

**No. 25651**

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**CHINA  
and  
BULGARIA**

**Consular Convention. Signed at Beijing on 6 May 1987**

*Authentic texts: Chinese and Bulgarian.*

*Registered by China on 22 February 1988.*

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**Convention consulaire. Signée à Beijing le 6 mai 1987**

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*Enregistrée par la Chine le 22 février 1988.*

## [TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE PEOPLE'S REPUBLIC OF CHINA AND THE PEOPLE'S REPUBLIC OF BULGARIA

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

Wishing to strengthen consular relations, to protect the interests of the two States and of their nationals and to contribute to the development of friendly relations,

Have decided to conclude this Convention and for that purpose have agreed as follows:

## CHAPTER I

*Article 1. DEFINITIONS*

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 in the territory of the receiving State, in which the consular post is to exercise its functions.
3. "Head of consular post" means the person appointed by the sending State to be in charge of the consular post.
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 exercising administrative, technical or service functions at the consular post.
6. "Member of the consular post" means a consular officer or a consular employee.
7. "Private domestic employee" means any person employed exclusively in the personal service of a member of the consular post.
8. "Member of the family" means the wife (husband), and any minor children residing with the member of the consular post.
9. "Consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively by the consular post.
10. "Consular archives" means all the papers, documents, correspondence, books, seals and stamps, films, tapes, registers, the cipher and code materials and the card indexes of the consular posts as well as any article of furniture intended for their protection and safekeeping.

<sup>1</sup> Came into force on 2 January 1988, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Sofia on 3 December 1987, in accordance with article 49.

11. "Vessel of the sending State" means any vessel other than a warship, which is entitled, under the legislation of the sending State, to fly its national flag.

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

## CHAPTER II. ESTABLISHMENT OF A CONSULAR POST AND APPOINTMENT OF THE MEMBERS OF THE CONSULAR POST

### *Article 2.* ESTABLISHMENT OF A CONSULAR POST

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 the consular district, and any subsequent changes shall be established by agreement between the sending State and the receiving State.

### *Article 3.* APPOINTMENT AND RECOGNITION OF THE HEAD OF A CONSULAR POST

1. The sending State shall ascertain in advance through the diplomatic channel whether the receiving State will agree to recognize the person appointed as head of the consular post. If the receiving State does not so agree, it shall not be obliged to give the reasons for its decision.

2. The sending State shall transmit the consular commission for the head of the consular post to the receiving State through the diplomatic channel. The commission shall specify the full name of the head of the consular post and his rank, the seat of the consular post, its classification and the consular district.

3. After receiving the consular commission of the head of the consular post, the receiving State shall issue an exequatur to him as soon as possible.

4. The head of the consular post may take up his duties after the issue of the exequatur by the receiving State. Pending the issue of the exequatur the head of the consular post may temporarily exercise his consular functions with the consent of the receiving State.

5. After the exequatur has been issued to the head of the consular post by the receiving State and after permission has been received for the temporary exercise of consular functions, the receiving State shall be obliged immediately to notify the competent authorities of the consular district and to take the necessary measures to enable the head of the consular post to exercise his consular functions and to enjoy the rights, privileges and immunities provided for in this Convention.

### *Article 4.* TEMPORARY EXERCISE OF THE FUNCTIONS OF HEAD OF THE CONSULAR POST

1. If the head of the consular post is unable to exercise his functions or if his position is vacant, the sending State may authorize a consular officer of the same consular post or another of its consular posts in the receiving State, or one of its diplomatic agents in the receiving State, to act provisionally as head of the consular post.

2. The full name and rank 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 privileges and immunities enjoyed by the head of the consular post under this Convention.

4. A diplomatic agent who is acting provisionally as head of the consular post shall continue to enjoy the privileges and immunities accorded to him by virtue of his diplomatic status.

