

N° 3450.

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**ITALIE ET LETTONIE**

**Convention consulaire. Signée à  
Rome, le 11 mai 1932.**

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**ITALY AND LATVIA**

**Consular Convention. Signed at  
Rome, May 11th, 1932.**

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 3450. — CONSULAR CONVENTION <sup>2</sup> BETWEEN THE KINGDOM OF ITALY AND THE REPUBLIC OF LATVIA. SIGNED AT ROME, MAY 11TH, 1932.

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*French official text communicated by the Latvian and Italian Ministers for Foreign Affairs. The registration of this Convention took place June 22nd, 1934.*

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THE PRESIDENT OF THE REPUBLIC OF LATVIA and HIS MAJESTY THE KING OF ITALY, having decided to conclude a Consular Convention, have for this purpose appointed as their Plenipotentiaries:

THE PRESIDENT OF THE REPUBLIC OF LATVIA :

His Excellency M. Pierre SEYA, Envoy Extraordinary and Minister Plenipotentiary of the Latvian Republic at Rome ;

HIS MAJESTY THE KING OF ITALY :

His Excellency the Honourable Dino GRANDI, Minister for Foreign Affairs ;

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

CHAPTER I.

CONSULAR OFFICIALS.

*Article I.*

Each of the High Contracting Parties may establish consuls-general, consuls, vice-consuls and consular agents in the ports, towns and places within the territory of the other Party, except in places where the latter Party may deem it undesirable to permit the establishment of such agents, provided that any exception in this respect shall also apply to all other Powers.

The area of each consular district shall be determined by the Party which appoints the above-mentioned officials and shall be communicated to the other Party. The same procedure shall be followed for all subsequent modifications in the consular districts previously determined.

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Riga, June 2nd, 1934.  
Came into force June 17th, 1934.

*Article 2.*

Consular officials may be officials *de carrière* or honorary officials.

In the event of the honorary agents being nationals of the country in which they are to exercise their functions, the consent of the Government of that country must be obtained through the diplomatic channel before their nomination.

*Article 3.*

Consuls-general, consuls and vice-consuls shall, on presentation of their credentials in due form, be reciprocally admitted and recognised according to the rules and formalities in force in their State of residence ; thereafter they may exercise their functions within their district.

In urgent cases, they may be admitted, at the request of their Government, to exercise their functions provisionally.

If one of the Parties considers that the exequatur or the provisional authorisation cannot be granted or ought to be withdrawn, it shall communicate to the other Party the reasons, of which it shall itself be sole judge. In case of the withdrawal of the exequatur or the temporary authorisation, the reasons for such withdrawal shall be communicated before the withdrawal takes place.

*Article 4.*

Consuls-general and consuls may appoint consular agents in places within their respective consular districts.

Agents shall be provided with a warrant to be issued by the consul nominating them and transmitted for the exequatur or other authorisation to the competent authorities.

*Article 5.*

Consuls-general, consuls, vice-consuls *de carrière* and any other officials *de carrière* shall be provided by the authorities of the country in which they exercise their functions with a special identity card indicating their official position and recommending them to the protection of the local authorities.

*Article 6.*

In the absence or on the death of a consul-general, consul or vice-consul, or should such official be for any reason unable to perform his duties, the assistant official shall be empowered to perform the duties of the titular official *ad interim*, on condition that his official capacity has been brought to the notice of the competent local authorities.

## CHAPTER II.

## PRIVILEGES AND IMMUNITIES OF CONSULAR OFFICIALS.

*Article 7.*

Consuls-general, consuls and vice-consuls shall be entitled to place on the building in which their offices or chancelleries are installed the arms of the State which has appointed them, with an inscription indicating the official character of the consulate. They may also fly their national flag on the said building on days of their country's public solemnities and on other customary occasions, it being understood that these external signs shall never be interpreted as constituting a right of asylum, but shall serve solely to indicate the consular building. They may also fly the flag of their country on vessels on which they embark for the exercise of their functions.

They shall be entitled to the honours due to their official position in all circumstances in which they exercise their functions.

