

C o n s u l a r C o n v e n t i o n

between the Republic of Armenia and the Hellenic Republic

Hereinafter referred to as the "High Contracting Parties";

Animated by the desire to further strengthen the ties of friendship between their respective countries ;

Wishing to regulate the relations between their respective countries in the consular field;

Have decided to conclude this Convention and have agreed as follows :

PART I **Definitions**

Article 1

1. For the purposes of this Convention the terms listed below shall have the follow meaning:

- a) "consular post" is any consulate-general, consulate, vice-consulate;
- b) "consular district" is the area assigned to the consular post for the performance of consular duties;
- c) "head of a consular post" is any person charged by the sending State with the performance of duties connected with this post;
- d) "consular officer" is any person, including the head of a consular post, who has been charged with the performance of consular duties;
- e) "consular employee " is any person employed to perform administrative or technical services of a consular post;
- f) "members of a consular post" are consular officers and consular employees;
- g) "consular premises" are buildings or parts of buildings and land connected with them which are used exclusively for the purposes of a consular post, irrespective of who is their owner;
- h) "consular archives" include all papers, documents, correspondence, books, films, recording tapes and registers of a consular post, together with ciphers and codes, card files and any equipment used for their protection and safekeeping;
- i) "official correspondence" is any correspondence relating to the consular post and its functions;
- j) "members of the family" are the spouse, children, and parents of a member of the consular post, provided they form part of its household and live at its expenses.

2. The provisions of this Convention are also applicable to legal persons established in conformity with the laws and regulations of the sending State and having their seat in that State.

PART II **Establishment of consular post and appointment of consular officers and consular employees**

Article 2

1. The establishment of a consular post in the territory of the receiving State shall be subject to the consent of such State.

2. The sending and receiving States shall determine by agreement the seat of the consular post, its classification and the limits of the consular district. Subsequent changes in the seat of the consular post, its classification or the consular district may be made by the sending State only with the consent of the receiving State.

Article 3

1. Before the appointment of the head of a consular post, the sending State shall request through the diplomatic channel the consent of the receiving State to such appointment.

2. After such consent is granted, the sending State shall transmit to the Ministry of Foreign Affairs of the receiving State the consular commission or other document of appointment. This commission or other document shall specify the full name of the head of a consular post, his nationality, his class, the seat of this consular post and the consular district.

3. Upon the presentation of the consular commission or other document of appointment of the head of a consular post, the receiving State shall grant the exequatur as soon as possible.

4. The head of a consular post shall be admitted to the exercise of his functions after the granting of the exequatur by the receiving State.

5. The head of a consular post may be admitted on a provisional basis to the exercise of his functions by the receiving State before the delivery of the exequatur. In that case, the provisions of this Convention shall apply.

6. As soon as the exequatur or the consent to the exercise of consular functions on a provisional basis is granted, the authorities of the receiving State shall take the necessary measures to enable the head of a consular post to carry out his functions.

Article 4

A consular officer shall be only a national of the sending State, provided that he is not a permanent resident in the receiving State.

Article 5

1. The sending State shall, in advance, notify in writing the receiving State of the full name, nationality, rank and class of each consular officer appointed to a consular post.

2. The sending State shall also, in advance, notify in writing the receiving State of the full name, nationality and function of a consular employee appointed to a consular post.

Article 6

The receiving State shall issue to each consular officer a document indicating that he is performing consular duties in the territory of the receiving State.

Article 7

1. The receiving State shall accord every facility to a consular post for the performance of consular functions and shall take the necessary measures to enable members of a consular post to exercise their official duties and to benefit from the privileges and immunities provided for by this Convention.

2. The receiving State shall treat the consular officer with due respect and shall take all appropriate measures to prevent any attack on their person, freedom or dignity.

Article 8

1. If the head of a consular post is unable for any reason to act as such or if the post is temporarily vacant, the sending State may appoint a consular officer belonging to the same consular post or to another consular post of the sending State in the receiving State or a member of the diplomatic staff of its diplomatic mission in that State to act temporarily as head of that consular post. The full name of the person concerned shall be notified in advance in writing to the Ministry of Foreign Affairs of the receiving State.

2. A person acting temporarily as head of a consular post shall be entitled to perform all duties of a head of a consular post and to enjoy all rights, privileges, and immunities as head of a consular post appointed under Article 3.

