

No. 24601

**BULGARIA
and
MEXICO**

Consular Convention. Signed at Mexico City on 1 October 1984

Authentic texts: Bulgarian and Spanish.

Registered by Bulgaria on 19 January 1987.

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et
MEXIQUE**

Convention consulaire. Signée à Mexico le 1^{er} octobre 1984

Textes authentiques : bulgare et espagnol.

Enregistrée par la Bulgarie le 19 janvier 1987.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE PEOPLE'S REPUBLIC OF BULGARIA AND THE UNITED MEXICAN STATES

The People's Republic of Bulgaria and the United Mexican States,

Desiring to strengthen the friendly relations existing between their two countries and to regulate their consular relations with a view to facilitating the protection of the interests of the two States and of their nationals,

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

The Council of State of the People's Republic of Bulgaria: Maria Zaharieva, Deputy Minister for Foreign Affairs;

The President of the United Mexican States: Alfonso de Rosenzweig-Díaz, Acting Under-Secretary for Foreign Affairs,

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

CHAPTER I. DEFINITIONS

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

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

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

(c) "Head of consular post" means the officer in charge of the consular post;

(d) "Consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions;

(e) "Consular employee" means any person exercising administrative, technical or service functions in a consular post;

(f) "Members of the consular post" means consular officers and employees;

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

(h) "Consular archives" means all the papers, documents, correspondence, books, stamps and seals, films, tapes, and registers of the consular post, together with the ciphers and codes, card-indexes and any article of furniture intended for their protection or safekeeping;

(i) "Vessel of the sending State" means any vessel flying the flag of that State, except for warships;

¹ Came into force on 6 June 1986, i.e., 30 days after the exchange of the instruments of ratification, which took place at Sofia on 7 May 1986, in accordance with article 39 (2).

(j) "Aircraft of the sending State" means any civil aircraft which is duly registered in that State.

Article 2. Bodies corporate established as such in accordance with the laws of the sending State shall be recognized as such by the receiving State.

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

Article 3. 1. A consular post may be established in the territory of the receiving State only with that State's consent.

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

Article 4. 1. Before appointing the head of a consular post, the sending State shall request through the diplomatic channel the consent of the receiving State to such appointment.

2. On receipt of the consent referred to in paragraph 1 of this article, the sending State shall send to the receiving State, through the diplomatic channel, the commission of appointment or other similar document testifying to the appointment of the head of the consular post and specifying his full name and rank, the consular district and the seat of the consular post.

3. The head of the consular post is admitted to the exercise of his functions after the receiving State has issued an exequatur to him.

4. Pending the issue of the exequatur, the head of the consular post may be admitted on a provisional basis to the exercise of his functions.

Article 5. 1. The sending State shall inform the receiving State in advance of the full name and rank of all consular officers, other than heads of consular post, and the full name and position of all consular employees.

2. The sending State shall also report in good time the final departure of any member of a consular post.

Article 6. The receiving State shall also be notified by the sending State of the arrival and final departure of the family members of members of a consular post.

Article 7. Only nationals of the sending State who are not permanent residents of the receiving State may be consular officers.

Article 8. 1. If, for any reason the head of a consular post is unable to carry out his functions or if the position of head of consular post is temporarily vacant, the sending State may authorize a consular officer of the same consular post or of another consular post in the receiving State, or one of the members of the diplomatic staff of its diplomatic mission in the receiving State, to exercise on a provisional basis the functions of head of the consular post. The full name of such person shall be communicated in advance to the receiving State through the diplomatic channel.

2. Any consular officer authorized to exercise on a provisional basis the functions of head of the consular post shall enjoy the same rights, privileges and immunities as heads of consular post appointed in accordance with article 4.

3. Where a member of the diplomatic staff of the diplomatic mission of the sending State is appointed on a provisional basis to the position of head of consular post in accordance with paragraph 1 of this article, he shall continue to enjoy diplomatic privileges and immunities.

Article 9. 1. The provisions of this Convention shall also apply, to the appropriate extent, to the exercise of consular functions by members of the diplomatic staff of the diplomatic mission of the sending State which shall communicate to the receiving State, through the diplomatic channel, the full names of the members of its diplomatic staff who are authorized to exercise consular functions.

2. The members of the diplomatic mission appointed to exercise consular functions in accordance with paragraph 1 of this article shall continue to enjoy diplomatic privileges and immunities.

