



European Treaty Series - No. 61

EUROPEAN CONVENTION ON CONSULAR FUNCTIONS

Paris, 11.XII.1967

Preamble

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve greater unity between its members, in order to protect and promote the ideals and principles that are their common heritage and to facilitate their economic and social progress, and that this aim can in particular be attained by the conclusion of international conventions;

Taking note of the fact that consular relations, privileges and immunities are dealt with in the Vienna Convention on Consular Relations signed on 24th April 1963, and in other conventions;

Being convinced that the conclusion of a European Convention on Consular Functions will further the process of European unification and co-operation;

Affirming that the questions not regulated by the present Convention continue to be governed by customary international law;

Whereas it has been found possible to establish special rules in this field, concerning the consular officers of the Contracting Parties, solely by virtue of the close co-operation between them,

Have agreed as follows:

Chapter I – Definitions**Article 1**

For the purposes of the present Convention,

- a “consular officer” means any person entrusted by the sending State with, and admitted by the receiving State to, the exercise of consular functions;
- b “sending State” means the Contracting Party by whom a consular officer is appointed;
- c “receiving State” means a Contracting Party within whose territory a consular officer performs his functions;
- d “national” means, in relation to the sending State, any person who is regarded as a national by the law of that State, including, where the context so permits, any legal person;
- e “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- f “consular district” means the area assigned to a consular post for the exercise of consular functions;
- g “vessel of the sending State” means any seagoing vessel, other than a warship, which possesses the nationality of the sending State under the law of that State.

Chapter II – General consular functions**Article 2**

- 1 A consular officer shall be entitled to protect the nationals of the sending State and to defend their rights and interests.
- 2 He shall likewise be entitled to further the interests of the sending State, including its interests in relation to commercial, economic, social, professional, touristic, artistic, scientific, educational and maritime matters and civil aviation, and to promote and develop co-operation between the sending and the receiving States in these and other fields.
- 3 Upon notification to the receiving State, any Contracting Party is entitled to entrust the protection of its nationals and the defence of their rights and interests to consular officers of another Contracting Party.

Article 3

- 1 In the exercise of his consular functions, a consular officer shall be entitled to apply:
 - a to the competent authorities, administrative and judicial, of his district;
 - b in matters relevant to his district, to the competent central authorities, administrative and judicial, of the receiving State to the extent that this is permitted by the practice of that State.
- 2 In the case of any written communication to these authorities, the authority concerned may require that a translation should be made into one of the official languages of the receiving State.

Article 4

With a view to the protection of the rights and interests of the nationals of the sending State, a consular officer shall be entitled:

- a subject to the provisions of Article 6 to have access to, communicate with, interview and advise, any such national;
- b to seek information on any incident affecting the interests of any such national;
- c to assist any such national in his relations with the administrative authorities referred to in Article 3;
- d to assist him, provided that there is nothing contrary thereto in the law of the receiving State, in proceedings before the judicial authorities referred to in Article 3;

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- e to arrange legal representation for him if necessary;
 - f to suggest an interpreter to assist any such national before the authorities referred to in Article 3, or, with the consent of the said authorities, act as interpreter on behalf of any such national.

Article 5

A national of the sending State shall at all times be entitled to communicate with the appropriate consular officer subject to the provisions of Article 6, and, unless he is under arrest or detention, to have access to him at his consular post.

Article 6

- 1 A consular officer shall be informed without delay by the competent authorities of the receiving State when, within his district, any national of the sending State is subjected by the said authorities to any measure depriving him of his liberty.
- 2 All communications between a consular officer and a national of the sending State who is arrested or detained otherwise than in pursuance of a final judgment of a court or of a final administrative decision, shall be forwarded without delay by the competent authorities. A consular officer shall be entitled to visit him and to interview him. The rights referred to in the present paragraph shall be exercised in conformity with the law of the receiving State, provided, however, that the said law enables full effect to be given to the purposes for which the rights accorded under this paragraph are intended.
- 3 All communications between a consular officer and a national of the sending State who is detained in an institution within his district in pursuance of a final judgment of a court or of a final administrative decision, shall be forwarded without delay having regard to the regulations of that institution. Subject to that limitation, a consular officer shall have the right, after having informed the competent authority, to visit such national and to interview him, including interviews in private.

