

No. 12742

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**ROMANIA**  
**and**  
**DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**  
**Consular Convention. Signed at P'yongyang on 2 November**  
**1971**

*Authentic texts : Romanian, Korean and Russian.*  
*Registered by Romania on 4 September 1973.*

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**ROUMANIE**  
**et**  
**RÉPUBLIQUE POPULAIRE DÉMOCRATIQUE**  
**DE CORÉE**  
**Convention consulaire. Signée à Pyongyang le 2 novembre**  
**1971**

*Textes authentiques : roumain, coréen et russe.*  
*Enregistrée par la Roumanie le 4 septembre 1973.*

[TRANSLATION — TRADUCTION]

## CONSULAR CONVENTION<sup>1</sup> BETWEEN THE SOCIALIST REPUBLIC OF ROMANIA AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

The State Council of the Socialist Republic of Romania and the Presidium of the Supreme People's Assembly of the Democratic People's Republic of Korea,

Desiring further to develop friendly relations between the two States on the basis of the principles of respect for national independence and sovereignty, equality of rights, non-intervention in internal affairs and mutual benefit,

Wishing to regulate consular relations between the two States,

Have decided to conclude a Consular Convention and for that purpose have appointed as their plenipotentiaries :

The State Council of the Socialist Republic of Romania : Aurel Mălnășan, Ambassador Extraordinary and Plenipotentiary of the Socialist Republic of Romania to the Democratic People's Republic of Korea,

The Presidium of the Supreme People's Assembly of the Democratic People's Republic of Korea : Ri Man Săk, Deputy Minister for Foreign Affairs of the Democratic People's Republic of Korea,

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

### *Article 1. DEFINITIONS*

For the purposes of this Convention :

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

2. The term "head of consular post" means a consul-general, consul, vice-consul or consular agent appointed as head of a consular post;

3. The term "consular officer" means any person, including the head of a consular post, who is entrusted with the exercise of consular functions;

4. The term "consular employee" means any person who performs administrative or technical functions at a consular post;

5. The term "members of the family" means the spouse of a consular officer or consular employee and their minor children who reside with them.

<sup>1</sup> Came into force on 21 October 1972, i.e. the thirtieth day after the date of the exchange of instruments of ratification, which took place at Bucharest on 21 September 1972, in accordance with article 34.

## CHAPTER I. CONSULAR RELATIONS

### *Article 2. ESTABLISHMENT OF CONSULAR POSTS*

1. Each Contracting Party may, in accordance with this Convention, establish consular posts in the territory of the other Contracting Party, subject to the consent of the receiving State in each separate case.

2. The seat of the consular post, its classification and the consular district, and the size of the consular staff, shall be determined by agreement between the sending State and the receiving State in each separate case.

3. Changes in the seat of the consular post, its classification or the consular district may be made only by agreement between the sending State and the receiving State.

### *Article 3. CONSULAR COMMISSION AND EXEQUATUR*

1. Prior to the appointment of the head of a consular post, the sending State shall obtain the consent of the receiving State through the diplomatic channel.

2. The sending State shall transmit the consular commission through the diplomatic channel to the Ministry of Foreign Affairs of the receiving State.

The consular commission shall specify the full name and rank of the head of the consular post, the seat of the consular post and the consular district.

3. The head of a consular post shall be admitted to the exercise of his functions only after the receiving State has granted him an exequatur.

4. Pending-delivery of the exequatur, the receiving State may permit the head of a consular post to exercise his functions on a provisional basis. In that case, the provisions of this Convention shall apply.

### *Article 4. TEMPORARY EXERCISE OF FUNCTIONS*

1. If the head of a consular post is unable to carry out his functions or if the position is vacant, the functions of head of post may be temporarily exercised by a consular officer belonging to the same consular post, the head of another consular post of the sending State or a member of the diplomatic mission of the sending State in the receiving State.

The full name of the person appointed as acting head of post shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. The person appointed as acting head of post in accordance with paragraph 1 of this article shall enjoy the facilities, privileges and immunities accorded to the head of a consular post under this Convention.

### *Article 5. NATIONALITY OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES*

1. Consular officers shall have the nationality of the sending State only and shall not be permanently resident in the receiving State.

2. Consular employees shall have the nationality of the sending State or of the receiving State only.

### *Article 6. PROHIBITION OF CERTAIN ACTIVITIES*

Consular officers and consular employees may not engage in any commercial activity or other gainful occupation in the territory of the receiving State.