3. A member of the diplomatic staff of the diplomatic mission, temporarily acting as head of a consular post, shall continue to enjoy the privileges and immunities accorded to him by virtue of his diplomatic status.

Article 9

The sending State may, in conformity with Articles 3, 4 and 5, charge one or more members of its diplomatic mission in the receiving State with the performance of consular duties. A member of the diplomatic mission, charged with the performance of consular duties, shall continue to enjoy the privileges and immunities to which he is entitled as a member of the diplomatic mission.

Article 10

1. The receiving State may, at any time and without having to explain the reason for its decision, notify the sending State through the diplomatic channel that a consular officer is *persona non grata* or that a consular employee is unacceptable.

The sending State shall thereupon recall the person concerned.

2. If the sending State fails to carry out within a reasonable period this obligation under paragraph 1, the receiving State may decline to continue to recognise such person as a member of the consular post.

Article 11

1. The sending State may, to the extent that this is permitted under the law of the receiving State, acquire, hold or use under any other form of tenure which may exist under that law, land, building or parts of buildings for the purposes of providing to its consular post suitable premises or a residence for the members of the consular post who are nationals of the sending State.

2. The receiving State shall assist the sending State in acquiring land, buildings or parts of buildings for the purposes mentioned under paragraph I.

3. The sending State is not relieved of the obligation to observe laws and regulations on construction and territorial urban planning or other restrictions applied to the area where such land, buildings or parts of buildings are located.

PART III

Privileges and Immunities

Article 12

1. The coat of arms of the sending State together with an inscription designating a consular post in the language of that State and of the receiving State may be affixed to the building in which a consular post is installed as well as to the building which is the residence of the head of a consular post.

2. The flag of the sending State may be flown at the building in which a consular post is installed and also at the residence of the head of a consular post and on his means of transport used for official duties.

3. In the exercise of the right provided for by paragraph 2 of this Article, regard shall be taken to the laws, regulations and usages of the receiving State.

Article 13

1. Consular premises and the residence of the head of a consular post shall be inviolable. The authorities of the receiving State shall not enter the said premises as well as the residence of the head of a consular post except with the consent of the head of the consular post or of the head of the diplomatic mission or of a person nominated by one of them. The consular premises shall not be used in a manner incompatible with the exercise of consular functions.

2. The receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

Article 14

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

Article 15

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including

diplomatic or consular couriers, and messages in code or cipher. The consular bag, however, can be used only for the communication of the consular post, with the Government, the diplomatic mission and other consular posts of the sending State within the receiving State. The consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post is inviolable.

3. The consular bag shall bear visible external marks of its character and may contain only official correspondence and documents or articles intended exclusively for official use.

4. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reasons to believe that the bag contains objects other than those mentioned above, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused, the bag shall be returned to its place of origin.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. He shall be only a national of the sending State who is not a permanent resident of the receiving State. In the performance of his functions the consular courier shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to arrest or detention or to any other form of restriction on his personal freedom.

6. The consular bag may be entrusted to the captain of an aircraft. He shall be provided with an official document indicating the number of packages constituting the consular bag, but he shall not be considered to be a consular courier. A member of the consular post may take possession of the consular bag freely and directly from the captain of the aircraft and deliver it to him in the same way.

Article 16

1. The head of a consular post shall enjoy immunity from the penal, civil or administrative jurisdiction of the receiving State. He shall enjoy personal inviolability and shall not, as a consequence, be liable to any form of restriction on his freedom.

2. Consular Officers, apart from the head of the consular post, as well as consular employees, shall not be amenable to the penal, civil or administrative jurisdiction of the receiving State in respect of acts performed in the exercise of their consular functions. They shall not be arrested or detained and shall not be liable to any restriction on their freedom in respect of acts performed otherwise than in exercise of their consular functions, except in the case of a grave offense for which, according to the laws of the receiving State, a minimum sentence of imprisonment of at least five years or over may be awarded, in execution of a decision of an authority of that State who is competent on penal matters.

Apart from the above mentioned cases, they shall not be liable to imprisonment or any other restriction on their personal freedom otherwise than in execution of a final judicial decision.

3. In the case of criminal proceedings against, arrest, detention or any other form of restriction on the personal freedom of any member of a consular post, the competent authorities of the receiving State shall notify without delay the head of the consular post.

4. If criminal proceedings are instituted against a member of a consular post, they must be conducted speedily and in a manner which will hamper the exercise of his functions within the consular post as little as possible.