Article 7

A consular officer shall be entitled to:

- a register nationals of the sending State;
- b issue and renew to nationals of the sending State and to any other persons entitled to receive them:
 - i identity documents;
 - ii passports or other travel documents;
- c grant and renew visas for entry into the sending State.

Article 8

A consular officer shall be entitled to:

- a carry out all formalities connected with compulsory national service including the military obligations of nationals of the sending State, issue notices for their attention, and send them individual calling-up papers or any other papers relating to such obligations;

- b send individual notifications to nationals of the sending State in connection with referendums and elections, national and local, and to receive ballot papers of his nationals qualified to participate in the said referendums and elections.

Article 9

A consular officer shall be entitled in civil and commercial matters to serve judicial documents, transmit extra-judicial documents or take evidence on behalf of the courts of the sending State, in accordance with international agreements in force or, in the absence of such agreements, if no objection is raised by the receiving State.

Article 10

A consular officer may issue certificates of origin or of immediate source of goods and other similar documents.

Article 11

A consular officer may receive for safe custody such sums of money, documents and objects of all kinds as may be delivered to him by, or on behalf of, nationals of the sending State.

Article 12

- 1 A consular officer shall be entitled to receive such declarations as may be required by the law of the sending State, particularly as regards nationality.
- 2 He shall likewise be entitled, to the extent that there is nothing contrary thereto in the law of the receiving State, to legalise or certify signatures, authenticate or certify documents, and translate these documents in particular for the purpose of their production before an authority in the receiving State.

Article 13

- 1 A consular officer shall be entitled to:
 - a draw up or record documents on the birth or death of nationals of the sending State or any other documents concerning the civil status of such nationals;
 - b celebrate a marriage, provided that at least one of the parties is a national of the sending State, that neither of them is a national of the receiving State and that there is nothing in the law of the receiving State which would prevent the celebration of the marriage by the consular officer.

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- 2 The issue of the documents referred to in paragraph 1.a shall not involve exemption from any obligation imposed by the law of the receiving State.

Article 14

- 1 Provided that there is nothing contrary thereto in the law of the receiving State and without prejudice to any action which the competent authorities of that State may take to this effect, a consular officer shall be entitled to safeguard the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly to arrange for matters of guardianship and trusteeship.
- 2 When such guardianship or trusteeship is to be arranged by the authorities of the receiving State, a consular officer shall be entitled to:
 - a propose to those authorities a person suitable to be appointed guardian or trustee;
 - b concern himself with the interests of such minors and other persons lacking full capacity.
- 3 If it should come to the knowledge of the competent local authorities of the receiving State that a national of the sending State, in respect of whom guardianship or trusteeship is to be arranged, is in the receiving State, they shall inform the appropriate consular officer accordingly. The consular officer shall similarly inform the said authorities if such information should reach him through any other channel.

Article 15

- 1 A consular officer shall be entitled to draw up or receive in notarial form or in such similar form as may be laid down by the law of the sending State:
 - a acts and contracts concerning exclusively nationals of the sending State;
 - b contracts of marriage provided that at least one of the parties is a national of the sending State;
 - c acts and contracts notwithstanding that none of the parties concerned is a national of the sending State, provided that such acts and contracts relate to property situated within that State or are intended to have effect within that State.
- 2 The acts and contracts referred to in the preceding paragraph shall have judicial effect in the receiving State only to the extent that there is nothing contrary thereto under the law of that State.
- 3 When the law of the sending State requires the administration of an oath or affirmation, a consular officer shall be entitled to administer such oath or affirmation.

Article 16

- 1 A consular officer may advise nationals of the sending State in regard to their rights and duties under the law of the receiving State relating to social security and social and medical assistance, and assist them in this connection.
- 2 He may, in particular, when the beneficiary is not duly represented in the receiving State receive, in accordance with the law of that State, payment of pensions or allowances due to nationals of the sending State, and pass them on to the entitled persons, in conformity with the law of the sending State and with international agreements in force, especially in the field of social security.

Chapter III – Estates**Article 17**

- 1 The competent authorities of the receiving State shall inform the appropriate consular officer as soon as they have knowledge:
 - a of the death within his district of any national of the sending State;
 - b of the existence in the district of an estate with regard to which the consular officer may have a right to represent interests under the provisions of this chapter.
- 2 The consular officer, if he is the first to have knowledge of such a death or the existence of such an estate shall similarly inform the competent authorities of the receiving State and, should the eventuality arise, other consular officers concerned.