#### Article 5. NOTIFICATION OF INITIAL ARRIVALS AND FINAL DEPARTURES

The sending State shall inform the receiving State within a reasonable period and in writing of the following:

1. The full name and rank, the initial arrival, the final departure or the termination of functions and any change in the duties of the members of the consular post during the period in which they are working at the consular post;
2. The initial arrival and final departure of members of the family of members of the consular post and cases in which a person becomes or ceases to be a member of the family of a member of the consular post;
3. The full names, nationality, functions and the dates of initial arrival and final departure of private domestic employees;
4. The engagement and discharge of employees of the consular post who are nationals of the receiving State or permanent residents of the receiving State.

#### Article 6. NATIONALITY OF CONSULAR OFFICERS

A consular officer may only be a national of the sending State who is not a permanent resident of the receiving State.

#### Article 7. IDENTITY DOCUMENTS

1. The competent authorities of the receiving State shall issue free of charge to the members of the consular post and the members of their families documents certifying their identity.

2. The provisions of paragraph 1 of this article shall not apply to nationals of the receiving State or to persons who are permanent residents of that State.

#### Article 8. TERMINATION OF THE FUNCTIONS OF A MEMBER OF THE CONSULAR POST

1. The receiving State may at any time notify the sending State through the diplomatic channel that a consular officer is *persona non grata* or that a consular employee is not acceptable. In that event, the sending State shall recall the person in question or terminate his functions with the consular post.

2. If the sending State fails within a reasonable time to carry out its obligations under paragraph 1 of this article, the receiving State may withdraw the exequatur of the person concerned or cease to consider him as a member of the consular staff.

3. In the cases mentioned in paragraphs 1 and 2 of this article, the receiving State is not obliged to give the sending State the reasons for its decision.

## CHAPTER III. CONSULAR FUNCTIONS

*Article 9. FUNCTIONS OF CONSULAR OFFICERS*

A consular officer shall be entitled to exercise the following functions:

1. Protect the rights and interests of the sending State and of its nationals in the receiving State, including those of bodies corporate;
2. Help and assist nationals of the sending State, including bodies corporate;
3. Further the development of bilateral relations in the field of economics, trade, culture, science and technology, education and tourism;
4. Obtain information by all lawful means on developments in the political, economic, commercial, cultural and scientific life and the tourist industry of the receiving State.

*Article 10. EXERCISE OF CONSULAR FUNCTIONS*

1. A consular officer may exercise his functions only within the limits of his consular district. With the consent of the receiving State he may exercise his functions outside his consular district.

2. In the exercise of his functions, a consular officer may apply to:

- (a) The competent local authorities within the limits of his consular district;
- (b) The competent central authorities of the receiving State, to the extent that this is allowed by the laws and established customs of that State.

3. The consular functions covered by the provisions of this Convention may be exercised by the embassy of the sending State in the receiving State. In such cases the diplomatic agents exercising consular functions shall continue to enjoy the privileges and immunities accorded to them by virtue of their diplomatic status.

4. The embassy of the sending State shall inform the Ministry of Foreign Affairs of the receiving State of the full name, functions and rank of the members of the diplomatic staff exercising consular functions. As consular officers, they shall have the rights and obligations provided for in this Convention.

*Article 11. ISSUE OF PASSPORTS AND VISAS*

A consular officer shall be entitled:

1. To issue passports and other equivalent documents for foreign travel by nationals of the sending State, and to renew, make entries in, widen the application of, and cancel passports and equivalent documents for foreign travel;
2. To issue visas.

*Article 12. REGISTRATION OF NATIONALS OF THE SENDING STATE*

A consular officer shall be entitled to keep a register of nationals of the sending State who are staying permanently or temporarily in the consular district. Registration shall not exempt such nationals from the obligation to comply with the legislation of the receiving State concerning the registration of aliens.

*Article 13.* FUNCTIONS RELATING TO CIVIL STATUS

1. A consular officer shall be entitled:

- (a) To accept any application relating to nationality in accordance with the legislation of the sending State, without contravening the legislation of the receiving State;
- (b) To register births or deaths of nationals of the sending State and to draw up documents relating thereto;
- (c) To solemnize marriages between nationals of the sending State and to draw up marriage certificates.

