territory of the receiving State, money and personal objects in his possession, excepting those obtained in the receiving State and prohibited upon export at the time of death, shall be handed over to the consular post of the sending State without any formalities.

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

Article 18. FUNCTIONS RELATING TO SHIPPING

A consular officer shall have the right to provide any type of assistance to the vessels of the sending State and to their crew members when they are in the territorial or inland waters of the receiving State. He may take all necessary measures for the application of the laws and regulations of the sending State, referring to shipping.

For this purpose he may proceed on board the vessel of the sending State and may be visited by the master and the members of the crew in accordance with the regulations existing at the port of the receiving State.

Article 19. FUNCTIONS RELATING TO VESSEL AND ITS CREW

1. Without prejudice to the rights of the competent authorities of the receiving State, the consular officer shall have the right:

- (a) To conduct investigation on board a vessel of the sending State, to question the master or any member of the crew of a vessel of the sending State, to inspect, accept and certify vessel's papers, to receive information in connection with the voyage and undertake other actions in order to facilitate the entry into, stay in and departure from a port of the vessel;
- (b) To settle any dispute between the master and any crew member, including disputes concerning employment contracts and labour conditions;
- (c) To take steps connected with the signing on and discharging of the master and of a crew member;
- (d) To take steps to assure hospitalization or repatriation of the master [and] of a member of the crew of the vessel;
- (e) To receive, draw up or certify any declaration or other documents, in regard to shipping, provided for by the laws and regulations of the sending State;
- (f) To receive information and acts related to births and deaths made by the master on board, as well as testaments accepted during the voyage of the vessel;
- [(g) To render any assistance to the master or a member of the crew in his contacts with a court or with other competent authorities of the receiving State.]¹

2. The consular officer may invoke any assistance of the competent authorities of the receiving State relating to the exercise of his functions referred to in paragraph 1 of this article.

3. The authorities of the receiving State shall not interfere in the internal affairs of the vessel, provided that the public order of the port and ashore or the public safety and security of the receiving State are not violated.

4. The consular officer shall have the right in accordance with the laws and regulations of the receiving State to accompany the master or any member of the crew of the vessel when they should appear before the courts or other authorities of the receiving State.

Article 20. INVESTIGATION ON BOARD A VESSEL

1. When the competent authorities of the receiving State intend to take compulsory actions or to start an official investigation aboard a vessel of the sending State, which is in the territorial or inland waters of the receiving State, those authorities must notify the appropriate consular officer. This notification shall be made in time to enable the consular officer to be present when the actions are carried out. If the consular officer or his representative was unable to attend these actions, the competent authorities of the receiving State shall upon his request provide him with full information about the actions taken.

2. The provisions of paragraph 1 of this article shall also apply in cases in which the competent authorities of the receiving State intend to question the master or any member of the crew of the vessel of the sending State.

¹ The text between brackets appears in the Bulgarian and English texts only.

3. The competent authorities of the receiving State may carry out in case of urgency an investigation aboard a vessel without awaiting the consent of the consular officer of the sending State in the following cases:

- (a) If the consequences of the crime extend to the receiving State, or
- (b) If the crime is of a kind to disturb the peace of the receiving State or the good order of the territorial waters, or
- (c) If the assistance of the local authorities has been requested by the master of the vessel or by the consular officer of the sending State, whose flag the ship flies, or
- (d) If it is necessary for the suppression of illicit traffic of narcotic drugs.

In such cases the competent authorities of the receiving State shall be obliged to inform in the shortest possible time the consular post of the sending State for the measures taken by them.

4. The provisions of paragraphs 1 and 2 of this article shall not be opposed to the actions undertaken by the authorities of the receiving State with regard to customs, passports and sanitary control and the port control of the sea administration as well as the saving of human life at sea, prevention of pollution of the sea or other activities undertaken at the request of, or with the consent of, the master of the vessel.