*Article 8.*

All the rooms used as offices for the official consular service and the places specially set apart for the consular archives shall at all times be inviolable. These rooms and places must be separate from the rooms personally occupied by the consular official, and may not be used for other purposes. In no case may they be used for purposes of asylum. The local authorities shall not be entitled on any ground whatsoever to examine or seize the papers forming part of the said archives. Such papers shall be kept completely separate from the consul's private papers and also from any books or papers relating to the trade or industry in which an honorary agent may be engaged.

*Article 9.*

Consuls-general, consuls, vice-consuls *de carrière* and any other officials *de carrière* shall, provided they are nationals of the Party which has appointed them, be exempt from any military requisition, tax, contribution or billeting. This exemption shall not extend to immovable property belonging to the above-mentioned officials in their country of residence, unless the buildings in that country are given over to the consular service or serve as dwellings for the said officials.

Moreover, the said officials shall be exempt from all taxes, levied directly on the taxpayers, which are imposed by the State or by any other body constituted under the public law of the country, unless these taxes are imposed in respect of the pursuit of trade, industry or some other calling, the possession of immovable property, or on the interest on capital invested in the country of residence of the said officials.

The premises used as a chancellery and for the keeping of the consular archives shall in any case be exempted from military requisition and billeting.

*Article 10.*

Consuls-general, consuls, vice-consuls *de carrière* and any other officials *de carrière*, being nationals of the State which has appointed them, shall be authorised, when they take up their posts for the first time or within the ten months following, to bring in, without payment of duty but subject to examination, the furniture, clothing, effects and household utensils belonging to them and their families.

This exemption shall not apply to articles of consumption.

Further, each of the High Contracting Parties undertakes to authorise the entry free from duty of all furniture and articles of first establishment or articles intended for the official use of the consular offices, together with all flags, uniforms, coats of arms, registers, stamped stationery, counterfoil books, passports, certificates, stamps, public documents and all other office supplies, including safes and typewriters.

*Article 11.*

The buildings or premises used as consular residences and owned by one of the High Contracting Parties shall be exempt from the taxes levied by the State or by any other body constituted under the public law of the country on immovable property or the income derived therefrom.

*Article 12.*

Consuls-general, consuls, vice-consuls and agents of the consular service, being nationals of the State which has appointed them, shall not be amenable to the jurisdiction of the Courts of the country in which they reside in respect of acts done by them in the exercise of their functions.

If this plea to the jurisdiction be raised before an authority of the State of residence, such authority shall refrain from giving a decision, since all difficulties of this kind must invariably be settled through the diplomatic channel.

*Article 13.*

Consuls-general, consuls and vice-consuls, being nationals of the State which has appointed them, shall not be placed under arrest or in custody pending trial except for offences which, under the law of the country of residence, are punishable by imprisonment or a similar penalty privative of liberty for a period exceeding two years, or by some more serious penalty.

In the case of the arrest or committal for trial of a consul-general, consul, vice-consul, clerk, or other consular official, the Government of the State in whose territory the arrest or committal for trial has taken place shall immediately inform the diplomatic representative of the State which has appointed the said consular official.

*Article 14.*

Consular officials shall be under obligation to appear as witnesses when called upon by the judicial authorities of the country in which they exercise their functions. Heads of consular offices who are officials *de carrière* may, if prevented from appearing by the exigencies of their duties, give their depositions at their consular premises within the period fixed by the judicial authorities.

In such case the questioning shall be conducted according to the procedure laid down by the local laws.

Consular officials may refuse to give evidence on any facts connected with the exercise of their functions.

*Article 15.*

Except as regards the privileges and immunities mentioned in the present Convention, consular officials shall be subject, under the same conditions as nationals of the country, both in civil and criminal matters, to the jurisdiction of the courts of the State in which they reside.

*Article 16.*

Acting consuls-general, consuls and vice-consuls shall enjoy, during their *ad interim* period of office, the privileges and immunities granted to the titular officials.

### CHAPTER III.

#### CONSULAR POWERS.

#### SECTION I.

#### GENERAL PROVISIONS.

*Article 17.*

Consuls-general, consuls and vice-consuls shall be authorised to protect the nationals of the State which has appointed them and, in virtue of international law and custom, to uphold all the rights and interests of these nationals.

For this purpose, they may apply to all the authorities in their district to protest against any breach of the treaties and conventions in force between the two Parties and against any abuse of which their nationals may have to complain.