2. The provisions of paragraph 1 of this article shall not exempt the nationals concerned from the obligations deriving from the legislation of the receiving State concerning the registration of marriages, births and deaths.

*Article 14.* REPRESENTATION OF NATIONALS BEFORE THE COURTS  
AND OTHER AUTHORITIES OF THE RECEIVING STATE

1. A consular officer shall be entitled, in accordance with the legislation of the receiving State, to represent before the courts and other authorities of that State individuals and bodies corporate of the sending State and to arrange appropriate representation for such persons where, because of absence or any other reason, they are unable at the proper time to assume the defence of their rights and interests.

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

*Article 15.* TRANSMITTAL OF DOCUMENTS

A consular officer shall be entitled to transmit judicial and other documents to nationals of the sending State, including bodies corporate staying in the territory of the receiving State, to the extent permitted by its legislation.

*Article 16.* COMMUNICATION WITH NATIONALS OF THE SENDING STATE  
AND THEIR DEFENCE

1. A consular officer shall be entitled within his consular district freely to communicate with nationals of the sending State, to have access to them and to afford them the necessary assistance. The receiving State shall not place restrictions on nationals of the sending State wishing to communicate with the consular post or to enter it.

2. The competent authorities of the receiving State shall, as far as possible, inform the consular post without delay if, within its district, a national of the sending State is detained, arrested or deprived of his freedom in any other manner, but not later than seven days from the date on which such measures were taken.

3. A consular officer shall be entitled to visit, within three days from the date of notification, a national of the sending State who has been detained, arrested or deprived of his freedom in any other manner, to converse and correspond with him and, after the first visit, to visit him at reasonable intervals; this right shall be guaranteed by the competent authorities of the receiving State. In

accordance with the legislation of the receiving State, a consular officer shall be entitled to visit a national of the sending State who is serving a sentence.

4. Consular officers shall comply with the legislation of the receiving State provided that the rights accorded to them under this article are not affected.

5. The competent authorities of the receiving State shall inform nationals of the sending State who are detained, of their rights under this article.

#### *Article 17.* FUNCTIONS RELATING TO GUARDIANSHIP AND TRUSTEESHIP

1. A consular officer shall be entitled, in accordance with the legislation of the receiving State, to protect the interests of nationals of the sending State lacking capacity or of limited capacity, including minors, and to propose suitable persons as guardians or trustees for such nationals.

2. The competent authorities of the receiving State shall inform the consular post in writing of cases in which it is necessary to establish guardianship or trusteeship over nationals of the sending State lacking capacity or of limited capacity, including minors.

#### *Article 18.* NOTARIAL FUNCTIONS

1. A consular officer shall be entitled, in accordance with the legislation of the sending State and without violating that of the receiving State, to exercise the following functions:

- (a) To receive, draw up, legalize and authenticate various documents of nationals of the sending State, with the exception of those relating to the establishment and transfer of real rights to immovable property situated in the receiving State;
- (b) To draw up, authenticate and receive for safekeeping the wills of nationals of the sending State, drawn up in accordance with the legislation of the sending State, or other unilateral legal instruments of such nationals;
- (c) To authenticate signatures and seals on documents issued by the authorities of the sending State or of the receiving State and to certify copies and translations of documents or extracts therefrom;
- (d) To receive for temporary safekeeping valuables, money and documents of nationals of the sending State;
- (e) To exercise other notarial functions entrusted to him by the sending State.

2. The documents, copies of documents, extracts from documents and translations certified by a consular officer and documents legalized by such an officer shall be regarded as official documents of the sending State or as documents legalized by the competent authorities of that State. They shall be used in the receiving State provided that they are not contrary to the legislation of that State.

#### *Article 19.* FUNCTIONS RELATING TO SUCCESSION

1. In the event of the death of a national of the sending State in the territory of the receiving State the competent authorities of the latter State shall so inform the consular post without delay and provide the consular post with a death certificate or a copy of another document attesting to the death.

2. The competent authorities of the receiving State shall without delay notify the consular post of the estate left by the deceased person in its territory or in a third State if there is no heir or executor in the receiving State.