Article 21. ASSISTANCE IN CASE OF AVERAGE

1. If a vessel of the sending State is wrecked, grounded or is swept ashore or suffers any other damage in the territorial or inland waters of the receiving State, or if any article, belonging to such vessel or forming part of its cargo, or an article representing part of the cargo of any wrecked vessel, being property of the sending State, is found in the receiving State, the competent authorities of the receiving State shall, as soon as possible, notify the consular officer of the sending State accordingly. They shall also inform him of the measures taken for the preservation of the vessel, of the lives of persons on board the vessel, of the cargo and the other property on board and of other articles forming part of her cargo, which have become separated from the vessel.

2. The consular officer may render every assistance to the vessel, the passengers and the members of the crew as well as to take measures for the saving of the cargo and the repair of the vessel. He may request the authorities of the receiving State to take such measures.

3. When the owner, the master of the vessel or any other authorized person are not in a position to make the necessary arrangements for the custody and disposal of the vessel or article, the consular officer shall be deemed to be authorized to make, on behalf of the owner of the vessel, the same arrangements as the owner himself could have made for such purposes.

4. The competent authorities of the receiving State shall render any assistance to the consular officer, at his request, for the measures which should be taken with regard to the wrecked vessel.

5. The wrecked vessel, the cargo and the vessel's papers shall not be liable to customs dues on the territory of the receiving State provided that they are not delivered for use or consumption in that State.

Article 22. FUNCTIONS RELATING TO CIVIL AIR NAVIGATION

The provisions of articles 18, 19, 20 and 21 shall also apply in relation to aircraft of the sending State in accordance with the laws and regulations of the receiving State.

Article 23. OTHER CONSULAR FUNCTIONS

The consular officer may exercise other functions entrusted to him by the sending State which are not specified in the present Convention, subject to the prior approval of the receiving State and in accordance with the laws and regulations of that State.

Article 24. TERMINATION OF THE 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 a *persona non grata* or that a consular employee or a member of the service staff is not acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned, or terminate his functions at the consular post.
2. If the sending State does not carry out within a reasonable time its obligations under paragraph 1 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 post.
3. In the cases mentioned in paragraphs 1 and 2 of this article, the receiving State is not obliged to give to the sending State reasons for its decision.

CHAPTER IV. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 25. FACILITIES GRANTED TO THE CONSULAR POST
AND ITS MEMBERS

The receiving State shall accord to the consular post all necessary facilities for the exercise of its functions, and shall take all necessary measures in order to enable the members of the consular post to perform their duties and shall extend to them the privileges, facilities and immunities provided by the present Convention.

Article 26. USE OF THE COAT OF ARMS AND THE NATIONAL FLAG

1. The coat of arms of the sending State and the inscription designating the consular post may be affixed on the building and at the entrance door of the consular post in the language of the sending State and the language of the receiving State.
2. The flag of the sending State may be flown at the building of the consular post, at the residence of the head of the consular post and also on the means of transport used by him in connection with the performance of his official duties.

Article 27. FACILITIES FOR ACQUIRING PREMISES FOR THE CONSULAR POST
AND ACCOMMODATION FOR THE MEMBERS OF THE CONSULAR POST

1. The sending State shall have the right, in accordance with the laws and regulations of the receiving State, to acquire or own or use under any form, determined by the laws and regulations, grounds, building or parts of buildings for the purposes of the consular post or for residences of the members of the consular post, nationals of the sending State.

2. The receiving State shall render the necessary assistance to the sending State in acquiring grounds and buildings or parts of buildings for the purposes mentioned in paragraph 1 of this article.

3. The sending State shall not be exempt from the obligation to observe the laws and regulations of the receiving State relating to building and urbanization.

*Article 28. INVIOABILITY OF THE CONSULAR PREMISES
AND RESIDENCES OF THE CONSULAR OFFICERS*

1. The consular premises as well as the residences of the consular officers shall be inviolable. The authorities of the receiving State shall not penetrate into them without the consent of the head of the consular post, the chief of the diplomatic mission of the sending State or of a person designated by one of them.

2. The receiving State shall be under a special duty to take all appropriate steps to prevent any seizure or damage of the consular premises and the residences of the consular officers, any disturbances of the peace of the consular post or impairment of its dignity.