*Article 18.*

Consuls-general, consuls, vice-consuls and consular agents shall be entitled, provided they are so authorised by the legislation of the State which has appointed them :

(1) To take in their office or place of residence or at the place of residence of the parties concerned or on board vessels or aircraft of their country all statements which may have to be made by captains, members of the crew, passengers, traders or any other nationals of their country ;

(2) To take, draw up and legalise in their office or at the place of residence of the parties or on board vessels of their country, unilateral legal acts and testamentary dispositions of their nationals, and all bilateral legal acts in which only their nationals are concerned, or their nationals of the one part and other persons, nationals of their country of residence or of a third Power, of the other part ;

(3) To take, draw up and legalise in their office and on board vessels of their country unilateral and bilateral legal acts in which only nationals of their country of residence or of a third Power are concerned, provided these acts refer to rights or property situate or to business to be transacted in the territory of the nation to which the consul-general, consul or vice-consul before whom they will be concluded belongs, or provided they are intended to produce their legal effect in that territory ;

(4) To take, draw up and register contracts concerning the sale of national vessels or aircraft, bottomry bonds, pledging, hypothecating or registration, and any other contract required for national maritime or air navigation ;

(5) To register contracts for the purchase of vessels and aircraft, provided one of the contracting parties is a national of the State to which the consul belongs ;

(6) To translate and legalise all kinds of acts and documents issued by the authorities or officials of their own country or of their country of residence ; these translations shall have in the two countries the same force and authority as if they had been made by public officials or sworn interpreters of either country ;

(7) To issue and visa passports and all other official documents in accordance with the regulations of the State by which they are appointed.

It is understood that the above provisions shall not be applicable to bilateral legal acts concerning the transfer of ownership rights or for instituting charges on immovable property situate in the territories of the State of residence of the consul-general, consul or vice-consul.

Copies of deeds, extracts therefrom and duplicate originals of deeds drawn up in virtue of the present Article by consuls and consular agents, duly legalised by the said consular officials and sealed with the seal of the consulate, shall be accepted in either Contracting State, both in and out of Court, as equivalent to the originals and shall have the same authority and the same value as evidence as if they had been drawn up in the presence of a notary or a public legal officer of one or the other country, provided that the said acts have been framed in the form required by the laws of the State to which the consul-general, consul or vice-consul belongs, that they have been stamped and registered in the same way as the originals, and that all other formalities governing the matter in the country in which the deed is destined to produce its effects have been complied with.

Should any doubt arise concerning the genuineness of the copy, of an extract therefrom or of the duplicate original of a deed drawn up in one of the respective consular offices, the party concerned, if he so request, shall be entitled to demand comparison and may be present when the comparison is made, if he thinks fit.

Consuls-general, consuls, vice-consuls and consular agents may, without applying any form of compulsion, carry out recruiting operations among such of their nationals as voluntarily submit to these formalities.

#### *Article 19.*

Consuls-general, consuls and vice-consuls shall be recognised as being fully entitled to represent such of their nationals as happen to be away from their country of residence, and shall thus be empowered to accomplish, in respect of the competent authorities of that country, such acts of procedure as may be necessary to safeguard the rights of the said nationals in the matter of compensation for accidents occurring in the course of work.

They shall also be authorised to receive payment of annuities or allowances due to their nationals as compensation for accidents occurring in the course of work or in application of the social insurance laws of their country of residence if the beneficiaries happen to be outside that country.

Insurance companies or institutions and other interested parties who pay the above-mentioned annuities or allowances to the consular officials of the State of which the beneficiary is a national shall be covered as regards the acquittal of their obligations by the receipts issued by these officials.

#### *Article 20.*

Consuls-general, consuls, vice-consuls and diplomatic representatives shall be entitled to celebrate the marriage of their nationals, if authorised so to do by the laws of their country.

This provision shall not apply to marriages when the future husband or wife is a national of the other Contracting Party.

The said consular officials and diplomatic representatives shall, at the earliest possible date, inform the authorities of the country in which they reside of the above-mentioned marriages.

### SECTION II.

#### GUARDIANSHIP AND CURATORSHIP.

#### *Article 21.*

Consuls-general, consuls and vice-consuls shall be empowered to protect infants, weak-minded persons and other persons under disability who are nationals of the State which has appointed them ; for this purpose, the above-mentioned consular officials shall be entitled, within the limits of the local laws, to take all the steps they may deem to be expedient.