Article 10. The receiving State may notify the sending State, without having to explain its decision, that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. The sending State shall thereupon recall the person concerned. If the sending State refuses to carry out its obligations under the provisions of this article or does not do so within a reasonable period, the receiving State may cease to consider the consular officer or employee concerned as a member of the consular staff.

Article 11. The receiving State shall take the necessary measures to enable consular officers to exercise their functions and to enjoy the rights, privileges and immunities provided for by this Convention and by the laws of the receiving State.

Article 12. The receiving State shall facilitate the acquisition in its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consular post and for the accommodation of the consular officers and employees of its consular post, if they are nationals of the sending State.

CHAPTER III. PRIVILEGES AND IMMUNITIES

Article 13. 1. The coat-of-arms of the sending State and the name-plate of the consular post, in the language of the sending State and in the language of the receiving State, may be displayed on the building where the consular post is situated and on or near the entrance door of the consular post.

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

3. The head of the consular post may also display the national flag on his means of transport when used on official business.

Article 14. 1. Consular premises shall be inviolable.

2. The receiving State shall ensure the protection of consular premises.

3. The authorities of the receiving State may not enter the premises referred to in paragraph 2 of this article without the consent of the head of the consular post, or of the head of the diplomatic mission of the sending State, or of a person authorized by one of them.

4. The provisions of paragraphs 1, 2 and 3 of this article shall also apply to the residence of the head of the consular post.

Article 15. 1. Consular archives and documents shall be inviolable at all times and wherever they may be.

2. Non-official documents shall not be kept in the consular archives.

Article 16. 1. A consular post shall have the right to use all normal means of communication, including diplomatic and consular couriers, the diplomatic or consular bag, and messages in cipher and code, in order to communicate with its Government and with the diplomatic missions and other consular posts of the sending State wherever

they may be. A consular post shall be charged the same rates as apply to the diplomatic mission.

2. A consular post may install and use a radio transmitter only with the consent of the receiving State.

3. The official correspondence of a consular post, irrespective of the means of communication used, and sealed bags having visible external marks indicating their official character, shall be inviolable and shall not be opened or detained by the authorities of the receiving State.

4. The consular bag may contain only official correspondence and documents or articles intended exclusively for official use.

5. A consular courier who is provided with an official document indicating his status as such and the number of consular bags entrusted to him shall be granted by the receiving State the same rights, privileges and immunities as are accorded to a diplomatic courier of the sending State. The same shall apply to an *ad hoc* consular courier, whose rights, privileges and immunities as a courier shall nevertheless cease once he has delivered the consular bag to its destination.

Article 17. 1. The members of a consular post, provided that they are nationals of the sending State, shall enjoy immunity from the criminal jurisdiction of the receiving State.

2. Members of a consular post, provided that they are nationals of the sending State, shall enjoy immunity from the civil and administrative jurisdiction of the receiving State in respect of acts performed in the exercise of their official functions.

3. The family members of a member of a consular post who reside with him and are not nationals of the receiving State, shall enjoy the immunities provided for in this article.

4. The sending State may waive the immunity from criminal jurisdiction of a member of a consular post, or of the members of his family. The waiver must always be express.

Article 18. 1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. However, no coercive measure or penalty may be applied to a member of a consular post who is a national of the sending State if he declines to give evidence.

2. The authority requiring the evidence shall avoid disrupting the work of the consular post. It may take the evidence of a member of the consular post at his residence or at the consular post, or accept a statement from him in writing, when possible.

3. Members of a consular post shall be under no obligation to give evidence concerning matters connected with the exercise of their functions. They shall also be entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

4. The provisions of paragraphs 1 and 3 of this article shall also apply to the family members of members of a consular post who reside with them and are not nationals of the receiving State.

Article 19. 1. Consular officers shall be exempt from military service and from any other service that is compulsory in the receiving State.

2. Consular employees who are not nationals of the receiving State and the family members of members of a consular post who reside with them and are not nationals of the receiving State shall also be exempt from service of the kind referred to in paragraph 1 of this article.

Article 20. Members of a consular post and members of their families who reside with them and are not nationals of the receiving State shall be exempt from the obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

Article 21. 1. The receiving State shall exempt the sending State from all forms of taxes and charges on the rental of consular premises and on the living quarters of members of a consular post when these quarters have been rented by the sending State.