Article 18

If a national of the sending State dies in the receiving State without being either domiciled or ordinarily resident there, the consular officer within whose district such national has died shall be permitted, for the purpose of safeguarding the money and effects in the personal possession of the deceased, to take immediate custody thereof, subject to the right of the administrative or judicial authorities of the receiving State to take custody of such money and effects in any case where the interests of justice so require. The preservation or disposal of such money or effects shall be subject to the law of the receiving State.

Article 19

If, in the receiving State, it is permitted to receive and distribute an estate of small value without first obtaining a grant of representation, a consular officer shall be entitled to receive and distribute such an estate of a national of the sending State.

Article 20

- 1 In any case where a deceased person leaves property in the receiving State and a national of the sending State who is not resident in the receiving State and is not legally represented there has or may have an interest in such property, the consular officer in whose district the estate is being administered or otherwise dealt with in conformity with the law of the receiving State, or, failing this, in whose district the property is situated, shall have the right to represent such national as regards his interests in the estate or property as if power of attorney had been conferred by him upon the consular officer.

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- 2 The provisions of the foregoing paragraph shall, provided that this is consistent with the law of the receiving State, also apply when a national of the sending State who is resident in the receiving State is incapable of exercising his rights.
 - 3 The presumed power of attorney of the consular officer shall cease to be operative as from the date when the consular officer is informed that such national is defending his interests in the receiving State either in person or through a duly appointed representative.
 - 4 If, however, a grant has been made to the consular officer in accordance with Article 23, the presumed power of attorney shall cease to be operative as from the date when at the request of the national or his representative, or otherwise, the grant is terminated.

Article 21

- 1 When a consular officer exercises the right of representation provided for by Article 20, he may intervene with a view to the protection and preservation of the interests of the person whom he is entitled to represent, subject to the provisions of paragraph 1 of Article 23. He may, for example, request the administrative or judicial authorities of the receiving State to place the property under seal and subsequently to remove the seals and make the inventory.
- 2 Where Article 20 does not apply, the consular officer of the State of which the deceased was a national may, provided that this is consistent with the law of the receiving State, intervene, to the same extent and subject to the provisions in paragraph 1 of Article 23, with a view to the protection and preservation of the property. He may likewise intervene when the executors are not present or represented.

Article 22

When a consular officer exercises the right of representation provided for by Article 20, he may, subject to the provisions of paragraph 2 of Article 23, and provided that this is consistent with the law of the receiving State, also take into his control and administer the estate to the same extent as if a power of attorney had been conferred upon him by the national, unless another person, having equal or greater rights, has already taken the necessary steps for this purpose.

Article 23

- 1 If, under the law of the receiving State, a grant of representation or order of a court is necessary to enable the consular officer to protect and preserve the estate, any grant or order which would have been made in favour of the duly appointed attorney of the person whose interests are represented by the consular officer shall be made in favour of the consular officer on his application. On *prima facie* evidence of the necessity for the immediate protection and preservation of the estate and of the existence of persons with an interest therein which the consular officer has a right to represent, the court may make a grant or order to the consular officer provisionally, limited to the protection and preservation of the estate until such time as a further grant or order is made.
- 2 If, under the law of the receiving State, a grant of representation is necessary to enable the consular officer to take control of and to administer the estate, the consular officer shall be entitled to request and obtain a grant of representation in the same way as the duly appointed attorney of the person whose interests he represents.
- 3 The court may postpone the making of a grant to a consular officer for such time as it deems necessary to enable the person represented by the consular officer to be informed and to decide whether he desires to be represented otherwise than by the consular officer.

Article 24

- 1 Where a consular officer has a grant under paragraph 2 of Article 23, he shall, if the court so requests, furnish reasonable evidence of the receipt of the assets by those entitled to them or repay or return those assets to the appropriate authority or person in the event of his being unable to furnish such evidence. He shall likewise, after having administered the estate, transfer the assets to the persons entitled to them through any channels which, if the eventuality arises, the court may direct.
- 2 Where a consular officer may take into his control and administer an estate without a grant or order of a court, he shall, as regards transfer of the assets to the beneficiaries, be bound by the law of the receiving State.