5. The provisions of paragraph I of this article shall not however, apply in respect of:

a) any real action concerning private immovable property situated in the territory of the receiving State unless the head of the consular post possesses such property on behalf of the sending State and for the purposes of the consular post;

b) any action concerning an estate in respect of which the head of the consular post appears as an executor, heir or legatee in his own name and not in the name of the sending State ;

c) any action relating to any professional or commercial activity in which the head of the consular post is engaged outside his official functions within the receiving State.

6. The provisions of paragraphs 1 and 2 do not apply in the case of a civil action;

a) arising out of a contract concluded by a member of a consular post in which he did not contract expressly or impliedly as an agent of the sending State;

b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

Article 17

1. Members of a consular post may be requested to give evidence as witnesses in court or administrative proceedings. If a consular officer declines to give evidence, no coercive measure shall be taken against him. Employees of a consular post are not entitled to decline to give evidence with the exception of cases referred to in paragraph 3 of this Article.

2. The authorities of the receiving State requesting evidence from members of a consular post shall take all steps to avoid interference with the performance of the duties of a consular post and to avoid violation of the performance of such duties. Where it is possible, the evidence can be given at the consular premises or at the residence of the member of a consular post, or it can be given in a written form.

3. Members of a consular post are entitled to decline to give evidence as witnesses with regard to matters falling within the performance of their duties, or to produce any official document and official correspondence. They are also entitled to decline to give evidence as experts on the law of the sending State, their interpretation and application.

Article 18

1. The sending State may waive, with regard to a member of a consular post, any of the privileges and immunities provided for in Articles 16 and 17.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under article 16 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 19

The receiving State shall exempt members of the consular post from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 20

Members of a consular post shall be exempt from all requirements under the laws and regulations of the receiving State relative to the registration of aliens, permission to reside and other regulations concerning the residence of aliens.

Article 21

1. The sending State shall be exempt in the receiving State from all taxes, charges and fees in respect of:

- a) land, buildings and parts of buildings used for consular purposes or as a residence of the head of a consular post provided that the premises in question are owned or leased in the name of the sending State ;
- b) transactions and instruments relating to the acquisition of the immovable property mentioned under paragraph 1 letter a) ;
- c) the performance of consular duties, including payments for consular services.

2. The exemption from taxation referred to in letters a) and b) of paragraph I of this Article shall not apply to such taxes, charges and fees, if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

3. The sending State shall also be exempt in the receiving State from all taxes, charges and fees in respect of movable property which is in the ownership of the sending State or which is in its possession or use and which is dues exclusively for consular purposes. Nevertheless, this exemption shall not apply to taxes, charges and fees, which are included in the price of goods or services.

4. The exemption provided for in this Article shall not apply to taxes, charges and fees for services rendered.

Article 22

1. Members of a consular post shall be exempt in the receiving State from taxes and charges levied by that State on salaries received for the performance of service duties.

2. A member of a consular post shall be exempt in the receiving State from all other national, regional and local taxes and charges.

3. The provisions of paragraph 2 shall not apply in respect to:

- a) indirect taxes that are incorporated in the price of goods or services;

b) without prejudice to the provisions of Article 21, charges and taxes on private immovable property situated within the receiving State;

c) estate, succession or inheritance taxes and charges or taxes and charges on transfers of property levied by the receiving State, with the exception of the provisions of Article 23;

d) taxes and charges on private income the source of which is situated within the receiving State;

e) without prejudice to the provisions of Article 21, court, registration mortgage and administrative and stamp charges;

f) charges levied for services rendered.

Article 23

1. If a member of a consular post dies and leaves movable property in the receiving State, no tax on the passing at death, inheritance tax or charges on transactions of property shall be imposed by the receiving State in respect of the property, provided that the presence of the property in that State was due solely to the presence of the deceased in his capacity as a member of a consular post.

2. The receiving State shall permit the exportation of movable property referred to in paragraph I of this Article with the exception of any such property acquired in the receiving State the exportation of which was prohibited at the time of death of the person concerned.

Article 24

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services on;

a) articles for the official use of the consular posts;

b) articles for the personal use of a consular officer including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in letter b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspections shall be carried out in the presence of the consular officer or member of his family concerned.