3. The consular premises, their furnishing and all other articles thereon, as well as the means of transport, shall not be liable to any form of requisition, confiscation or other executive measures.

If for the public needs expropriation is necessary, in conformity with the laws and regulations of the receiving State, the competent authorities of that State shall take all measures to avoid hampering the execution of the consular functions and to pay promptly appropriate and effective compensation to the sending State.

*Article 29. FINANCIAL EXEMPTIONS RELATING TO THE CONSULAR PREMISES, THE
ACCOMMODATION OF THE MEMBERS OF THE CONSULAR POST AND THE MEANS OF
TRANSPORT*

1. Consular premises and the accommodation of the members of the consular post of which the sending State is the owner [or] lessee, as well as all transactions and documents relating to the acquisition of such property, shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for service rendered.

2. The exemption referred to in paragraph 1 of this article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

3. The sending State shall be exempt from payment of any dues and taxes on movable property in the territory of the receiving State, which is owned by that State or is used by it as well as when such property is acquired.

4. The exemption referred to in paragraph 1 of this article shall apply to the means of transport owned by the sending State and which are used for the performances of consular activity.

Article 30. INVIOABILITY OF THE CONSULAR ARCHIVES

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

Article 31. FREEDOM OF COMMUNICATIONS

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for 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 inviolable and 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 the correspondence, documents or articles referred to in paragraph 4 of this article, they may return the bag to its place of origin.

4. The consular bag shall be sealed and 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. Except with the consent of the receiving State, the consular courier cannot be a national of the receiving State, nor, even if he is a national of the sending State, a permanent resident of the receiving State.

The consular courier shall enjoy personal inviolability and shall not be liable to any form of arrest or detention. In the performance of his functions he shall be protected by the receiving State. The consular courier shall be provided with an official document, indicating his status.

6. A consular bag may be entrusted to the captain of an aircraft or to the master of a vessel. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered consular courier. By arrangement with the appropriate authorities of the receiving State, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the aircraft or the master of the vessel or to deliver it to them.

*Article 32. COMMUNICATION WITH THE NATIONALS
OF THE SENDING STATE AND THEIR PROTECTION*

With a view to facilitating the exercise of consular functions relating to the nationals of the sending State:

1. The consular officer shall be free within his consular district, to communicate with nationals of the sending State and to have access to them and render the necessary assistance.

Nationals of the sending State shall have the same freedom with respect to communication with and access to a consular officer of the sending State.

2. The competent authorities of the receiving State shall, within seven days, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to custody or prison or is detained in any other form. Any communication addressed to the consular post by the person arrested or

in custody or prison or detained in any other form shall be forwarded by the said authorities without delay.

3. The consular officer has the right, within ten days from the date of notification, to visit the national of the sending State, who is arrested or committed to custody or prison or is under any other form of detention, to converse and correspond with him and to take measures for insuring his representation before the courts, all these under the conditions laid down by the laws and regulations of the receiving State.

4. The consular officer shall have the right to communicate with and visit the national of the sending State serving a prison sentence. This shall take place in accordance with the laws and regulations of the receiving State.

5. The competent authorities of the receiving State shall inform the person concerned of his rights under the provisions of the present article.

Article 33. FREEDOM OF MOVEMENT

The receiving State shall take the necessary measures to ensure the freedom of movement of the members of the consular post in its territory, subject to the laws and regulations of the receiving State, concerning zones entry into which is prohibited or subject to special rules for reasons of national security or public interest.

Article 34. CONSULAR FEES AND CHARGES

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

2. The sums levied under paragraph 1 of this article shall be exempted from all taxes and dues in the receiving State.

Article 35. PROTECTION OF THE CONSULAR OFFICERS

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

Article 36. IMMUNITY OF THE CONSULAR OFFICERS FROM JURISDICTION

1. A consular officer shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

- (a) A real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the consular post;
- (b) An action relating to succession in which the consular officer is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) An action relating to any professional or commercial activity exercised by the consular officer in the receiving State, outside his official functions;
- (d) Proceedings initiated by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

2. No measures of execution may be taken in respect of a consular officer except in the cases coming under sub-paragraphs (a), (b), (c) and (d) of paragraph 1 of this article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

3. The provisions of paragraphs 1 and 2 of this article shall apply to the members of the family of the consular officer, provided that they are nationals of the sending State and they are not nationals of or permanent residents in the receiving State.