3. If a national of the sending State who is absent from the receiving State is entitled as an heir or legatee to inherit and to receive, in the receiving State, property of a deceased person, of any nationality, the competent authorities of the receiving State shall so inform the consular post.

4. A consular officer shall be entitled to be present during the inventorying and sealing of the estate property referred to in paragraph 2 of this article.

5. In all cases where a national of the sending State is entitled or declares that he is entitled to receive property in the receiving State, a consular officer may, in person or through an agent appointed by him, represent him before the courts or other authorities of the receiving State in the absence of the national or his representative in the proceedings.

6. A consular officer shall be entitled to receive an inheritance or will in the receiving State which is to be received by a national of the sending State who is not a permanent resident of the receiving State and to deliver it to him.

7. In the event of the death of a national of the sending State who is temporarily staying in the receiving State and is not a permanent resident of the receiving State, any sums of money, papers and personal effects which he has in his possession shall be handed over to the consular post for transmittal to an heir, legatee or other authorized person if the deceased has no close relations or representative in the receiving State.

8. Consular officers shall exercise the functions specified in paragraphs 5, 6 and 7 of this article in accordance with the legislation of the receiving State.

#### Article 20. FUNCTIONS RELATING TO ASSISTANCE TO VESSELS OF THE SENDING STATE

1. A consular officer shall be entitled to provide assistance to vessels of the sending State and to the master and crew members of such vessels while they are staying in the territorial or inland waters of the receiving State. He may:

- (a) Visit the vessel, question the master and members of the crew and receive information concerning the vessel, its cargo and voyage, after *pratique* has been granted;
- (b) Investigate incidents which occurred on board the vessel during its voyage, without prejudice to the rights of the competent authorities of the receiving State;
- (c) Take any necessary measures to facilitate the vessel's entry and stay in port and its departure;
- (d) Settle any disputes between the master and members of the crew, including disputes concerning employment contracts;
- (e) Take any measures to ensure hospitalization or repatriation of the master or a crew member of the vessel;
- (f) Receive, inspect, draw up, sign or certify any documents concerning shipping in accordance with the legislation of the sending State;



(g) Settle any other matters relating to shipping, in discharge of the responsibilities assigned to him by the sending State.

2. Consular officers shall comply with the legislation of the receiving State when exercising the functions referred to in paragraph 1 of this article and may request assistance from the competent authorities of the receiving State.

*Article 21.* INVESTIGATION ON BOARD A VESSEL OR NOTIFICATION OF COERCIVE MEASURES

1. Where the courts and other competent authorities of the receiving State intend to take coercive action or initiate an official investigation on board a vessel of the sending State which is in the territorial or inland waters of the receiving State, such authorities shall give advance notice to the consular post, so that a consular officer or a person authorized to represent him may be present when such action is carried out. If such person is unable to be present or cannot be notified because of the urgency of the case, the competent authorities of the receiving State shall forthwith inform the consular officer of the measures undertaken and shall provide a full report as soon as possible on the action taken.

2. The provisions of paragraph 1 of this article shall also apply in cases where the competent authorities of the receiving State wish to take the same action with respect to the master or a crew member of the vessel of the sending State on shore.

3. The provisions of paragraphs 1 and 2 of this article shall not apply to customs, passport or health control, to the port controls of the maritime authorities, to the saving of human life at sea, to the prevention of pollution of the sea or to other action taken at the request of or with the consent of the master of the vessel or of the consular officer.

4. The competent authorities of the receiving State shall not intervene in the internal affairs of a vessel of the sending State provided that the peace, security and public order of the receiving State are not violated, and unless they are so requested or authorized by the master of the vessel or the consular officer.

*Article 22.* ASSISTANCE IN THE CASE OF ACCIDENTS

1. If a vessel of the sending State is wrecked or suffers any other serious accident in the territorial or inland waters of the receiving State, the competent authorities of that State shall so inform the consular post of the sending State as soon as possible and notify it of the measures taken to save the vessel, human life, and the cargo and other property on board the vessel.