Article 25

When a consular officer exercises with regard to an estate the rights referred to in Articles 18 to 24, he shall, to that extent and in his consular capacity, be subject to the jurisdiction of the courts of the receiving State.

Article 26

A consular officer may receive from a competent authority or person, for transmission to a national of the sending State who is not resident in the receiving State, money or other property to which such national is entitled as a consequence of the death of any person. Such money or other property may include, but is not limited to, shares in an estate, payments made pursuant to social legislation or other relevant laws, and the proceeds of life assurance policies. With regard to furnishing reasonable evidence of the receipt of the money or other property by the national to whom it is to be transmitted, and with regard to returning the money or other property in the event of the consular officer being unable to furnish such evidence, the latter shall comply with any conditions laid down by the competent authority or person referred to above.

Article 27

Money or other property may be paid, delivered or transferred to a consular officer, only to the extent that, and subject to the conditions under which, payment, delivery, or transfer to the person whom the consular officer represents or on whose behalf he receives the money or other property, would be permitted under the law of the receiving State. The consular officer shall acquire no greater rights in respect of such money or other property than the person whom he represents or on whose behalf he receives the money or other property would have acquired, if the money or other property had been paid, delivered or transferred to such person directly.

Chapter IV – Shipping**Article 28**

When a vessel of the sending State is in a port of the receiving State or in the territorial or internal waters of that State, a consular officer shall be entitled to afford all appropriate assistance to the vessel.

Article 29

A consular officer may invoke the assistance of the authorities of the receiving State in any matter pertaining to the performance of the functions described in this chapter, and the said authorities shall give such assistance unless they have serious reasons to put forward for refusing it in a particular case.

Article 30

- 1 When a vessel of the sending State is in a port of the receiving State or anchors in the territorial or internal waters of that State, the appropriate consular officer may, as soon as she has received pratique, go on board this vessel himself or send his representative.
- 2 The master and members of the crew shall be permitted to communicate with the consular officer. They may proceed to the consular post provided that sufficient time is available before the departure of the vessel. If, however, the authorities of the receiving State consider that sufficient time is not available, they shall immediately so inform the appropriate consular officer.

Article 31

A consular officer shall be entitled to:

- a question the master and members of the crew of a vessel of the sending State;
- b examine and countersign the vessel's papers;
- c in cases where this is required by the maritime laws of the sending State, take statements and execute maritime declarations with regard to all events relating to the master, members of the crew and other persons on board, the vessel, its voyage, destination and cargo;
- d generally facilitate the vessel's entry into, stay in, and departure from, a port, or territorial or internal waters;
- e deliver on behalf of the sending State any documents necessary to enable the vessel to sail;
- f issue and renew special documents relating to seamen in conformity with the law of the sending State;
- g arrange for the engagement, embarkation, discharge and disembarkation of the master and members of the crew;
- h receive, draw up or execute any declaration or other document prescribed by the maritime laws of the sending State concerning, *inter alia*:
 - i the entry in, or removal from, the register of the sending State of any vessel;

- ii the transfer from one owner to another of any vessel inscribed on that register;
 - iii the registration of any mortgage or charge of such a vessel;
 - iv the fitting-out or laying-up of such a vessel;
 - v the loss of such a vessel, or average in relation to such a vessel;
- i take any other measures for the enforcement on board the vessel of the maritime laws of the sending State.

Article 32

A consular officer or his representative shall be entitled to aid the master and members of the crew in their dealings with the administrative or judicial authorities of the receiving State.

Article 33

Subject to the provisions of Articles 35 and 36, a consular officer shall be entitled to:

- a take measures for the preservation of good order and discipline on board vessels of the sending State;
- b settle disputes between the master and members of the crew, including disputes as to wages and contracts of service.

Article 34

- 1 A consular officer may make arrangements for medical assistance, including treatment in hospital, for the master and members of the crew of a vessel of the sending State, even after discharge.
- 2 He may likewise make arrangements for the repatriation of any such person.