2. Paragraph 1 of this article shall not apply to taxes and charges payable under the law of the receiving State by a person who has concluded a contract with the sending State or with a person acting on its behalf. This exemption shall not apply to payment for private services rendered.

Article 22. Members of a consular post who are not nationals of the receiving State shall be exempt in the receiving State from any form of taxes or charges on their wages, salary or other remuneration for the official functions exercised by them.

Article 23. 1. Members of a consular post who are not nationals of the receiving State shall be exempt from all forms of taxes and charges.

2. The provisions of paragraph 1 of this article shall not apply to:

- (a) Indirect taxes normally included in the price of goods or services;
- (b) Taxes and charges on private immovable property situated in the territory of the receiving State;
- (c) Taxes and charges on income other than that specified in article 22 having its source in the receiving State;
- (d) Charges levied for private services rendered, including registration, court or record fees, mortgage dues, and fees for notarial acts executed by State authorities;
- (e) Stamp duties;
- (f) Inheritance duties and duties on transfer of property levied by the receiving State in the event of death, subject to the provisions of paragraph 3 of this article.

3. In the event of death of a member of a consular post who is not a national of the receiving State, or of a member of his family who is residing with him and is not a national of the receiving State, no inheritance or transfer tax shall be levied by the receiving State in respect of movable property, provided that the presence of the property in that State was due solely to the presence there of the deceased in his capacity as a member of the consular post or as a family member of a member of the consular post.

Article 24. 1. All articles imported solely for the official use of a consular post shall be exempt from customs duties, taxes and related charges to the same extent as such exemption applies to articles imported for official use of the diplomatic mission of the sending State.

2. Consular officers and members of their families shall be accorded the same exemption from customs inspection of their personal baggage and payment of customs duties and other charges on articles imported for their personal use as is accorded to the diplomatic staff of the diplomatic mission of the sending State.

3. Articles imported by employees of a consular post and members of their families on their initial installation in the receiving State shall be accorded the same exemption from customs and other charges as is accorded to the administrative and technical personnel of the diplomatic mission of the Sending State.

4. Paragraphs 1, 2 and 3 of this article shall not apply to charges for the deposit, storage and cartage of imported articles.

5. The import of motor vehicles shall be governed by the laws and regulations of the receiving State applicable to consular officers in general.

Article 25. Without prejudice to their privileges and immunities, it is the duty of all persons to whom this Convention accords privileges and immunities to respect the laws and regulations of the receiving State, including the provisions governing traffic and third-party insurance in respect of civil liability for damage resulting from the operation of means of transport.

Article 26. 1. Employees of a consular post who are permanent residents of the receiving State shall not enjoy the privileges and immunities established in this Convention but shall be under no obligation to give evidence concerning matters connected with their consular activities.

2. Paragraph 1 of this article shall also apply to the family members of a member of a consular post who are permanent residents of the receiving State.

CHAPTER IV. CONSULAR FUNCTIONS

Article 27. 1. Consular officers shall have the right to exercise the functions indicated in this chapter within the limits of their consular district. Consular officers may, in addition, exercise other official functions, provided that this is not contrary to the laws and regulations of the receiving State.

2. In the exercise of their functions, consular officers may communicate in writing or orally with the competent authorities of their consular district.

3. For the exercise of consular functions outside the consular district, the prior consent of the receiving State shall be required in each case.

Article 28. A consular officer shall have the right:

- (a) To defend the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) To contribute to the development of trade, economic, cultural and scientific relations between the sending State and the receiving State and also to promote friendly relations between them.

Article 29. 1. A consular officer shall also have the right:

- (a) To keep a register of nationals of the sending State and to receive from them any declarations required under the laws of the sending State;
- (b) To issue passports and other travel documents to nationals of the sending State, to renew or amend them and to issue visas;
- (c) To register births and deaths of nationals of the sending State which take place in the receiving State;
- (d) To register marriages and divorces concluded in accordance with the laws of the receiving State, if at least one of the parties is a national of the sending State;
- (e) To receive declarations concerning the family relations of nationals of the sending State when they are required by the laws of that State, provided that they are not prohibited by the laws of the receiving State.

2. The provisions of paragraph 1 (c), (d) and (e) of this article shall not exempt the persons concerned from the obligations under the laws of the receiving State to make the requisite declarations or registrations.