4. The immunity of a consular officer from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

*Article 37. IMMUNITY OF THE CONSULAR EMPLOYEE
FROM JURISDICTION*

1. The consular employee shall not be amenable to the jurisdiction of the receiving State in respect of acts performed in the exercise of his functions.

2. The provisions of paragraph 1 of this article shall not, however, apply in respect of civil actions mentioned in sub-paragraphs (a), (b), (c) and (d) of paragraph 1 of article 36 of the present Convention.

*Article 38. NOTIFICATION OF ARREST, DETENTION
OR PROSECUTION*

In the event of the arrest or detention pending trial, of a consular employee or a member of the service staff, or of criminal proceedings being instituted against them, the receiving State shall promptly notify the head of the consular post.

Article 39. LIABILITY TO GIVE EVIDENCE

1. A consular officer is not obliged to give evidence as a witness.

2. The consular employee and the members of the service staff may be called upon to attend as witnesses in the course of judicial or administrative proceedings. The consular employees and the members of the service staff shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence. If they should decline to do so, no coercive measure or penalty may be applied to them.

3. The consular employees and the members of the service staff 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 laws and regulations of the sending State.

*Article 40. EXEMPTION FROM REGISTRATION OF ALIENS
AND RESIDENCE PERMITS*

1. Consular officers and consular employees and the members of their families shall be exempted from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this article shall not, however, apply to persons, employed temporarily at the consular post, who are nationals of the sending State but permanent residents of the receiving State.

Article 41. FISCAL EXEMPTION

1. Consular officers and consular employees as well as members of their families shall be exempt from any national and local taxes and dues in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall not apply with respect to:

- (a) Indirect taxes which are normally incorporated in the price of goods and services;
- (b) Dues and taxes on personal immovable property situated in the territory of the receiving State, adhering to the provisions of article 17;
- (c) Dues and taxes applied by the receiving State on estates in its territory, as well as any transfer of property adhering to the provisions of article 17;
- (d) Taxes and dues on incomes of any kind obtained in the receiving State, except the incomes resulting from remuneration for their official activities;
- (e) Rights of registration, court or record fees, mortgage dues and stamp duties for immovable property, adhering to the provisions of article 29.

3. Members of the service staff shall be exempt from any dues and taxes for remuneration received for their official activity at the consular post, provided that they are not nationals of the receiving State and permanent residents of this State.

Article 42. EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION

1. The receiving State shall grant authorization of entry and exemption from customs duties, taxes and relative charges except those for storage, cartage and similar services on the articles and means of transport, intended:

- (a) For official use of the consular post;
- (b) For the personal use of a consular officer or members of his family.

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 sub-paragraph (b) of paragraph 1 of this article, in respect of articles imported at the time of first installation.

3. Personal baggage of consular officers and members of their families shall be exempt from customs inspection.

Personal baggage may be inspected only if there is a serious reason to believe that it contains articles other than those referred to in sub-paragraphs (a) and (b) of paragraph 1 of this article, or articles the import and export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine's laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned and in the presence of a representative from the Ministry of Foreign Affairs of the receiving State.

Article 43. EXEMPTIONS GRANTED IN THE EVENT OF THE DEATH OF A MEMBER OF THE CONSULAR POST

In the event of a death of a member of the consular post or a member of his family the receiving State:

1. 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.

In such a case it shall be delivered to the consular post.

2. Shall not levy any duties or taxes of any kind 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 44. SPECIAL PROVISIONS IN RESPECT TO IMMUNITIES AND PRIVILEGES

1. The consular employees and the members of the service staff shall not enjoy the immunities and privileges provided for in the present Convention if they are nationals of the receiving State or nationals of the sending State but permanent residents of the receiving State or nationals of a third State.