Article 35

- 1 Except at the request or with the consent of the consular officer, the administrative authorities of the receiving State shall not concern themselves with any matter relating to the internal management of the vessel.
- 2 The administrative or judicial authorities of the receiving State shall not interfere with the detention of a seaman in custody on the vessel for a disciplinary offence, provided that such detention is lawful under the law of the sending State and is not accompanied by unjustifiable severity or inhumanity, and provided that there is no reasonable cause for believing that the life or liberty of the seaman will be endangered, for reasons of race, nationality, political opinion, or religion, in any country to which the vessel is likely to sail.
- 3 With regard to disputes between the master and members of the crew as to wages and contracts of service, the judicial authorities of the receiving State shall not exercise such jurisdiction as they possess under the law of that State unless the consular officer has been notified and has raised no objection.

Article 36

- 1 Unless paragraphs 2 and 3 of the present article provide otherwise, the judicial and administrative authorities of the receiving State shall not entertain prosecutions or intervene, as the case may be, in relation to offences committed or matters occurring on board the vessel, except at the request or with the consent of the consular officer or other duly authorised person.
- 2 Irrespective of the consent of the consular officer or other duly authorised person, the judicial authorities of the receiving State may entertain prosecutions in respect of offences committed on board the vessel, when these offences:
 - a have been committed by or against any person other than the master or member of the crew or by or against a national of the receiving State;
 - b involve the tranquillity or safety of a port of the receiving State or the safety of the territorial or internal waters of such State;
 - c are offences against the law of the receiving State regarding public safety, public health, the safeguarding of life at sea, immigration, customs or oil pollution;
 - d are grave offences.
- 3 The administrative authorities of the receiving State may likewise, intervene, irrespective of the consent of the consular officer or other duly authorised person, in relation to matters occurring on board the vessel:
 - a where a person has been charged with having committed on board an offence in respect of which the judicial authorities of the receiving State may, in conformity with the foregoing paragraph, entertain a prosecution, or where there is reasonable cause for believing that such offence is about to be or is being or has been committed, on board;
 - b where they are entitled to intervene in conformity with paragraph 2 of Article 35;
 - c where a person is detained on board against his will, with the exception of a member of the crew detained for a disciplinary offence;
 - d for the purpose of taking any action or making any examination which they consider necessary in regard to any of the matters specified in sub-paragraphs b and c of the foregoing paragraph.
- 4 For the purposes of this article, the term “grave offence” shall mean any offence which under the law of the receiving State is punishable with a maximum sentence of at least five years deprivation of liberty, or in the case of States which make a notification to this effect, three years or four years deprivation of liberty as the case may be.

Article 37

- 1 Unless it is impossible by reason of the urgency of the matter, the consular officer shall be given prior notice in sufficient time to enable him to be present whenever the authorities of the receiving State proceed on board the vessel to act in pursuance of Article 36.
- 2 In all cases where the authorities of the receiving State take action under Article 36, they shall provide the consular officer with full information about what has taken place.

- 3 The provisions of this article shall not apply to routine examination concerning customs, public health, the policing of ports, dangerous goods and immigration control.

Article 38

- 1 If a member of the crew of a vessel fails to report for duties on board a vessel of the sending State, the administrative and judicial authorities of the receiving State shall, at the request of the consular officer, accord every possible assistance in finding the said member of the crew.
- 2 On proof of desertion, the authorities of the receiving State shall, subject to the provisions of Article 29, detain the deserter and convey him on board the vessel, or deliver him to the master or such other person as may be competent under the law of the receiving State.
- 3 The authorities of the receiving State shall not, however, be bound by the provisions of the preceding paragraph:
- a if the deserter is a national of the receiving State;
 - b if there is reasonable cause for believing that his life or liberty will be endangered for reason of race, nationality, political opinion or religion in any country to which the vessel is likely to sail.
- 4 If a member of the crew of a vessel misses that vessel and wishes to rejoin her at another port or to join another vessel or otherwise to leave the receiving State forthwith, the authorities of that State, at the request of the consular officer shall, subject to the provisions of Article 29, and where appropriate, accord facilities and assistance for these purposes and refrain from any action which would impede their fulfilment.

Article 39

- 1 The authorities of the receiving State shall inform the appropriate consular officer as soon as it comes to their knowledge that:
- a a vessel of the sending State has been wrecked or stranded in the territorial or internal waters of the receiving State, or in the vicinity of those waters;
 - b parts of a vessel of the sending State or of her cargo, have come to shore in the receiving State.
- 2 The authorities of the receiving State shall take all necessary measures to maintain order, to ensure the protection of the vessel and of persons and property in the cases mentioned in the preceding paragraph, and to prevent any damage that might be caused to other vessels or to harbour installations. The authorities shall also inform the appropriate consular officer as soon as possible of the measures taken and, where appropriate and practicable, shall associate him with these measures.

