

Article 40

A consular officer shall have the right:

1. to investigate, without prejudice to the rights of the authorities of the receiving State, any incidents that may have occurred during the course of voyage on board the vessel of the sending State and to question the captain and crew members;
2. to settle, without prejudice to the rights of the authorities of the receiving State, all disputes between the captain and crew members, including disputes concerning wages and the ship's articles, and to take steps towards hiring or discharging the captain or crew members, if this is permitted under the laws and regulations of the sending State;
3. to make arrangements for medical treatment or for repatriation of the captain, crew members or passengers;
4. to receive, issue or certify any declaration or other document prescribed by the laws and regulations of the sending State with regard to vessels and their cargoes.

Article 41

(1) If the courts or other competent authorities of the receiving State intend to carry out any coercive measures or make any investigation on board a vessel of the sending State, the consular officer shall be informed beforehand by the competent authorities of the receiving State, so that he may be present when these measures are carried out. If the urgency of the measures to be carried out does not admit of such advance information, the competent authorities of the receiving State shall furnish the consular officer on request with a written account of the incidents and the measures taken.

(2) The provisions of paragraph 1 shall also apply if the captain or crew members are to be interrogated ashore by the competent authorities on incidents relating to the vessel of the sending State.

(3) The provisions of this Article shall not apply to the normal customs, passports and sanitary inspections.

Article 42

(1) The competent authorities of the receiving State shall immediately inform a consular officer when a vessel of the sending State is shipwrecked, runs aground or suffers some other accident in a port, the territorial or internal waters of the receiving State, and shall communicate to him what measures have already been taken for the salvage and rescue of persons, vessel and cargo. The consular officer may extend any assistance to such a vessel, the members of the crew and passengers. He may also take measures to repair the vessel and secure the cargo.

(2) The consular officer may, on behalf of the owner of the vessel of the sending State, take such measures as could have been arranged by the owner of the vessel or of the cargo himself, provided that neither the captain nor the vessel's owner, his agent or the competent insurance company are in a position to make the necessary arrangements for securing or disposing of such a vessel or her cargo.

(3) The provisions of paragraphs 1 and 2 of this Article shall also apply to objects which are the property of citizens of the sending State, and were on board a vessel of the receiving State or of a third State, or were found on the shores or in the waters of the receiving State as stranded goods or were delivered to a port of that State.

(4) The competent authorities of the receiving State shall extend all necessary assistance to a consular officer in taking the measures relating to the salvage of a vessel of the sending State.

(5) No customs duties shall be levied against a wrecked vessel, its cargo or stores, in the territory of the receiving State, unless they are delivered for use in that State.

Article 43

Articles 39, 40 and 42 of the present Convention shall apply *mutatis mutandis* also to aircraft of the sending State.

Article 44

Apart from the functions provided for in this Convention a consular officer may perform other consular functions entrusted to him by the sending State, if they are not prohibited by the laws and regulations of the receiving State.

Article 45

A consular officer shall have the right to levy in the receiving State consular fees for the performance of consular services prescribed under the laws and regulations of the sending State.

CHAPTER V

General and Final Provisions

Article 46

(1) All persons enjoying facilities, privileges and immunities under this Convention are obliged, without prejudice to such facilities, privileges and immunities, to respect the laws and regulations of the receiving State, including those relating to traffic and insurance of motor vehicles. They are also obliged not to interfere in the internal affairs of that State.

(2) The consular premises must not be used in any manner incompatible with the performance of consular functions.

Article 47

(1) The provisions of this Convention shall also apply to the performance of consular functions by a diplomatic mission of the sending State. The rights and duties of consular officers as stipulated in this Convention shall also apply to members of the diplomatic staff of the diplomatic mission of the sending State who have been entrusted with the performance of consular functions. The names of these members shall be notified to the Ministry of Foreign Affairs of the receiving State.

(2) The performance of consular functions by persons mentioned in paragraph 1 of this Article shall not affect their facilities, privileges and immunities as members of the diplomatic staff of the diplomatic mission.

Article 48

With the approval of the receiving State the sending State may perform consular functions in the receiving State on behalf of a third State.

Article 49

(1) This Convention shall be subject to ratification. It shall enter into force 30 days after the exchange of the instruments of ratification, which shall take place in Berlin.

(2) This Convention shall remain in force until the expiry of six months from the date on which one of the Contracting Parties shall have given to the other Contracting Party a written notice through diplomatic channels, of its intention to terminate the Convention.

IN WITNESS WHEREOF the respective plenipotentiaries of the two Contracting Parties have signed this Convention and have affixed thereto their seals.

Done in duplicate at New Delhi this the twelfth day of December 1975 in German, Hindi and English languages, all texts being equally authentic.

**For the
German Democratic
Republic**
Oskar Fischer
Minister of Foreign Affairs

**For the
Republic of
India**
Y. B. Chavan
Minister of External Affairs