2. The members of the family of the consular employee and the members of the service staff shall enjoy the privileges enjoyed by their supporter in conformity with the provisions of the present Convention, provided that they are not nationals of the receiving State or nationals of the sending State but permanent residents of the receiving State, or nationals of a third State and are not engaged in any gainful occupation in the receiving State.

3. The receiving State shall apply its laws and regulations to the persons mentioned in paragraphs 1 and 2 of this article without affecting the activity of the consular post.

Article 45. WAIVER OF IMMUNITIES AND PRIVILEGES

1. The sending State may waive with regard to a member of the consular post, any of the privileges and immunities, provided for in the present Convention and the waiver shall in all cases be express and shall be communicated to the receiving State in writing.

2. The initiation of proceedings by a member of the consular post in a matter where he might enjoy immunity from jurisdiction under paragraph 1 of article 36 and paragraph 1 of article 37 of the present Convention 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 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 46. BEGINNING AND END OF PRIVILEGES
AND IMMUNITIES*

1. A 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 he enters on his duties with the consular post.

2. Members of the family of a member of the consular post shall enjoy the privileges and immunities provided in the present Convention:

- (a) From the date from which the member of the consular post shall enjoy the privileges and immunities provided for in paragraph 1 of this article;
- (b) From the date of their entry into the territory of the receiving State;
- (c) From the date of their becoming members of the family of the member of the consular post.

3. When the activity of a member of the consular post [has] come to an end, his privileges and immunities and those of the members of his family shall cease at

the moment when the person concerned leaves the receiving State, or on the expiry of the period granted to him for this purpose.

In the case of the persons mentioned in paragraph 2 of this article, their privileges and immunities shall come to an end when they cease being members of the family of the member of the consular post. However, if such persons intend leaving the territory of the receiving State within a reasonable period thereafter their privileges and immunities shall subsist until the time of their departure.

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

5. In the event of a death of a member of the consular post, the members of his family shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of the period given them for this purpose.

Article 47. NOTIFICATION OF ARRIVALS AND DEPARTURES

The Ministry of Foreign Affairs of the receiving State shall be notified of:

1. The arrival and final departure of members of the family of a member of the consular post and, where appropriate, the fact that a person becomes or cease[s] to be such a member of the family.

2. The arrival and final departure of members of the service staff and the termination of their functions.

3. The employment and discharge of persons, permanent residents in the receiving State, as consular employees or as members of the service staff.

Article 48. OBSERVANCE OF THE LAWS AND REGULATIONS OF THE RECEIVING STATE

1. Without prejudice to their privileges and immunities, persons provided in the present Convention enjoying privileges and immunities have the duty to respect the laws and regulations of the receiving State. They also have the duty 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.

Article 49. INSURANCE AGAINST THIRD PARTY RISKS

The means of transport owned by the sending State or used for the performance of the consular functions, or owned by a member of the consular post or members of his family, shall be insured against third party risks in accordance with the laws and regulations of the receiving State.

CHAPTER V. FINAL PROVISIONS

Article 50. RATIFICATION, ENTRY INTO FORCE AND TERMINATION

1. The present Convention shall be subject to ratification in accordance with the constitutional procedure in force in the two States. It shall enter into force on the thirtieth day after the exchange of instruments of ratification.

2. The exchange of instruments of ratification shall take place in Baghdad.

3. The present Convention shall remain in force for a period of five years and shall be automatically renewed year after year unless one of the two Parties gives notice in writing to the other Party of its desire to amend or terminate it, not less than six months before the expiry of the term indicated above.

IN WITNESS THEREOF the respective Plenipotentiaries have signed the present Convention and affixed thereto their seals.

DONE at Sofia, on September 7, 1982, in duplicate, in the Bulgarian, Arab and English languages, all texts having the same force.

In case of differences in the interpretation of the Bulgarian and Arab texts, the English text shall prevail.

For the People's Republic
of Bulgaria:

[Signed]

TODOR NETZOV
Ambassador at the Ministry
of Foreign Affairs

For the Government
of the Republic of Iraq:

[Signed]

RAFIE SHARIF TAKA
Ambassador at the Ministry
of Foreign Affairs