### SECTION III.

#### SUCCESSIONS.

#### *Article 22.*

In the event of the death of a national of one of the High Contracting Parties within the territory of the other, the competent local authority must immediately advise the consular official.

Consular officials for their part must similarly advise the local authorities in cases where they have been the first to receive such information.

The competent local authority must, as soon as possible, transmit to the consular official a duplicate copy, free of charge, of the death certificate and must communicate all the information it possesses regarding the persons entitled to inherit, their place of residence, the existence of testamentary dispositions, and the property of the deceased.

*Article 23.*

If an Italian leaves property in Latvia or a Latvian leaves property in Italy, and if the persons entitled to inherit or some of them are unknown or absent, the consuls-general, consuls, vice-consuls and consular agents may request that seals be affixed on the effects, papers and other movable property of the deceased and may be present at the accomplishment of this formality. They shall take care to ensure that the competent authority makes due search for a will and shall be supplied with all information and documents that may enable them to discover the persons entitled to inherit. They may ask that an inventory be drawn up and shall in all cases be entitled to be present at the taking of the inventory. They may, moreover, if they think it expedient, take steps to cause the local authority to appoint an administrator or curator for the estate, to be selected on their proposal from among the persons designated by law or custom to fulfil this duty.

The administrator or curator, whenever so requested, must communicate to the consul-general, consul, vice-consul or consular agent all information concerning the liquidation of the estate.

A consular official may take no further action as soon as it has been ascertained that there are no persons entitled of the nationality of the State which has appointed him or that all the heirs are present or represented.

*Article 24.*

The provisions of Article 23 shall apply when nationals of one of the Contracting States, being absent or under disability and not represented, have an interest in a succession opened in the territory of the other State, whatever the nationality of the deceased may be. Consular officials may, however, take no further action as soon as all the persons entitled, of the nationality of the State which has appointed the agent, are present or represented.

*Article 25.*

If an Italian leaves property in Latvia or a Latvian leaves property in Italy, and if the local authority estimates the value of this property as being less :

in Italy than . . . . .	3,500 lire
in Latvia than . . . . .	1,000 lats

the consul-general, consul, vice-consul or consular agent may cause this property to be handed over to him. He shall be empowered to liquidate the succession alone, but may not transmit the product thereof outside the territory of the State of residence until the debts and all charges due have been paid.

SECTION IV.

MARITIME AND AIR NAVIGATION.

*Article 26.*

Consuls-general, consuls and vice-consuls shall be entitled, on compliance with the regulations of the port in which they are established, to facilitate the arrival and departure of vessels flying



their national flag and to lend them their aid for the period of their stay within the consular district.

For this purpose, they may proceed in person or send deputies on board such vessels immediately after the latter have been admitted to pratique, interrogate the captains and members of the crews, collect information in conformity with Article 18, receive statements regarding the voyage, the destination of the vessel and the events of the voyage, and other declarations from members of the crew and passengers, and further proceed through the agency of confidential experts of any kind to check cases of damage or to make enquiries of any kind with regard to casualties, in the manner provided by their national law.

#### *Article 27.*

Consuls-general, consuls and vice-consuls shall be solely responsible for the maintenance of internal order on board merchant vessels flying their national flag.

Disputes of all kinds between the captain, the officers or other members of the crew, especially disputes relating to pay or the execution of reciprocal contracts concluded, shall be settled by the above-mentioned officials in so far as they are entitled to do so under the laws of the State to which they belong.

The local authorities shall not be entitled to intervene except in the event of disturbances occurring on board ship of such a nature as to disturb public peace and order ashore or in the harbour, or where nationals of the country or persons not forming part of the crew are involved. In all other cases of disturbances on board, the local authorities shall limit their action to giving their support to the consular officials or, in the absence of the consul, to the captains, if the latter so request. In particular, the local authorities shall be required to put back on board any person entered on the muster-roll of the crew and to arrest him unless, in this latter case, he is a national of the country. Arrests shall be effected on a written request addressed to the local authorities, accompanied by a certified extract from the muster-roll of the crew, and shall continue for two months. If the vessel remains in port for more than two months, the person so detained must be put on board until the vessel's departure.

