

## DISPOSITIONS FINALES

*Article 43*

En accord avec les règles du droit international, les consuls sont autorisés à exercer toutes fonctions conformes à la pratique consulaire reconnue par l'Etat de résidence.

Les actes accomplis à l'occasion de l'exercice des fonctions consulaires peuvent donner lieu à la perception des droits et taxes prévus à cet égard par la législation de l'Etat d'envoi.

*Article 44*

Les différends entre les Hautes Parties Contractantes relatifs à l'application ou à l'interprétation de la présente convention qui n'auront pas été réglés par la voie diplomatique ou conformément au Traité de conciliation et d'arbitrage obligatoire signé à Paris, le 3 mars 1928, entre la France et la Suède, pourront être portés, à la requête de l'une des Parties, devant la Cour Internationale de Justice pour être tranchés par elle, conformément à son statut.

*Article 45*

L'entrée en vigueur de la présente Convention mettra fin en ce qui concerne les territoires auxquels elle s'applique, aux effets des accords suivants:

- a) Déclaration concernant l'extradition des marins déserteurs, signée à Paris le 15 mai 1856;
- b) Articles 9 à 12 du Traité de Navigation conclu le 30 décembre 1881 entre la France et les Royaumes Unis de Suède et de Norvège;
- c) Déclaration du 19 mai 1886 pour régler le paiement des salaires dus aux marins des pays respectifs ainsi que le traitement de leurs successions;
- d) Notes ministérielles concernant la franchise des droits d'entrée pour les effets de chancellerie destinés à l'usage des consulats, échangés à Paris les 25 juin, 23 et 31 juillet 1900.

*Article 46*

La présente Convention entrera en vigueur à dater du jour de l'échange des instruments de ratification, qui aura lieu à Stockholm, aussitôt que faire se pourra.

Elle demeurera en vigueur jusqu'à ce que l'une des Hautes Parties contractantes la dénonce, moyennant un préavis d'une année.

EN FOI DE QUOI, les Plénipotentiaires ont signé la présente Convention et y ont apposé leur sceau.

**31. Treaty<sup>1</sup> of Amity, Economic Relations, and Consular Rights between the United States of America and Iran, signed at Tehran, on 15 August 1955<sup>2</sup>**

*Article XIII*

1. Consular representatives of each High Contracting Party shall be permitted to reside in the territory of the other High Contracting Party at

<sup>1</sup> United Nations, *Treaty Series*, vol. 284, p. 110.

<sup>2</sup> Came into force on 16 June 1957.

the places where consular officers of any third country are permitted to reside and at other places by consent of the other High Contracting Party. Consular officers and employees shall enjoy the privileges and immunities accorded to officers and employees of their rank or status by general international usage and shall be permitted to exercise all functions which are in accordance with such usage; in any event they shall be treated, subject to reciprocity, in a manner no less favorable than similar officers and employees of any third country.

2. The consular offices shall not be entered by the police or other local authorities without the consent of the consular officer, except that in the case of fire or other disaster, or if the local authorities have probable cause to believe that a crime of violence has been or is about to be committed in the consular office, consent to entry shall be presumed. In no case shall they examine or seize the papers there deposited.

#### *Article XIV*

1. All furniture, equipment and supplies consigned to or withdrawn from customs custody for a consular or diplomatic office of either High Contracting Party for official use shall be exempt within the territories of the other High Contracting Party from all customs duties and internal revenue or other taxes imposed upon or by reason of importation.

2. The baggage, effects and other articles imported exclusively for the personal use of consular officers and diplomatic and consular employees and members of their families residing with them, who are nationals of the sending State and are not engaged in any private occupation for gain in the territories of the receiving State, shall be exempt from all customs duties and internal revenue or other taxes imposed upon or by reason of importation. Such exemptions shall be granted with respect to the property accompanying the person entitled thereto on first arrival and on subsequent arrivals, and to that consigned to such officers and employees during the period in which they continue in status.

3. It is understood, however, that: (a) paragraph 2 of the present article shall apply as to consular officers and diplomatic and consular employees only when their names have been communicated to the appropriate authorities of the receiving State and they have been duly recognized in their official capacity; (b) in the case of consignments, either High Contracting Party may, as a condition to the granting of exemption, require that a notification of any such consignment be given, in a prescribed manner; and (c) nothing herein authorizes importations specifically prohibited by law.