*Article 7.* TERMINATION OF THE FUNCTIONS OF CONSULAR OFFICERS AND  
CONSULAR EMPLOYEES

The functions of a consular officer or of a consular employee shall come to an end on his recall, on withdrawal of the *exequatur* or on notification by the receiving State to the sending State that the receiving State has ceased to consider him a member of the consular staff.

CHAPTER II. CONSULAR FUNCTIONS

*Article 8.* PURPOSE OF CONSULAR ACTIVITIES

Consular officers shall : protect in the receiving State the rights and interests of the sending State, of its nationals and of bodies corporate possessing the nationality of the sending State ; further the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State ; promote the development of friendly relations between the two States ; and help and assist nationals of the sending State.

*Article 9.* PERSONS EXERCISING CONSULAR FUNCTIONS

1. Consular functions shall be exercised by the consular officers of the sending State.
2. Consular functions may also be exercised, as necessary, by diplomatic agents of a diplomatic mission of the sending State in the receiving State. In that case, the diplomatic privileges and immunities shall remain in force.
3. Consular functions shall be exercised within the consular district ; consular functions may be exercised outside the consular district only with the prior consent of the receiving State.

*Article 10.* COMMUNICATION WITH THE AUTHORITIES OF THE RECEIVING STATE

1. In the exercise of their functions, consular officers may, in accordance with this Convention, apply directly to, and request the assistance of, the local authorities of their consular district.
2. Consular officers may apply directly to the Ministry of Foreign Affairs of the receiving State only in the absence of a diplomatic agent of the sending State.

*Article 11*

Consular officers shall be entitled :

1. To keep a register of nationals of the sending State who are permanently or temporarily resident in the consular district.  
This provision shall not exempt nationals of the sending State from the obligation to comply with the laws and regulations of the receiving State concerning the registration of aliens.
2. To issue passports and other travel documents to nationals of the sending State, and to issue visas to persons travelling to the sending State.
3. Without special authorization to represent nationals of the sending State, subject to compliance with the laws of the receiving State, before the authorities of

the receiving State where, because of absence or any other reason, such nationals are unable to assume the defence of their rights and interests.

4. To take steps, subject to compliance with the laws and regulations of the receiving State, for the appointment of a guardian or trustee in order to safeguard the interests of minors or persons lacking full capacity who are nationals of the sending State.

#### *Article 12. CIVIL REGISTRY FUNCTIONS*

1. Consular officers shall be entitled to register births, deaths and divorces of nationals of the sending State and marriages between nationals of the sending State, and to issue the appropriate certificates.

2. The provisions of paragraph 1 of this article shall not exempt the persons concerned from the obligation to make the appropriate declarations required by the laws of the receiving State.

3. The competent local authorities of the receiving State shall inform the consular post of the sending State without delay of the death of a national of the sending State.

#### *Article 13. NOTARIAL FUNCTIONS*

1. Within the limits imposed by the laws of the receiving State, consular officers shall be entitled to perform — in the consular premises or in the living quarters of nationals of the sending State, or on board aircraft or ships registered in the sending State — the following functions :

- (a) To receive, draw up and attest declarations by nationals of the sending State ;
- (b) To receive, draw up and attest declarations relating to wills of nationals of the sending State ;
- (c) To receive, draw up and attest declarations relating to legal acts of nationals of the sending State, provided that such declarations are to have legal effect in the territory of the sending State and that they do not relate to immovable property situated in the territory of the receiving State or to rights *in rem* in respect of such property ;
- (d) To certify the exact date of declarations, to attest the signatures on declarations made by nationals of the sending State and to attest signatures and seals on documents issued by the judicial authorities or other competent authorities and persons of the sending State ;
- (e) To attest, at the request of nationals of the sending State, copies and translations of, and extracts from, declarations ;
- (f) To accept for safekeeping documents and movable property from or on behalf of nationals of the sending State, in so far as this is not contrary to the laws of the receiving State.

Such documents and property may not be taken from the territory of the receiving State except in conformity with the laws of that State.

2. The declarations referred to in paragraph 1, subparagraphs (a) to (e), of this article shall have the same legal force and evidential value in the receiving State as do declarations certified or attested by the competent authorities of that State.

*Article 14.* FUNCTIONS RELATING TO MATTERS OF SUCCESSION

1. The competent authorities of the receiving State in whose territory an estate of a national of the sending State is situated shall take steps, in accordance with the laws of their State, for the protection of the estate.

The said authorities shall inform the consular office of the sending State without delay concerning an estate subject to succession proceedings in the territory of the receiving State which affects the rights of succession of nationals of the sending State.