The costs of arrest and detention shall be borne by the State to which the consular official belongs.

#### *Article 28.*

Consuls-general, consuls and vice-consuls may cause to be arrested and sent back to their ships seamen or any other persons belonging in whatever capacity to the crew of vessels flying the national flag, who have deserted.

For this purpose, they must apply in writing to the competent local authorities and show proof by submission of the ship's registers or the muster-roll of the crew, or by production of a certified extract therefrom, that the persons claimed really belong to the crew. In places where there is no consular official, the above request may be made by the captain himself subject to the same conditions. On the receipt of such a request duly authenticated, the said consular officials or captains shall be given every help and assistance in searching for and arresting such deserters in order to bring them on board.

Nevertheless, where the deserter has committed a crime or offence on shore, the local authority may defer handing him over until such time as the Court has passed sentence and the said sentence has been fully and completely carried out.

The High Contracting Parties agree that the provisions of the present Article shall not apply to seamen and any other members of the crew who are subjects of the country in which they have deserted.

#### *Article 29.*

When a vessel flying the flag of one of the two High Contracting Parties is wrecked or stranded on the coast of the territory of the other High Contracting Party, the local authorities must notify the consul-general, consul or vice-consul.

In the absence and pending the arrival of the consular official or the person he may depute for the purpose, the local authorities shall take all necessary steps for the protection of persons and the conservation of effects saved from the wreck.

All operations connected with the salvage of vessels of one of the High Contracting Parties that may have been wrecked or stranded on the coast of the territory of the other Contracting Party shall be carried out under the direction of the consul-general, consul or vice-consul of the country whose flag the vessel flies.

The local authorities shall not intervene except to assist the consular officials or their deputies, to maintain order, to protect the interests of salvors not belonging to the crew, to ensure the execution of the rules to be observed with regard to the import and export of salvaged goods, and to safeguard the general interests of shipping.

No charges of any kind shall be made in respect of the intervention of the local authorities in these various cases, except such as are necessitated by the salvage operations and the conservation of the salvaged effects, and such as national vessels would be required to pay in similar circumstances.

Salvaged goods and effects shall not be liable to any Customs duty unless they are intended for consumption within the country.

*Article 30.*

Unless otherwise agreed between the parties interested in the vessel and its cargo, any question of damage sustained during a voyage by a vessel of one of the High Contracting Parties shall be settled by the consuls-general, consuls or vice-consuls of that Party, if the ship puts in at a port in their district.

Nevertheless, questions of damage shall be settled by the authorities of the country if a subject of the country or of a third Power is interested therein and if there has been no possibility of settling the affair by amiable agreement.

*Article 31.*

Furthermore, consuls-general, consuls and vice-consuls may exercise in respect of shipping the other purely administrative, accounting or technical functions entrusted to them under the laws of the country to which they belong.

*Article 32.*

The provisions of the present Section shall apply as far as possible to air navigation.

SECTION V.

GENERAL AND FINAL PROVISIONS.

*Article 33.*

Each of the High Contracting Parties undertakes to grant to the other Party most-favoured-nation treatment in the matter of the establishment of consuls and all that concerns their duties, powers, rights, privileges and immunities.

Neither of the High Contracting Parties may, however, on the basis of the most-favoured-nation clause, claim on behalf of its consular officials rights, privileges and immunities other or more extensive than those granted by itself to the consular officials of the other Party.

*Article 34.*

The High Contracting Parties reserve the right, by common consent and by an exchange of notes, to make the present Convention applicable to their colonies, protectorates, mandated territories or any other territories subject to their sovereignty or authority, or to any territories under their suzerainty.

*Article 35.*

The present Convention shall be ratified at the earliest possible date, and the ratifications shall be exchanged at Riga as soon as possible.

The present Convention shall come into force on the fifteenth day after the exchange of ratifications and shall remain in force for five years as from that date. If, however, it has not been denounced six months before the expiry of this period, it shall remain in force for ten months as from the date of its denunciation by either Contracting Party.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Rome on May 11th, one thousand nine hundred and thirty-two, one copy to be handed over to each of the signatory States.

(L. S.) (*Signed*) P. SEYA.

(L. S.) (*Signed*) Dino GRANDI.