Article 25

All persons to whom privileges and immunities are accorded under this Convention shall, without prejudice to the said privileges and immunities, be under an obligation to respect the laws and regulations of the receiving State, including those relating to the control of traffic and to insurance against third party risks arising from

the use of any vehicle, vessel or aircraft. They also have a duty not to interfere in the internal affairs of that State.

Article 26

Subject to the laws and regulations of the receiving State with regard to areas entry into which is prohibited or restricted for reasons of national security, a member of a consular post shall be permitted to travel freely in the territory of the receiving State.

Article 27

Consular employees who are nationals of the receiving State or permanent residents in that State shall not enjoy the privileges and immunities provided for in this Convention with the exception of paragraph 3 of Article 17.

Article 28

Members of the family of consular officers and consular employees forming part of their households shall enjoy the privileges and immunities provided for in Articles 16 paragraph 3, 17 paragraph 3, 19, 20, 22 paragraph 2, 23, 24 and article 26 on this Convention, provided they are not nationals of the receiving State or permanent residents in that State.

PART IV Consular functions

Article 29

1. A consular officer shall be entitled to perform the duties specified in this Part within the limits of the consular district. He may perform other consular duties provided that they are not contrary to the laws and regulations of the receiving State.

A consular officer shall be entitled to protect the rights and interests of the sending State and of its nationals, whether natural or legal persons.

2. In connection with the performance of his duties, a consular officer shall be entitled to address, in writing as well as orally, the competent local authorities within his consular district, as well as the competent central authorities of the receiving State to such extent as the laws, regulations and usages of that State permit.

3. A consular officer may be entitled, subject to the consent of the receiving State, to perform consular duties also outside his consular district.

Article 30

A consular officer shall further the development of economic, commercial, cultural, scientific, and tourist contacts between the two Contracting Parties and contribute to the strengthening of friendly relations between them.

Article 31

1. A consular officer shall be entitled:
 - a) to keep a register of nationals of the sending State;
 - b) to receive applications and declarations relative to nationality of citizens of the sending State and to issue respective documents;
 - c) in accordance with the law of the sending State, to receive declarations on the conclusion of marriages, provided that both persons are nationals of the sending State;
 - d) to receive declarations pertaining to family relations as well as other declarations of nationals of the sending State in accordance with the laws and regulations of the sending State;
 - e) to register the birth or death of nationals of the sending State and to 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;
 - f) to draw up and legalize contracts concluded between nationals of the sending State, provided that such contracts are not relating to the establishment, transfer or extinction of real rights on immovable property located in the receiving State;
 - g) to draw up and legalize contracts, irrespective of the nationality of the parties, if such contracts are relating to property or rights situated in the sending State, provided they will have legal effect solely within that State;
 - h) to draw up, attest, certify, authenticate, legalize or otherwise validate legal acts and documents required by a national of the sending State in conformity with the laws and regulations of the sending State and provided it is not contrary to the laws and regulations of the receiving State;
 - i) to draw up or legalize and keep testaments of nationals of the sending State;
 - j) to translate legal acts and documents and to certify the accuracy of the translation as well as to certify documents;
 - k) to deliver certificates of origin of goods.
2. A consular officer shall inform the competent authorities of the receiving State of legal acts carried out under letters c) and e) of this paragraph, if this is required by the laws and regulations of that State.

Article 32

Legal acts and documents issued, translated or certified by a consular officer in accordance with Article 31 shall have equal legal effect and evidentiary value in the receiving State as documents issued, translated or certified by the competent authorities of the receiving State, provided that they had been issued in a manner not contradicting the laws and regulations of the receiving State.

Article 33

1. A consular officer shall be entitled to issue, extend, amend and revoke the validity of travel documents of nationals of the sending State, in accordance with the laws and regulations of the sending State.
2. He shall also be entitled to issued, extend and revoke respective visas to persons wishing to travel to the sending State.

Article 34

The consular officer has the right to receive in deposit documents, sums of money, objects of value and movable property belonging or destined to citizens of the sending State. Such deposited objects may be exported from the receiving State only in conformity with the laws and regulations of that State.

Article 35

1. The authorities of the receiving State shall notify the competent consular post, when having knowledge thereof, cases in which a guardian or trustee for a national of the sending State should be nominated.

2. In case of need, the consular officer may propose to the court or other competent authority of the receiving State, a guardian or trustee for a national of the sending State or for the protection of the property of such a national if such property has remained unprotected.

