

receiving state, concerning the existence of a last will of the deceased and possible heirs, legatees and persons entitled to a legal portion.

(2) Whenever it occurs that, in connection with the opening of a probate proceeding in the receiving state, irrespective of the nationality of the deceased at the time of his death, that nationals of the sending state may be heirs, legatees or persons entitled to a legal portion, the competent authorities of the receiving state shall so inform a consular officer.

Article 35

(1) Whenever a national of the sending state has left an estate in the receiving state or nationals of the sending state may be heirs, legatees or persons entitled to a legal portion in a probate proceeding, irrespective of the nationality of the deceased at the time of his death, a consular officer shall be entitled to request the competent authorities of the receiving state to take measures with a view to protecting, keeping and administering the estate. The consular officer may take part in implementing these measures in accordance with the laws of the receiving state and may take care of a representation of heirs, legatees or persons entitled to a legal portion.

(2) In the discharge of the duties under paragraph 1 a consular officer may directly contact the competent authorities of the receiving state.

Article 36

(1) A consular officer shall be entitled to accept from the competent authorities of the receiving state after the conclusion of a probate proceeding the movable property which is part of the estate or the amount of money obtained from the sale of the movable or immovable property in order to pass it on to a national of the receiving state, if this national is heir, legatee or a person entitled to a legal portion and unless he is resident of the receiving state or took part, personally or through a representative, in the probate proceeding.

(2) The assets of property mentioned in paragraph 1 shall be passed on to a consular officer only when, in accordance with the legal regulations of the receiving state, liabilities of the estate and taxes related to the estate are paid or when their payment is ensured.

(3) The transfer or export of assets mentioned in paragraph 1 to the persons entitled to them shall be subject to the legal regulations of the receiving state.

Article 37

(1) The competent authorities of the receiving state shall deliver to a consular officer the personal effects, money and valuables as are left by a national of the sending state who has died during his temporary stay in the receiving state and unless the delivery of such objects to an authorized person is possible.

(2) The delivery or export of assets mentioned in paragraph 1 shall be subject to the legal regulations of the receiving state.

Article 38

(1) The competent authorities of the receiving state shall inform a consular officer in writing of all cases where it is necessary to appoint a guardian or a curator for a national of the sending state residing or staying in the receiving state.

(2) A consular officer shall be entitled to contact the appropriate authorities of the receiving state because of the appointment of a guardian or curator for a national of the sending state and to propose suitable persons to be appointed to act as guardians or curators.

Article 39

(1) A consular officer shall be entitled to communicate with any national of the sending state, to meet him, to support him

in his relations with the authorities of the receiving state, to assist him in matters dealt with by these authorities, to assure him the assistance of a lawyer or another person and to arrange for an interpreter.

(2) The receiving state shall not restrict in any way the relations of a national of the sending state with the consulate and his access to it.

(3) The authorities of the receiving state shall support a consular officer in obtaining information on persons possessing the nationality of the sending state, so that the consular officer may contact or meet these nationals.

Article 40

(1) The competent authorities of the receiving state shall without delay inform a consular officer of the provisional detention, arrest or any other restriction of the personal freedom of a national of the sending state in the receiving state.

(2) A consular officer shall be entitled to visit as soon as possible and keep in touch with a national of the sending state who was provisionally detained, arrested, whose personal freedom has been otherwise restricted or who is serving a prison sentence in the receiving state. The visits may be repeated in appropriate intervals.

(3) The competent authorities of the receiving state shall inform the national of the sending state of the rights accorded to him by this Article.

(4) The rights mentioned in this Article shall be exercised in accordance with the legal regulations of the receiving state provided that these rights are not abolished by them.

Article 41

(1) A consular officer is entitled to grant support and assistance to vessels of the sending state in ports, the territorial and inland waters of the receiving state.

(2) A consular officer may contact and board a vessel of the sending state as soon as the vessel has been granted pratique.

(3) The master and members of the crew of a vessel of the sending state are entitled to contact the consular officer. Subject to the legal regulations of the receiving state, they may also call at the consulate.

(4) In the exercise of his functions a consular officer may address the competent authorities of the receiving state and seek their support and assistance in all questions relating to a vessel of the sending state, her master, members of the crew, passengers and cargo.

Article 42

(1) A consular officer shall be entitled:

1. to investigate, without prejudice to the rights of the authorities of the receiving state, any incidents that may have occurred en route on board the vessel of the sending state and to question the master and members of the crew;
2. to settle, without prejudice to the rights of the authorities of the receiving state, all disputes between the master and a crew member, including disputes on wages and ship's articles;
3. to take steps toward hiring or discharging the master or crew members, unless this is contradictory to the legal regulations of the receiving state;
4. to arrange medical treatment for the master, crew members or passengers or to arrange for their return voyage;
5. to accept, issue, prolong or certify any statement or any other document provided for by the legal regulations of the sending state with regard to vessels of the sending state and their cargoes and to examine the ship's papers.