2. Subject to compliance with the legal provisions of the receiving State, consular officers shall be entitled to take measures for the taking of an inventory and for the preservation of an estate as referred to in paragraph 1 of this article and to take part in proceedings to ensure that the rights of succession of nationals of the sending State are given effect.

Consular officers shall also be entitled to ensure that the aforementioned measures are taken.

*Article 15.* FUNCTIONS RELATING TO MARITIME NAVIGATION AND CIVIL AVIATION

1. Consular officer shall be entitled to render assistance to vessel having the nationality of the sending State which enter or are within a port in their consular district; they may take all necessary measures to facilitate the arrival, stay and departure of vessels at ports within their consular district.

2. In any case where a vessel having the nationality of the sending State is wrecked or otherwise sustains damage in the territorial waters of the receiving State, a consular officer shall be entitled to request the assistance of the authorities of the receiving State with a view to taking the necessary measures to rescue the crew and passengers and salvage the cargo.

In the event of a vessel of the sending State being wrecked or sustaining damage as aforesaid, the competent authorities of the receiving State shall, without delay, so notify the consular post of the sending State.

3. The provisions of this article shall apply, *mutatis mutandis*, to civil aviation.

*Article 16.* OTHER CONSULAR FUNCTIONS

Consular officers shall be entitled to exercise such other consular functions as are assigned to them by the sending State, provided that such functions are not prohibited by the laws of the receiving State and that the latter State, having been previously notified, has expressed no objection, and such functions as are specified in international agreements in force between the sending State and the receiving State.

CHAPTER III. IMMUNITIES AND PRIVILEGES OF CONSULAR POSTS

*Article 17.* USE OF THE NATIONAL COAT OF ARMS AND FLAG

1. An inscription bearing the coat of arms of the sending State and the name of the consular post may be affixed to the building occupied by the consular post.

2. The flag of the sending State may be flown at the site of the consular post and at the residence of the head of the consular post. The flag may also be flown

on the means of transport used by the head of the consular post in the performance of his official duties.

*Article 18. INVIOIABILITY OF THE CONSULAR PREMISES AND THE RESIDENCE OF THE HEAD OF THE CONSULAR POST*

1. The consular premises and the residence of the head of the consular post shall be inviolable.

The authorities of the receiving State shall not have the right to enter the consular premises or the residence of the head of the consular post except with the consent of the head of the consular post or of the head of the diplomatic mission of the sending State.

2. Means of transport shall not be subject to search while outside the consular premises except with the consent of the head of the consular post or of the head of the diplomatic mission of the sending State.

*Article 19. INVIOIABILITY OF ARCHIVES*

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

Private papers shall not be kept in the consular archives.

*Article 20. FREEDOM OF COMMUNICATION*

1. The receiving State shall permit and protect freedom of communication on the part of the consular post with its Government, the diplomatic mission and other consular posts of the sending State.

For this purpose the consular post may employ all means of communication, including diplomatic or consular couriers and coded or uncoded messages.

However, the consular post may not install or use a wireless transmitter except with the prior and express consent of the receiving State.

2. Diplomatic and consular bags, diplomatic mail and official correspondence of the consular post shall be inviolable; they shall not be opened or detained by the authorities of the receiving State.

3. The consular bag and the packages constituting the consular bag shall be sealed and shall bear visible external marks of their character; they may contain only official correspondence and documents or articles intended exclusively for the use of the consular post.

4. The consular courier shall have the nationality of the sending State only and shall be provided with an official document indicating his status and the number of packages constituting the consular bag.

5. In the performance of his functions the courier shall be protected by the receiving State and shall enjoy personal inviolability.

*Article 21. CONSULAR FEES*

1. A consular post may levy consular fees in the territory of the receiving State, in accordance with the laws of the sending State.

2. The sums collected, in accordance with paragraph 1 of this article, for the performance of consular functions shall be exempt from all taxes in the receiving State.

## CHAPTER IV. IMMUNITIES AND PRIVILEGES OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES

### *Article 22*

The receiving State shall provide all conditions and take all steps that will enable consular officers and consular employees to carry on their activities and to enjoy the immunities and privileges accorded by this Convention.

### *Article 23. PERSONAL INVIOABILITY*

1. The head of a consular post shall not be subject to the criminal, civil or administrative jurisdiction of the receiving State.

The head of a consular post shall enjoy personal inviolability.

2. Other consular officers, and consular employees, shall not be subject to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of their consular functions.