Article 40

- 1 If neither the master, the owner nor the insurers or their agents are in a position to make arrangements to this effect, the appropriate consular officer may, as a representative of the owner, make, in collaboration with the authorities and in accordance with the law of the receiving State, the same arrangements in respect of any vessel, part of a vessel or cargo to which paragraph 1 of Article 39 applies, as the owner could have made if he had been present.

- 2 Articles belonging to such a vessel or cargo shall not be liable to customs duties or import tax, unless they are brought ashore for use or consumption within the receiving State. The authorities of the receiving State may, however, if they think fit, require security for the protection of the revenue in relation to such articles temporarily based in the receiving State.

Article 41

- 1 If a master or member of a crew, not being a national of the State of the flag, has died at sea, or on land in any country whatsoever, the competent authorities of the State of the flag shall, without delay, send to the consular officer or to other competent authorities of the State of the deceased a copy of the accounts they have received relating to the effects, wages and other property of the deceased, as well as all information which may facilitate the search for persons entitled to make claims in order to succeed to his estate.
- 2 If the value of effects, wages and other property of the deceased master or seaman does not exceed 500 gold Swiss Francs or such higher sum as may be notified subsequently by the State of the flag, the competent authorities of such State, if they are satisfied that a person resident in the State of the deceased is entitled to succeed to the estate of the deceased, shall transfer, without delay, the effects, wages and other property of the deceased master or seaman in their custody to the consular officer or to other competent authorities of the State of the deceased. The authorities of the State of the flag shall, however, be entitled, before making such transfer, to deduct from the said estate any sums necessary to meet debts to persons not resident in the State of the deceased if they are satisfied that such debts are legally valid.

Chapter V – General provisions

Article 42

In the exercise of his functions, a consular officer may levy the fees and charges provided for by the sending State. Such fees and charges shall be freely convertible into the currency of, and transferable to, the sending State.

Article 43

The provisions of the present Convention shall not affect other international agreements in force as between States parties to them.

Article 44

- 1 A consular officer shall be entitled, in addition to the consular functions for which provision is made in the present Convention, to exercise any other consular functions entrusted to him by the sending State which are not prohibited by the law of the receiving State or to which no objection is taken by that State.
- 2 In any case where the present Convention provides for the exercise by a consular officer of a particular function, it shall be for the sending State to determine whether and to what extent the consular officer shall exercise such function.
- 3 No Contracting Party may claim under the present Convention the right for its consular officers to exercise in the territory of another Contracting Party any function which it does not permit the consular officers of that Party to exercise.

Article 45

In any case where the application of the present Convention may be of concern to the consular officers of two or more Contracting Parties, it is for the said officers to establish the necessary contacts to ensure effective co-operation not only among themselves but also between themselves and the administrative or judicial authorities of the receiving State.

Article 46

- 1 A consular officer of the State where a stateless person has his habitual residence, may protect such a person as if Article 2, paragraph 1, of the present Convention applied, provided that the person concerned is not a former national of the receiving State.
- 2 For the purposes of this article, the term “stateless person” means any person to whom the Convention relating to the status of stateless persons opened for signature at New York on 28th September 1954 applies.

Article 47

The receiving State shall not be obliged to recognise a consular officer as entitled to exercise consular functions on behalf of, or otherwise to act on behalf of or concern himself with, a national of the sending State who has become a political refugee whether for reasons of race, nationality, political opinion or religion.

Article 48

Nothing in the present Convention shall prejudice the special status and international protection accorded to refugees by the Parties to the Convention in conformity with international instruments, present or future.

Chapter VI – Final provisions**Article 49**

The annexes to the present Convention shall form an integral part thereof.

Article 50

- 1 The present Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.
- 2 The present Convention shall enter into force three months after the date of the deposit of the fifth instrument of ratification or acceptance.
- 3 In respect of a signatory State ratifying or accepting subsequently, the present Convention shall come into force three months after the date of the deposit of its instrument of ratification or acceptance.

Article 51

- 1 After the entry into force of the present Convention, the Committee of Ministers of the Council of Europe may decide by a unanimous vote to invite any non-member European State to accede thereto.