Article 36

1. The competent authorities of the receiving State shall, without delay, inform the appropriate consular officer of the death of a national of the sending State in the territory of the receiving State.

2. Where it comes to the knowledge of the competent authorities of the receiving State that there is an estate as a consequence of the death of a national of the sending State or an estate of a person of any nationality deceased in that State which estate may concern a national of the sending State, they shall equally inform the appropriate consular officer.

3. The competent authorities of the receiving State shall take measures, in cases under paragraph 2 and provided that the estate is situated in the territory of that State, to secure the estate in conformity with the law of the receiving State and shall convey to the appropriate consular officer a copy of the testament, if one has been made, as well as all available information in respect of the heirs, the content and the value of the estate and shall advise him of the date on which proceedings concerning the inheritance will be opened.

4. A consular officer shall be entitled, in accordance with the laws and regulations of the receiving State, to represent, directly or through a representative, the interests of a national of the sending State who has a claim to the estate situated in the receiving State and who is not domiciled in that State.

5. A consular officer shall be entitled, on behalf of a national of the sending State who is not domiciled in the receiving State, to receive money or other property to which the national concerned may be entitled as a consequence of the death of any person, including payments made in pursuance of workmen's compensation laws, within a pensions and social security scheme and the proceeds from insurance policies.

6. Movable property and money derived from the liquidation of an estate belonging to a national of the sending State may be handed over to the appropriate consular officer, provided that the claims of creditors have been

settled or secured and that the taxes and charges in respect of the estate have been paid.

7. A consular officer shall be entitled to co-operate with the competent authorities of the receiving State in securing the estate pursuant to this Article.

Article 37

1. If a national of the sending State who is not domiciled in the receiving State dies during his stay in the territory of that State, his effects shall be delivered without any further procedure to the consular officer of the sending State provided that claims of the creditors of the deceased within the receiving State have been satisfied or secured.

2. The consular post shall abide by the laws and regulations of the receiving State with regard to the exportation of goods and transfer of sums of money, referred to in paragraph 1 of this article and paragraph 6 of article 36.

Article 38

A consular officer shall have the right to represent in accordance with the laws and regulations of the receiving State, nationals of the sending State before the authorities of the receiving State, if they are unable, due to absence or for other serious reasons, to protect their rights and interests in time. The representation shall continue till the represented person appoints his plenipotentiary or assumes himself the protection of his rights and interests.

Article 39

A consular officer shall have the right to establish and maintain contact with any national of the sending State, to provide him with counsel and all necessary assistance and, if need be, to take steps to secure legal assistance for him. The receiving State shall in no way infringe upon the right of a national of the sending State to contact his consular post or to visit it.

Article 40

1. The competent authorities of the receiving State shall without delay notify the appropriate consular officer of the arrest, detention or any other restriction on the personal freedom of a national of the sending State.

2. The consular officer shall be entitled to visit, as soon as possible, and to maintain contact with a national of the sending State, who has been deprived of personal freedom or whose personal freedom has been restricted. The competent authorities of the receiving State shall also without delay convey to the consular officer any communication from the national of the sending State who has been deprived of personal freedom or whose personal freedom has been restricted in any way.

3. Upon request, the consular officer shall be immediately informed of the reason for the arrest, detention or any other restriction on the personal freedom of a national of the sending State.

4. The rights of the consular officer under paragraphs 2 and 3 shall be exercised in accordance with the laws and regulations of the receiving State, provided that they do not infringe upon these rights.

Article 41

The competent authorities of the receiving State shall inform the consular officer without delay on all serious road accidents occurring to nationals of the sending State.

Article 42

A consular post shall be entitled to levy in the receiving State the fees and charges for the performance of consular services prescribed under the laws and regulations of the sending State.

Article 43

The provisions of this Convention do not affect the enforcement of those international treaties to which the High Contracting Parties are party.

PART V

Final provisions

Article 44

1. This Convention shall be subject to ratification and shall enter into force 30 days after the date of the exchange of instruments of ratification.

2. This Convention shall remain in force until the expiry of six months from the date on which either High Contracting Party shall have given to the other a written notice of its intention to terminate the Convention.

In witness whereof, the respective plenipotentiaries of the two High Contracting Parties have signed this Convention and affixed thereto their seals. Done at Yerevan on 9th April 1997 in duplicate, in Armenian, Greek and English, all texts being equally authentic. In case of divergence the English text shall prevail.

The Convention has entered into force on March 10, 2000.