### *Article 24. LIABILITY TO GIVE EVIDENCE*

1. Consular officers and consular employees may be called upon to attend as witnesses in the course of judicial or administrative proceedings.

If they decline to give evidence, no coercive measure or penalty may be applied to them by the judicial or administrative authorities.

2. The authority of the receiving State requiring the evidence of a consular officer or consular employee shall avoid interference with the performance of his functions.

The authorities of the receiving State may, with the consent of the head of the consular post, take evidence from a consular officer or consular employee at the consular post or at his residence or accept a statement from him in writing.

3. Consular officers and consular employees shall be under no obligation to give evidence to the judicial or administrative authorities of the receiving State concerning matters connected with the exercise of their functions or relating to their functions.

### *Article 25. EXEMPTION FROM PUBLIC SERVICE*

1. Consular officers and consular employees shall be exempt in the receiving State from all obligations of a military nature and from compulsory public service of any kind.

2. Consular officers and consular employees shall be exempt in the receiving State from obligation relating to the registration, residence and movement of aliens.

### *Article 26. EXEMPTIONS FROM CUSTOMS DUTIES AND INSPECTION*

1. The receiving State shall grant exemption from all customs duties on and, in accordance with its laws, permit the entry of articles intended for :

- (a) The official use of the consular post;
- (b) The personal use of consular officers.

Such exemption shall not apply to charges for storage, transport and similar services.



2. Consular employees shall enjoy the exemptions specified in paragraph 1, subparagraph (b), of this article in respect of articles imported at the time of first installation.

3. The personal baggage of consular officers and of members of their families residing with them and accompanying them shall be exempt from customs inspection.

#### *Article 27. EXEMPTION FROM TAXATION*

Consular officers and consular employees shall be exempt from all taxes and dues levied by the receiving State in accordance with its laws, except indirect taxes of a kind normally incorporated in the price of goods or services, and succession duties and duties on transfers of movable property levied in the receiving State.

#### *Article 28*

1. The receiving State shall render all possible aid and assistance in accordance with its laws for the purpose of obtaining premises necessary for the consular post of the sending State and of obtaining accommodation for its staff.

2. The premises of the consular post and the residential premises providing accommodation for consular officers and consular employees, irrespective of ownership, shall be exempt from all taxes in the receiving State, other than such as represent payment for services rendered by the receiving State.

#### *Article 29*

1. Subject to compliance with the legal provisions of the receiving State, consular officers shall be entitled, within their consular district, to communicate with nationals of the sending State, to visit them irrespective of the circumstances in which they happen to be, to advise them, where applicable, to take the necessary steps for providing them with legal assistance.

Nationals of the sending State shall be entitled to communicate with and to visit consular officers of their State.

2. The competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of the sending State is arrested or is detained in any other manner.

#### *Article 30*

The immunities and privileges provided for in chapter IV of this Convention shall apply to consular employees who have the nationality of the sending State only and who are not permanently resident in the receiving State.

#### *Article 31*

The provisions of articles 24 and 25 of this Convention shall apply, *mutatis mutandis*, to members of the family of a consular officer or of a consular employee who is a national of the sending State, provided that such family members are not permanently resident in the receiving State.

*Article 32*

1. The exercise of the consular functions provided for in this Convention or of other functions which may be assigned to consular posts by agreement between the sending State and the receiving State, and the exercise of the rights accorded to consular officers and consular employees, shall be subject to compliance with the laws of the receiving State.

2. It shall be the duty of the persons enjoying the immunities and privileges provided for in this Convention to respect the laws of the receiving State.

## CHAPTER V. FINAL PROVISIONS

*Article 33*

The provisions of this Convention relating to nationals of the sending State shall also apply to bodies corporate possessing the nationality of the sending State in accordance with its laws.

*Article 34*

1. This Convention shall be ratified and shall enter into force on the thirtieth day after the date of the exchange of the instruments of ratification, which shall take place at Bucharest.

2. This Convention is concluded for a period of five years. If the Convention is not denounced by either Contracting Party six months before the expiry of the said period, it shall continue in force for successive periods of five years.

DONE at P'yongyang on 2 November 1971, in duplicate, in the Romanian, Korean and Russian languages, the Romanian and Korean texts being equally authentic. In case of any divergence of interpretation, the Russian text shall prevail.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting Parties have signed the present Convention and have thereto affixed their seals.

For the State Council  
of the Socialist Republic  
of Romania :

[AUREL MĂLNĂȘAN]

For the Presidium  
of the Supreme People's Assembly  
of the Democratic People's Republic  
of Korea :

[RI MAN SĂK]