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- 2 Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

Article 52

- 1 Any Contracting Party may at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which the present Convention shall apply.
- 2 Any Contracting Party may, when depositing its instrument of ratification, acceptance or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the present Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory specified in such declaration, be withdrawn according to the procedure laid down in Article 55 of the present Convention.

Article 53

- 1 Any Contracting Party may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, declare that it avails itself of one or more of the reservations provided for in Annex I to the present Convention.
- 2 Any Contracting Party may wholly or partly withdraw a reservation it has made in accordance with the foregoing paragraph by means of a declaration addressed to the Secretary General of the Council of Europe which shall become effective as from the date of its receipt.
- 3 A Contracting Party which has made a reservation in respect of any provision of the present Convention may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision in as far as it has itself accepted it.

Article 54

Any Contracting Party may declare, by a notification to the Secretary General of the Council of Europe, that it has agreed with one or more other Contracting Parties to expand the scope of certain provisions of the present Convention in respect of their mutual relations. Such notification shall be accompanied by the text of the agreement in question.

Article 55

- 1 The present Convention shall remain in force indefinitely.
- 2 Any Contracting Party may, in so far as it is concerned, denounce the present Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- 3 This denunciation shall take effect six months after the date of receipt by the Secretary General of the notification.

Article 56

- 1 The parties to any dispute which may arise concerning the application or interpretation of the provisions of this Convention or its Protocols shall first of all seek to resolve it by means of negotiation, conciliation, arbitration or by any other methods of peaceful settlement accepted by mutual agreement between them.

The Committee of Ministers of the Council of Europe may establish procedures of settlement to be available for use by the parties in dispute if they should so agree.

- 2 If the parties do not succeed in settling the dispute by one of the methods indicated in the foregoing paragraph, it shall be submitted to the International Court of Justice at the request of one of the parties.

Article 57

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to the present Convention of:

- a any signature;
- b any deposit of an instrument of ratification, acceptance or accession;
- c any date of entry into force of the present Convention in accordance with Articles 50 and 51;
- d any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 52;
- e any reservation made in pursuance of the provisions of paragraph 1 of Article 53;
- f the withdrawal of any reservations carried out in pursuance of the provisions of paragraph 2 of Article 53;
- g any notification received in pursuance of the provisions of paragraph 4 of Article 36, paragraph 2 of Article 41, or Article 54;
- h any notification received in pursuance of the provisions of Article 55 and the date on which denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at Paris, this 11th day of December 1967, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.

ANNEX I

Any Contracting Party may declare that it reserves the right:

- 1 not to admit the obligation to inform the consular officers mentioned in Article 6, paragraph 1, if the person concerned, after having been informed without delay of his rights, does not so request and not to permit the exercise of the right of visit provided for by paragraphs 2 and 3 of Article 6, unless the person concerned has no objection;
- 2 to decide that the notices to be issued by consular officers for the attention of their nationals under Article 8, paragraph a, shall in no case be published in the local press;
- 3 not to permit consular officers to receive, in any form, ballot papers transmitted to them in accordance with Article 8, paragraph b, by their nationals desirous of participating in a referendum or election;
- 4 not to recognise as having effect within the territory documents concerning civil status drawn up by a consular officer in pursuance of Article 13, paragraph 1, sub-paragraph a.

ANNEX II

The Contracting Parties recognise that Austria shall not be bound to apply to shipping within its territory the provisions of Chapter IV of the present Convention relating to shipping.

**PROTOCOL
TO THE EUROPEAN CONVENTION
ON CONSULAR FUNCTIONS CONCERNING
THE PROTECTION OF REFUGEES**

Preamble

The member States of the Council of Europe, signatory hereto,

Having regard to the provisions of the European Convention on Consular Functions (hereinafter referred to as “the Convention”);

Desiring to ensure for refugees effective consular protection,

Have agreed as follows:

Article 1

The present Protocol shall apply to refugees in the sense of Article 48 of the Convention.

Article 2

- 1 The States signatory to the present Protocol recognise the right of a Contracting Party to decline to admit a consular officer as being entitled to act on behalf of, or otherwise concern himself with, a national of his State who is a refugee.
- 2 The consular officer of the State where the refugee has his habitual residence shall be entitled to protect such a refugee and to defend his rights and interests in conformity with the Convention, in consultation, whenever possible, with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it.

