

to the marriage has a permanent residence in the receiving State, the consul shall notify the competent authorities of that State of the registration of the marriage.

. . .

Article 26

1. A consul may request information from the master and members of the crew of a vessel of the sending State concerning the vessel, the cargo, occurrences during the voyage and the vessel's destination, examine the vessel's papers and facilitate the entry and departure of the vessel.

2. A consul may, if the laws of the receiving State permit him to do so, appear with the master or members of the crew before the courts and authorities of that State, extend them every assistance and act as interpreter in matters between them and these courts and authorities.

3. A consul may, if the laws of the sending State permit him to do so, decide disputes between the master and members of the crew, including disputes as to pay and contracts of service, and also engage and discharge the master and members of the crew.

Article 27

1. In the event of damage to a vessel, the competent authorities of the receiving State shall immediately notify the competent consul of the occurrence.

2. In the event of damage, a consul may extend every assistance to the vessel, the members of the crew and the passengers, and may take steps to ensure the protection of the cargo and the repair of the vessel or request the authorities of the receiving State to take such steps. The competent authorities of the receiving State shall co-operate with the consul in his action in connexion with the damage to the vessel.

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NOTE: The other provisions of this Convention are similar to the corresponding provisions of the Convention between the Union of Soviet Socialist Republics and the German Democratic Republic (Convention No. 35 above).

38. Consular Treaty¹ between the Union of Soviet Socialist Republics and the Federal Republic of Germany, signed at Bonn, on 25 April 1958²

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PART I

ESTABLISHMENT OF CONSULATES AND ACCEPTANCE OF CONSULS

Article 5

1. For the purposes of this Treaty, the term "consulate" means a consulate-general, consulate or vice-consulate, and the term "consul" means a consul-general, consul or vice-consul who is in charge of a consulate.

2. The term "consular officers" means:

¹ United Nations, *Treaty Series*, vol. 338, p. 74.

² Came into force on 24 May 1959.

- (a) Persons not in charge of a consulate who perform consular functions in a consulate and hold the official title of "consul" or "vice-consul" and who are indicated by name, in that capacity, to the receiving State. Persons assigned to a consulate for training in consular duties (trainees) shall be assimilated to the persons mentioned above;
 - (b) Secretaries and advisers who are authorized to perform specified consular functions and who are indicated by name, in that capacity, to the receiving State.
3. The term "consular employees" means clerks, translators, typists, shorthand typists, bookkeepers, housekeepers, chauffeurs and appropriate service personnel.
4. The term "consular staff" means the consul, consular officers and consular employees.

Article 6

Consuls and consular officers shall be citizens of the sending State.

PART II

RIGHTS AND PRIVILEGES OF CONSULAR STAFF

. . .

Article 8

1. The consul and consular officers shall not be subject to the jurisdiction of the receiving State in respect of acts performed in their official capacity.

2. In respect of other acts, the consul and consular officers shall not be subject to arrest or to any other restriction of their freedom in the territory of the receiving State, except for the purpose of execution of a final judicial sentence or of prosecution in respect of an offence against life or personal freedom, where the offender is caught *flagrante delicto*.

3. If a consul or a consular officer is to be arrested or is to be the subject of a judicial investigation, the receiving State shall give the Embassy of the sending State advance notice to that effect. If, however, a consul or a consular officer is caught in the act and detained, the receiving State shall so advise the Embassy of the sending State immediately upon his detention.

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Article 10

1. Consular staff who are citizens of the sending State shall be exempt, in the receiving State, from all taxes on remuneration received by them in their capacity as consular staff.

2. In addition to the exemption provided for in paragraph 1 above, consular staff who are citizens of the sending State shall, subject to reciprocity, be granted exemption from taxes in the receiving State to the same extent as consular staff of any third State. This shall apply to spouses and minor children of consular staff who reside with them and are citizens of the sending State.

3. Land and buildings used by consular staff as official premises or living quarters shall be exempt from direct taxes and charges.

. . .

Article 15

Consular staff who are not citizens of the receiving State shall not be permitted to engage in other than consular activities in that State.

Article 31

1. If a vessel sailing under the flag of the sending State is wrecked, or runs aground or is stranded on the coast of the receiving State, or suffers other damage in the latter's territory, the competent authorities shall immediately so notify the consul of the State under whose flag the vessel is sailing and shall inform him of the measures they have taken to save lives, the vessel and the cargo. The competent authorities shall extend the necessary co-operation to the Consul in his action in connexion with the damage to the vessel.

2. Unless other arrangements are made among the shipowners, charterers and insurers, matters relating to the damage suffered by a vessel sailing under the flag of the sending State shall, if the vessel enters a port in the receiving State, be settled by the consul. Such settlement shall, however, be made by the authorities of the receiving State if one of the persons concerned is not a citizen of the sending State and final agreement is not reached.

Article 32

A consul shall be entitled to engage and discharge members of the crew of vessels sailing under the flag of the sending State; such action must not, however, violate the laws of the receiving State.

Article 33

The term "vessels" shall not, for the purposes of this Treaty, include military vessels.

NOTE: The other provisions of this Treaty are similar to the corresponding provisions of the Convention between the Union of Soviet Socialist Republics and the German Democratic Republic (Convention No. 35 above).

**39. Consular Treaty¹ between the Union of Soviet Socialist Republics
and the Republic of Austria, signed at Moscow,
on 28 February 1959²**

PART II

RIGHTS, PRIVILEGES AND IMMUNITIES

Article 7

1. Consuls and consular officers shall not be subject to the jurisdiction of the receiving country in respect of acts performed in their official capacity.

¹ United Nations, *Treaty Series*, vol. 356, p. 62.

² Came into force on 19 January 1960.