2. A consular officer shall be entitled to provide assistance to the vessel, the members of the crew and passengers and also 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. A consular officer may represent the owner of the vessel and take appropriate measures for the custody and disposal of a vessel that has suffered an accident and its cargo, if the owner, the master, the agent of the shipping company or the underwriter are absent or not in a position to take the necessary action.

4. A vessel of the sending State which has suffered an accident, its cargo and effects shall not be subject to customs and similar duties provided that they are not sold and are not used in the receiving State.

*Article 23.* FUNCTIONS RELATING TO CIVIL AVIATION

The provisions of articles 20, 21 and 22 of this Convention shall also apply to aircraft of the sending State.

*Article 24.* OTHER CONSULAR FUNCTIONS

A consular officer may, with the consent of the receiving State, exercise other functions in addition to those specified in this Convention where such functions are entrusted to him by the sending State.

CHAPTER IV. FACILITIES, PRIVILEGES AND IMMUNITIES

*Article 25.* FACILITIES ACCORDED TO THE CONSULAR POST AND ITS MEMBERS

1. The receiving State shall accord all necessary facilities for the exercise of the functions of the consular post.
2. The receiving State shall treat the members of the consular post with due respect and shall take the necessary measures to enable them to exercise their functions and enjoy the facilities, privileges and immunities accorded to them under this 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, written in the language of the sending and the receiving State, may be affixed to the building of the consular post.
2. The national flag of the sending State may be flown on the building of the consular post, on the residence of the head of the consular post and the means of transport of the head of the consular post when they are used by him on official business.

*Article 27.* ACQUISITION OF PREMISES FOR THE CONSULAR POST AND ACCOMMODATION FOR THE MEMBERS OF THE CONSULAR POST

1. The sending State or its representative shall be entitled, in accordance with the legislation of the receiving State, to purchase, lease, use, construct and acquire in any form buildings, parts of buildings and land for the needs of the consular post or for accommodation for the members of the consular post who are nationals of the sending State and are not permanent residents of the receiving State.
2. The receiving State shall render the necessary assistance to the sending State in the acquisition of buildings or parts of buildings and land of the kind referred to in paragraph 1 of this article.
3. The sending State shall not be exempt from the obligation to comply with the legislation of the receiving State concerning building and town planning when applying the provisions of this article.

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

1. The consular premises, the residence of the head of the consular post and the residences of the consular officers shall be inviolable. The competent authorities of the receiving State may not enter them without the consent of the head of

the consular post, the head of the embassy of the sending State, or a person designated by one of them or authorized by one of them to exercise his functions temporarily.

2. In the event of a fire or other natural disaster that could endanger the safety of nationals or cause damage to property or buildings of the receiving State situated in the vicinity, such consent shall be given as soon as possible.

3. The receiving State shall be under a special duty to take all appropriate measures to prevent any unlawful entry into or damage to the consular premises and the residences of consular officers, or disturbance of the peace of the consular post or impairment of its dignity.

4. The consular premises, their furnishings and all other property therein, as well as means of transport, shall not be liable to any form of confiscation. Where expropriation of the consular premises is necessary for the national security or public purposes of the receiving State, the competent authorities of that State shall take all necessary measures to avoid impeding the exercise of consular functions and to pay prompt and adequate compensation to the sending State.

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

#### *Article 29. EXEMPTION OF PROPERTY FROM TAXES AND DUES*

1. The sending State shall be exempt in the receiving State from imposition of the following taxes and dues on:

- (a) The consular premises, the residences of members of the consular post and transactions or documents relating to the acquisition thereof on behalf of the sending State or its representative;
- (b) Equipment and means of transport which are the property of the consular post or leased by it or acquired in any other manner exclusively for consular purposes, and also in connection with the acquisition of such property;

2. The provisions of paragraph 1 of this article shall not apply to the payment of charges for specific services rendered.

#### *Article 30. INVIOABILITY OF THE CONSULAR ARCHIVES*

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

#### *Article 31. FREEDOM OF COMMUNICATION*

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 and shall include 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 articles referred to in paragraph 4 of this article, they may return the bag to the address from which it was sent.

