

No. 6845

**ROMANIA
and
YUGOSLAVIA**

Consular Convention. Signed at Bucharest, on 8 November 1962

Official texts: Romanian and Serbo-Croat.

Registered by Romania on 1 August 1963.

**ROUMANIE
et
YOUUGOSLAVIE**

Convention consulaire. Signée à Bucarest, le 8 novembre 1962

Textes officiels roumain et serbo-croate.

Enregistrée par la Roumanie le 1^{er} août 1963.

[TRANSLATION — TRADUCTION]

No. 6845. CONSULAR CONVENTION¹ BETWEEN THE ROMANIAN PEOPLE'S REPUBLIC AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA. SIGNED AT BUCHAREST, ON 8 NOVEMBER 1962

The Government of the Romanian People's Republic and the Government of the Federal People's Republic of Yugoslavia,

Desiring to regulate and develop consular relations between the two States in a spirit of mutual friendship and co-operation, have decided to conclude a consular convention, for which purpose they have appointed as their plenipotentiaries :

The Government of the Romanian People's Republic :

Gheorghe Pele, Deputy Minister for Foreign Affairs;

The Government of the Federal People's Republic of Yugoslavia :

Arso Milatović, Ambassador Extraordinary and Plenipotentiary of the Federal People's Republic of Yugoslavia in the Romanian People's Republic,

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

PART I

DEFINITIONS

Article 1

For the purposes of this Convention :

1. The term " consulate " means a consulate-general, consulate, vice-consulate or consular agency.

2. The term " consul " means a consul-general, consul, vice-consul or consular agent who is in charge of a consulate.

3. The term " consular officers " means persons who have consular rank but are not in charge of a consulate and persons who perform consular functions at a consulate.

¹ Came into force on 18 July 1963, thirty days after the date of the exchange of the instruments of ratification, which took place at Belgrade on 18 June 1963, in accordance with article 27.

4. The term “ consular employees ” means persons who perform technical or administrative functions at a consulate and service staff of a consulate.

5. The term “ consular staff ” means consuls, consular officers and consular employees.

6. The term “ national ” refers to both individuals and bodies corporate.

PART II

ESTABLISHMENT OF CONSULATES AND ENTRY UPON DUTIES OF CONSULS

Article 2

1. Each Contracting Party shall be entitled to establish consulates in the territory of the other Contracting Party in accordance with this Convention.

2. The establishment of consulates, their seats and the consular districts, shall be agreed between the Contracting Parties in each individual case.

Article 3

1. Consulates may be staffed with the necessary number of persons. Personal particulars of such staff and their functions shall be communicated to the authorities of the receiving State.

2. Consuls and consular officers must be nationals of the sending State.

They shall not be entitled to engage in commerce or carry on any occupation in the territory of the receiving State.

3. The Contracting Parties shall not appoint or accept honorary consuls.

Article 4

Before appointing a consul, the sending State shall obtain, through the diplomatic channel, the consent of the other State to such appointment.

Article 5

1. Consuls may enter upon their duties after they have presented the consular commission to the receiving State and the latter has issued an exequatur.

The consular commission shall show the given name and surname of the consul, his consular rank, his place of residence and his consular district.

2. The receiving State may grant the consul provisional permission to perform his official duties pending receipt of the *exequatur*.

3. After the *exequatur* has been issued, or the permission referred to in paragraph 2 has been granted, the authorities of the receiving State shall make all necessary arrangements to enable the consul to perform his official duties and enjoy the immunities and privileges to which he is entitled.

Article 6

1. The function of a consul shall be terminated by his recall, the withdrawal of his *exequatur* or his death.

2. In the event of the consul's recall, the withdrawal of his *exequatur*, or his absence, illness or death, or for other reasons, the sending State may authorize a consular officer of the consulate concerned or of another consulate, or an officer of its diplomatic mission, to take temporary charge of the consulate. The officer's name shall be communicated beforehand to the Ministry of Foreign Affairs of the receiving State.

3. A person placed in temporary charge of a consulate shall enjoy the rights, privileges and immunities to which consuls are entitled.

PART III

RIGHTS, PRIVILEGES AND IMMUNITIES

Article 7

Consuls shall be entitled to affix a shield bearing the coat-of-arms of the sending State and a sign with the designation of the consulate to the buildings in which the consular offices are housed.

They shall be entitled to fly the flag of their State from such buildings and on vehicles used by them for official purposes.

Article 8

1. The offices of a consulate shall be inviolable. The authorities of the receiving State may not take any action in the offices of a consulate without the consul's consent. Similarly, no action may be taken in the living quarters of consuls without the consul's consent, save in application of the provisions of article 9, paragraph 2, of this Convention. If any action is taken in the living

quarters of a consul, the principle of the inviolability of the consular archives and correspondence must be observed in accordance with paragraphs 2 and 3 of this article.

2. Consular archives shall be inviolable. Private documents and possessions may not be kept in consular archives.

3. The official correspondence of consulates shall be inviolable and may not be withheld.

4. In their communications with the authorities of the sending State, consuls shall be entitled to use codes and the services of diplomatic couriers.

Article 9

1. Consuls, consular officers and consular employees who are nationals of the sending State shall not be subject to the jurisdiction of the receiving State in respect of the performance of their official duties.

2. In respect of other actions, consuls and consular officers may not be arrested, detained or subjected to any other measure involving deprivation of liberty, save in execution of a final court decision or in the case of criminal offences punishable under the law of the receiving State by deprivation of liberty for not less than five years.

3. If one of the persons referred to in paragraph 2 of this article is charged with a criminal offence, arrested or detained, the authorities of the receiving State shall so notify the diplomatic mission of the sending State forthwith.

Article 10

1. Consuls, consular officers and consular employees may be summoned by the authorities of the receiving State to appear as witnesses. They may refuse to give evidence concerning any matter connected with their official duties or to produce documents relating to those duties.

2. Summonses served on consuls, consular officers and consular employees who are nationals of the sending State shall be in writing and shall not provide for coercive measures in the event of failure to appear, nor may the competent authorities impose penalties on such persons.

3. The authorities issuing summonses shall take the necessary steps to ensure that the hearings do not obstruct the persons referred to in paragraph 2 of this article in the performance of their official duties.