#### *Article XV*

1. The Government of either High Contracting Party may, in the territory of the other, acquire, own, lease for any period of time, or otherwise hold and occupy, such lands, buildings, and appurtenances as may be necessary and appropriate for governmental, other than military, purposes. If under the local law the permission of the local authorities must be obtained as a prerequisite to any such acquiring or holding, such permission shall be given on request.

2. Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or

equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, State, provincial and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

#### *Article XVI*

1. No tax or other similar charge of any kind, whether of a national, State, provincial, or municipal nature, shall be levied or collected within the territories of the receiving State in respect of the official emoluments salaries, wages or allowances received (a) by a consular officer of the sending State as compensation for his consular services, or (b) by a consular employee thereof as compensation for his services at a consulate. Likewise, consular officers and employees, who are permanent employees of the sending State and are not engaged in private occupation for gain within the territories of the receiving State, shall be exempt from all taxes or other similar charges, the legal incidence of which would otherwise fall upon such officers or employees.

2. The preceding paragraph shall not apply in respect of taxes and other similar charges upon: (a) the ownership or occupation of immovable property situated within the territories of the receiving State; (b) income derived from sources within such territories (except the compensation mentioned in the preceding paragraph); or (c) the passing of property at death.

3. The provisions of the present Article shall have like application to diplomatic officers and employees, who shall in addition be accorded all exemptions allowed them under general international usage.

#### *Article XVII*

The exemptions provided for in articles XIV and XVI shall not apply to nationals of the sending State who are also nationals of the receiving State, or to any other person who is a national of the receiving State, nor to persons having immigrant status who have been lawfully admitted for permanent residence in the receiving State.

#### *Article XVIII*

Consular officers and employees are not subject to local jurisdiction for acts done in their official character and within the scope of their authority. No consular officer or employee shall be required to present his official files before the courts or to make declaration with respect to their contents.

#### *Article XIX*

A consular officer shall have the right within his district to: (a) interview, communicate with, assist and advise any national of the sending State; (b) inquire into any incidents which have occurred affecting the interests of any such national ; and (c) assist any such national in proceedings before or in relations with the authorities of the receiving State and, where necessary, arrange for legal assistance to which he is entitled. A national of the sending State shall have the right at all times to communicate with a consular officer of the country and, unless subject to lawful detention, to visit him at the consular office.

*Article XX*

1. The present Treaty shall not preclude the application of measures:
  - (a) Regulating the importation or exportation of gold or silver;
  - (b) Relating to fissionable materials, the radio-active by-products thereof, or the sources thereof;
  - (c) Regulating the production of or traffic in arms, ammunition and implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment; and
  - (d) Necessary to fulfill the obligations of a High Contracting Party for the maintenance or restoration of international peace and security, or necessary to protect its essential security interests.
2. The present Treaty does not accord any rights to engage in political activities.
3. The stipulations of the present Treaty shall not extend to advantages accorded by the United States of America or its Territories and possessions, irrespective of any future change in their political status, to one another, to the Republic of Cuba, to the Republic of the Philippines, to the Trust Territory of the Pacific Islands or to the Panama Canal Zone.
4. The provisions of article II, paragraph 1, shall be construed as extending to nationals of either High Contracting Party seeking to enter the territories of the other High Contracting Party solely for the purpose of developing and directing the operations of an enterprise in the territories of such other High Contracting Party in which their employer has invested or is actively in the process of investing a substantial amount of capital: provided that such employer is a national or company of the same nationality as the applicant and that the applicant is employed by such national or company in a responsible capacity.

**32. Consular Convention<sup>1</sup> between the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany, signed at Bonn, on 30 July 1956<sup>2</sup>**

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PART II

APPOINTMENTS AND DISTRICTS

*Article 2*

(1) The sending State may establish and maintain consulates in the territories of the receiving State at any place where any third State possesses a consulate and at any other place where the receiving State agrees to the establishment of a consulate. It shall be within the discretion of the sending State to determine whether a consulate shall be a consulate-general, consulate, vice-consulate or consular agency.

<sup>1</sup> United Nations, *Treaty Series*, vol. 330, p. 234.

<sup>2</sup> Came into force on 28 December 1957.