4. The consular bag shall be sealed, shall bear external marks of its character and may contain only official correspondence, documents and articles intended exclusively for official use.

5. The consular courier may only be a national of the sending State who is not a permanent resident of the receiving State. He shall hold an official document indicating his identity and status. A consular courier staying in the territory of the receiving State shall enjoy the same privileges, facilities and immunities as a diplomatic courier.

6. A consular bag may be entrusted to the captain of an aircraft or to the master of a vessel of the sending State. He shall hold 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 competent authorities of the receiving State, the consular post may send one of its consular officers 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. FREEDOM OF MOVEMENT*

The receiving State shall take the necessary measures to ensure freedom of movement and travel of the members of the consular post, except in zones into which entry is prohibited or restricted for reasons of national security or in the public interest.

#### *Article 33. CONSULAR FEES AND CHARGES*

1. The consular post may, in accordance with the legislation of the sending State, levy in the receiving State fees and charges for consular services.

2. The sums levied in accordance with paragraph 1 of this article shall be exempt from all taxes and other dues in the receiving State.

#### *Article 34. PROTECTION OF CONSULAR OFFICERS*

A consular officer shall not be liable to detention or arrest. 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 35. IMMUNITY OF CONSULAR OFFICERS FROM JURISDICTION*

1. A consular officer shall enjoy immunity from judicial and administrative jurisdiction except in the case of civil actions concerning:

- (a) 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) Succession, in which the consular officer is acting in the capacity of a private person as executor of a will or as administrator of the estate, or as an heir or legatee;
- (c) Any professional or commercial activity engaged in by the consular officer in the receiving State outside his official functions;

(d) Proceedings instituted by a third party for damage caused by him in the receiving State by means of a vehicle, vessel or aircraft.

2. No measures of execution may be taken in respect of a consular officer except in the cases specified in paragraph 1 of this article and only provided that the measures concerned are taken without infringing the inviolability of his person or his residence.

*Article 36. IMMUNITY OF CONSULAR EMPLOYEES FROM JURISDICTION*

1. Consular employees shall be exempt from the judicial and administrative jurisdiction of the receiving State in respect of acts performed in the exercise of their official functions.

2. The provisions of paragraph 1 of this article shall not apply in respect of civil actions of the kind referred to in article 35, paragraph 1 (d), of this Convention.

*Article 37. NOTIFICATION OF THE DETENTION OR ARREST  
OF A CONSULAR EMPLOYEE*

In the event of the detention or arrest of, or the institution of criminal proceedings against, a consular employee the receiving State shall promptly notify the head of the consular post.

*Article 38. LIABILITY TO GIVE EVIDENCE*

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

2. Consular employees may be called upon to attend as witnesses in the course of judicial or administrative proceedings. They shall not decline to do so except in the cases referred to in paragraph 3 of this article.

3. Consular employees shall not be obliged to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence or documents relating thereto. They are entitled to decline to give evidence as expert witnesses with regard to the law of the sending State. If they decline to give evidence, no coercive measure or penalty may be applied to them.

*Article 39. EXEMPTION FROM REGISTRATION, RESIDENCE PERMITS  
AND SERVICE*

1. Members of the consular post shall be exempt from registration and residence permits, required in the case of aliens under the legislation of the receiving State.

2. Members of the consular post shall be exempt from any kind of labour, public or military service.

*Article 40. FISCAL EXEMPTION OF MEMBERS OF THE CONSULAR POST*

1. The members of the consular post shall be exempt from all national and local taxes and dues.

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

(a) Indirect taxes incorporated in the price of goods and services;

(b) Taxes and dues on private immovable property situated in the territory of the receiving State, subject to the provisions of article 29, paragraph 1 (a), of this Convention;

- (c) Estate, succession or inheritance duties and duties on transfers, subject to the provisions of article 42 of this Convention;
- (d) Registration, court or record fees, mortgage dues for immovable property and stamp duties, subject to the provisions of article 29 of this Convention.