Article 3

- 1 The present Protocol shall be open to signature by the member States of the Council of Europe which have signed the Convention. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.
- 2 The present Protocol shall enter into force three months after the date of the deposit of the fifth instrument of ratification or acceptance.
- 3 In respect of a signatory State ratifying or accepting subsequently, the present Protocol shall come into force three months after the date of the deposit of its instrument of ratification or acceptance.
- 4 No member State of the Council of Europe may ratify or accept the present Protocol unless it has, simultaneously or previously, ratified or accepted the Convention.

Article 4

- 1 Any State which has acceded to the Convention may accede to the present Protocol after the latter's entry into force.

- 2 Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

Article 5

- 1 Any Contracting Party, may at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which the present Protocol shall apply.
- 2 Any Contracting Party may, when depositing its instrument of ratification, acceptance or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the present Protocol to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory specified in such declaration, be withdrawn according to the procedure laid down in Article 7 of the present Protocol.

Article 6

No reservation may be made in respect of the present Protocol. However, reservations made to the Convention in pursuance of Article 53 thereof shall also apply to the Protocol.

Article 7

- 1 The present Protocol shall have the same duration as the Convention.
- 2 Any Contracting Party may, in so far as it is concerned, denounce the present Protocol by means of a notification addressed to the Secretary General of the Council of Europe.
- 3 Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.
- 4 Denunciation of the Convention entails automatically denunciation of the present Protocol.

Article 8

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to the present Protocol of:

- a any signature;
- b any deposit of an instrument of ratification, acceptance or accession;
- c any date of entry into force of the present Protocol in accordance with Articles 3 and 4;
- d any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 5;

- e any notification received in pursuance of the provisions of Article 7 and the date on which denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Protocol.

Done at Paris, this 11th day of December 1967, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.

**PROTOCOL
TO THE EUROPEAN CONVENTION
ON CONSULAR FUNCTIONS
RELATING TO CONSULAR FUNCTIONS
IN RESPECT OF CIVIL AIRCRAFT**

Preamble

The member States of the Council of Europe, signatories hereto,

Considering the provisions of the European Convention on Consular Functions (called hereafter “the Convention”) and in particular Article 2 thereof;

Desiring to make certain provisions of the Convention apply also to civil aircraft,

Have agreed as follows:

Article 1

The provisions of Articles 28 to 41 of the Convention shall also apply in relation to civil aircraft to the extent that they are capable of such application.

Article 2

- 1 The present Protocol shall be open to signature by the member States of the Council of Europe which have signed the Convention. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.
- 2 The present Protocol shall enter into force three months after the date of the deposit of the fifth instrument of ratification or acceptance.
- 3 In respect of a signatory State ratifying or accepting subsequently, the present Protocol shall come into force three months after the date of deposit of its instrument of ratification or acceptance.
- 4 No member State of the Council of Europe may ratify or accept the present Protocol unless it has, simultaneously or previously, ratified or accepted the Convention.

Article 3

- 1 Any State which has acceded to the Convention may accede to the present Protocol after the latter's entry into force.
- 2 Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

Article 4

- 1 Any Contracting Party may at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which the present Protocol shall apply.

- 2 Any Contracting Party may, when depositing its instrument of ratification, acceptance or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the present Protocol to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory specified in such declaration, be withdrawn according to the procedure laid down in Article 6 of the present Protocol.

Article 5

No reservation may be made in respect of the present Protocol. However, reservations made to the Convention in pursuance of Article 53 thereof shall also apply to the Protocol.

Article 6

- 1 The present Protocol shall have the same duration as the Convention.
- 2 Any Contracting Party may, in so far as it is concerned, denounce the present Protocol by means of a notification addressed to the Secretary General of the Council of Europe.
- 3 Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.
- 4 Denunciation of the Convention entails automatically denunciation of the present Protocol.

Article 7

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to the present Protocol of:

- a any signature;
- b any deposit of an instrument of ratification, acceptance or accession;
- c any date of entry into force of the present Protocol in accordance with Articles 2 and 3;
- d any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 4;
- e any notification received in pursuance of the provisions of Article 6 and the date on which denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Protocol.

Done at Paris, this 11th day of December 1967, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.