3. A consular officer shall also have the right to perform notarial functions, and to notarize, authenticate and certify signatures, documents and translations of documents

in all cases where such services are requested by nationals of the sending State, or by a person of any nationality, when the document is intended for use in the sending State or in accordance with the legislation of that State.

4. The provisions of paragraph 3 shall in no case apply to legal acts establishing, transferring or revoking entitlements to immovable property in the receiving State.

5. A consular post may collect in the receiving State consular fees in accordance with the laws and regulations of the sending State. The amounts so collected shall be exempt from all taxes in the receiving State.

Article 30. Where the authorities of the receiving State have information on the death of a national of the sending State, they shall immediately communicate such information to the consular post concerned.

Article 31. 1. The authorities of the receiving State shall inform the consular post of the opening of any succession where the heir or beneficiary is a national of the sending State who is not residing in the receiving State and has no representative there.

2. A consular officer may request the authorities of the receiving State to take the necessary action, in accordance with the laws of the receiving State, to safeguard, maintain and manage property belonging to the estate *ab intestato* of a national of the sending State and situated in the receiving State, or to which a national of the sending State may have hereditary rights, and to inform the consular officer of any measures that may already have been taken.

3. A consular officer may co-operate in carrying out the measures referred to in paragraph 2 of this article and represent the heirs or beneficiaries who are nationals of the sending State.

4. After the completion of succession proceedings, the consular officer may receive the movable property belonging to the estate, or the proceeds of the sale of movable or immovable property, for the purpose of transferring it to an heir or beneficiary who is a national of the sending State and who is not residing in the receiving State and has no representatives there, provided that:

- (a) Payment has been made or guaranteed in respect of any debts with which the estate is encumbered if they have been declared within the time-limit established by the laws of the receiving State;
- (b) Payment has been made or guaranteed in respect of any taxes relating to the estate.

5. If a national of the sending State dies while travelling, the personal effects, money and valuables that he had with him shall be handed over to the consular post against a receipt, provided that he did not have a permanent residence in the receiving State and has no representative there.

6. Export of the property referred to in paragraphs 4 and 5 of this article or the transfer abroad of the proceeds of its sale shall be carried out in accordance with the laws of the receiving State.

Article 32. 1. The competent authorities of the receiving State shall inform a consular post in writing of any case in which it is necessary to appoint a guardian or trustee of a national of the sending State who is in the receiving State.

2. A consular officer may submit to a court or other competent authority the names of suitable persons for appointment as guardians or trustees for citizens of the sending State.

3. If the court or other competent authority finds that a person proposed is unacceptable for any reason, the consular officer may propose another candidate.

4. The provisions of this article shall also apply to cases where it is necessary to appoint an administrator of the property of a national of the sending State when his whereabouts and representatives are unknown.

Article 33. 1. A consular officer shall have the right to meet or communicate with any national of the sending State and to give him advice and every assistance, including, if necessary, action to ensure his legal defence.

2. The receiving State shall not in any way limit communication between a national of the sending State and the consular post or his access thereto.

3. Where a national of the sending State is arrested or detained in any way, the authorities of the receiving State shall notify the appropriate consular officer of the sending State without delay.

4. A consular officer shall have the right to visit a national of the sending State who has been arrested or detained or is serving a prison sentence. A consular officer shall refrain from visiting a detainee of the sending State if the detainee expressly opposes such action.

5. The prerogatives referred to in paragraph 4 of this article shall be exercised in accordance with the laws and regulations of the receiving State, provided that such laws and regulations do not invalidate these rights.

Article 34. 1. A consular officer shall have the right to render all help and assistance to a vessel of the sending State anchored in port or in the territorial or internal waters of the receiving State.

2. A consular officer may board a vessel as soon as it has received *pratique*. The master of the vessel and the members of the crew may communicate with the consular officer.

3. A consular officer may request assistance from the competent authorities of the receiving State in solving any problem relating to the exercise of his functions with respect to vessels of the sending State and to the master and members of the crew of any such vessel.