*Article 41. EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION*

1. The receiving State shall, in accordance with its legislation, permit the import and export of the following, and shall exempt them from customs duties and related charges with the exception of charges for storage, cartage and similar services:

- (a) Articles for the official use of the consular post, including means of transport;
- (b) Articles for the personal use and installation of consular officers;
- (c) Articles for the personal use and installation of consular employees, imported at the time of initial arrival.

2. The articles referred to in paragraph 1 (b) and (c) of this article shall not exceed the quantities necessary for direct utilization by the persons concerned.

3. The personal baggage of consular officers shall be exempt from customs inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in paragraph 1 (b) of this article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State, or articles subject to health control. Such inspection shall be carried out in the presence of the consular officer concerned or of his representative.

*Article 42. ESTATE OF A MEMBER OF THE CONSULAR POST*

In the event of the death of a member of the consular post or of 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;
- 2. Shall not levy any inheritance duties or any charges and taxes on movable property of the deceased, acquired prior to his death in that State.

*Article 43. PRIVILEGES AND IMMUNITIES OF FAMILY MEMBERS*

Members of the family of a consular officer or of a consular employee shall enjoy the privileges and immunities which are accorded to the consular officer or consular employee concerned in accordance with the provisions of this Convention. Those who are nationals of the receiving State, or permanent residents of that State, shall not enjoy such privileges and immunities.

*Article 44. PERSONS NOT ENTITLED TO PRIVILEGES AND IMMUNITIES*

1. Consular employees who are nationals of the receiving State or nationals of the sending State having their permanent residence and a private paid occupation in the receiving State, shall not enjoy the privileges and immunities specified in this Convention, except as provided in article 38, paragraph 3, of this Convention.

2. Members of the family of the consular employees referred to in paragraph 1 of this article shall not enjoy the privileges and immunities provided for in this Convention.

3. Private domestic employees shall not enjoy the immunities and privileges specified in this Convention.

#### *Article 45. WAIVER OF IMMUNITIES AND PRIVILEGES*

1. The sending State may waive the privileges and immunities enjoyed by the persons concerned, under articles 35 and 38, and any waiver shall be express and communicated to the receiving State in writing.

2. The institution of proceedings by a member of the consular post in a matter where he might enjoy immunity from jurisdiction under this 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 for in this Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post shall enjoy the privileges and immunities provided for in this Convention from the date from which the member of the consular post is to enjoy the privileges and immunities. If they enter the territory of the receiving State at a later date or become members of the family of the member of the consular post, they shall enjoy such privileges and immunities from the date of their entry into the receiving State or from the date of their becoming a member of the family of the member of the consular post.

3. When the functions of a member of the consular post have 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 a reasonable period in which to do so. The privileges and immunities of the members of the family of the member of the consular post shall come to an end when such persons cease to be members of the family of the member of the consular post. 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. In the event of the 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 a reasonable period enabling them to do so.

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

*Article 47.* OBSERVANCE OF THE LAWS AND REGULATIONS  
OF THE RECEIVING STATE

1. Without prejudice to the privileges and immunities provided in this Convention, persons 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 members of the consular post of the sending State shall not engage in any activity other than the performance of their official duties in the receiving State.

*Article 48.* INSURANCE AGAINST THIRD PARTY RISKS

The means of transport owned by the consular post, the members of the consular post and the members of their family shall be insured against third party risks.

CHAPTER V. FINAL PROVISIONS

*Article 49.* RATIFICATION, ENTRY INTO FORCE AND TERMINATION

1. This Convention shall be subject to ratification and shall enter into force 30 days after the date of the exchange of the instruments of ratification.
2. The instruments of ratification shall be exchanged at Sofia.
3. This Convention shall remain in force until six months have elapsed from the date on which one Contracting State gives notice in writing to the other Contracting State of its intention to terminate the Convention.

DONE at Beijing on 6 May 1987, in duplicate, in the Bulgarian and Chinese languages, both texts being equally authentic.

For the People's Republic  
of China:

[WU XUEQIAN]

For the People's Republic  
of Bulgaria:

[PETR MLADENOV]