Article 35. A consular officer may:

(a) Without prejudice to the rights of the authorities of the receiving State, investigate any incident occurring on board a vessel of the sending State during its voyage, question the master and any member of the crew of such vessel, examine the ship's papers, take statements concerning the voyage of the vessel and its destination, and generally facilitate the entry, exit and stay in port of the vessel;

(b) Take any necessary action to sign on or discharge a master or any member of the crew, provided that this is not contrary to the laws of the receiving State;

(c) Without prejudice to the rights of the authorities of the receiving State, settle disputes between the master and members of the crew, including disputes concerning wages and contracts of service, provided that he is so authorized under the laws of the sending State;

(d) Take any necessary action for the hospitalization or repatriation of the master or any member of the crew of the vessel;

(e) Receive, draw up or attest any declaration or other document concerning vessels provided for by the laws of the sending State.

Article 36. 1. Where the courts or other authorities of the receiving State intend to take any coercive measures or conduct any official inquiry on board a vessel of the sending State, they shall so notify the appropriate consular officer; such notification

shall be given in good time so as to enable the consular officer to be present, except in cases where this is not possible because of the urgency of the matter. If the consular officer was not present or represented, the authorities of the receiving State shall provide him as soon as possible, at his request, with a full report of what took place.

2. The provisions of paragraph 1 of this article shall also apply where the master or members of the crew of a vessel are to be questioned on shore by the authorities of the receiving State on matters concerning the vessel of the sending State.

3. The provisions of this article shall not apply, however, to regular customs, health or frontier inspections carried out by the authorities of the receiving State.

4. The courts and other competent authorities of the receiving State shall not intervene, except at the request of the master of the vessel or the consular officer, in the internal affairs of the vessel concerning relations between members of the crew, working relations, discipline and other matters of internal order provided that the peace, security and laws of the receiving country are not violated.

Article 37. 1. If a vessel of the sending State is shipwrecked, runs aground, is swept ashore or suffers any other damage in the waters of the receiving State, or if any article belonging to a national of the sending State being a part of the cargo of a vessel of a third State which has suffered damage is found on or near the shore of the receiving State or is taken to its port, the authorities of the receiving State shall, as soon as possible, inform a consular officer. They shall also report any measures that have been taken to rescue persons and preserve the vessel, the cargo and other goods on board and articles belonging to the vessel or forming part of its cargo which have been separated from the vessel.

2. The consular officer may render every assistance to such a vessel, its passengers and crew. For this purpose, he may request the co-operation of the authorities of the receiving State.

3. If the owner, or his agents or the underwriters concerned or the master of a damaged vessel are not in a position to take the appropriate action, the consular officer shall be deemed authorized to take, on behalf of the owner of the vessel, the same action as the owner himself would have taken with respect to the vessel or its cargo, in accordance with the laws of the receiving State.

4. The provisions of paragraph 3 of this article shall apply also to any article which forms part of the cargo of the vessel and belongs to a national of the sending State.

5. The authorities of the receiving State shall not levy customs duties or other import charges in connection with the import into its territory of stores, equipment, supplies and articles carried by, or forming part of, the damaged vessel unless they are brought ashore for consumption or use, as the case may be, in the receiving State. The authorities of the receiving State may require such articles to be left in bond or that other measures be taken to safeguard fiscal interests in accordance with their laws and regulations.

6. If any article forming part of the cargo of a damaged vessel of a third State, being the property of a national of the sending State, is found on or near the coast of the receiving State and is brought to a port of that State, and if neither the owner of the article, his agents, the underwriters concerned nor the master of the vessel are in a position to make the necessary arrangements for the custody or disposal of the article, the consular officer shall be deemed authorized to make, on behalf of the owner, the same arrangements as the owner himself might have made.

Article 38. Articles 34 and 37 shall also apply to aircraft of the sending State.

CHAPTER V. FINAL PROVISIONS

Article 39. 1. This Convention is subject to ratification and the exchange of the instruments of ratification shall take place at Sofia.

2. This Convention shall enter into force 30 days after the date of the exchange of the instruments of ratification and shall remain in force for 12 months after the date on which one of the High Contracting Parties notifies the other in writing, through the diplomatic channel, of its intention to terminate it.

IN WITNESS WHEREOF, the aforesaid Plenipotentiaries have signed and sealed this Convention in two original copies, in the Bulgarian and Spanish languages, both texts being equally authentic, at Mexico City on 1 October 1984.

For the People's Republic
of Bulgaria:

[Signed]

MARIA ZAHARIEVA
Deputy Minister for Foreign Affairs

For the United Mexican
States:

[Signed]

ALFONSO DE ROSENZWEIG-DÍAZ
Under-Secretary for Foreign Affairs,
Chargé d'affaires