

NOTICE RELATING TO HONORARY CONSULS IN FRANCE

- UNOFFICIAL TRANSLATION -

Vienna Convention of 24 April 1963:

The general provisions relating to facilities, privileges and immunities of an honorary consul representing a foreign State in France are defined in Chapter III (Article 58) of the Vienna Convention on Consular Relations of 24 April 1963.

Furthermore, certain consular conventions concluded between France and certain foreign States may complement the prerogatives accorded to the official missions present in France.

Candidate appointment process:

Only the embassy of the foreign State concerned is entitled to present a candidate for the office of honorary consul.

In order for the French authorities to give their consent to this appointment, in accordance with Article 22.2 of the 1963 Vienna Convention, the candidate's detailed curriculum vitae¹ and consulate's exact address **must** be provided. You should allow for about two months before receiving the reply of the French authorities to the application for the appointment.

In the event of a simultaneous application to open a consular post, a note justifying this should also be sent to the Ministry.

Only one honorary consular officer is appointed per honorary consulate (post holder). He must be a permanent and tax resident in the place where he is to take up the position assigned to him.

Seat of the consular post:

The seat of the consulate and honorary consul's residence must be located in the department's administrative centre, from which the consulate will take its name.^{2 3}

Applications to open consulates in a town other than the administrative centre must be exceptional and supported by strong reasons. If the French authorities deem such a request legitimate, permission will be granted for a "vice-consulate" or "consular agency".

However, special dispensation may be given for opening a "consulate" in a major port, on the basis of detailed justification.

¹ two copies

² In Paris it is not customary to accept the existence of an honorary consul when the consular functions are exercised by the consular section of an embassy

³ Some leeway may be granted regarding the Head of Post's residence if this is located in the communes bordering the seat of the consulate

The Protocol Department draws attention to the fact that any relocation of a consulate, including within the same town or city, must be the subject of an application by the diplomatic mission so as to obtain the prior agreement of the French authorities.

Vacant posts

No honorary consul position may remain vacant for more than six months. After this time, if no candidate is presented the French authorities will deem the post to have closed and the diplomatic mission will have to reapply to the Protocol Department in order to reopen its consular representation.

Incompatibility of office

A French national cannot exercise the office of a foreign State's honorary consul if he/she has been elected by universal suffrage, is a civil servant or central government or local authority official, member of the Commercial Court (Commercial Court judge), or is on the academic staff of a higher education establishment if this is his/her main activity unless, he/she has been granted the authorization to exercise the office of honorary consul by the authority to which he/she is responsible.

Capacity of honorary consul

The honorary consul may have the capacity of Head of Post if the foreign Head of State provides him/her with a consular commission or similar instrument listing the French department(s) under his/her jurisdiction. He/she cannot be responsible for a specific town or region, nor can jurisdiction be granted simultaneously to two separate consular officers.

An exequatur, a document recognizing the consular jurisdiction, signed by the President of the Republic and countersigned by the Minister of Foreign Affairs, is then issued to the honorary consul, Head of Post.

Pending the outcome of this procedure, the Ministry of Foreign Affairs declares that the honorary consul is admitted on a provisional basis to exercise his/her functions, thereby conferring on him/her all the capacities and powers provided for by the Vienna Convention.

Finally, it should be noted that the title of Consul General is reserved for career consuls.

An honorary consul without the capacity of head of post carries out his functions under the authority of the head of the consular post whose jurisdiction includes the department where he/she resides.

Facilities, privileges and immunities:

Facilities, privileges and immunities are granted to an honorary consul and the consulate he/she heads. The consular premises are entitled to the French authorities' protection and are, in principle, exempt from dues and taxes, if the sending State is the owner or lessee, except for taxes collected for payment for specific services rendered (household rubbish collection, for example)⁴. Consular archives and documents are inviolable, provided that they are kept

⁴ Article 60, Chap. III, Vienna Convention of 24 April 1963

separate from the honorary consul's private correspondence and documents relating to his professional activities⁵.

The honorary consul is entitled to the protection necessary by reason of his official position. The Protocol Department issues him/her with a certificate of appointment stating his capacity. The honorary consul (a French national or permanent resident of foreign nationality) enjoys immunity from jurisdiction and personal inviolability only in respect of official acts performed in the exercise of his/her functions.

Furthermore, he/she may enjoy no tax or customs privileges. His/her motor vehicle does not qualify for a special registration number and so comes under common law. Moreover, French regulations strictly prohibit the display of any kind of "CC" sticker or insignia.

Remit and administrative status

Honorary consuls are responsible for representing before the local authorities the foreign State's nationals, safeguarding their interests and personal safety. They may also, within the limits of the mandate given them by that State, perform administrative or legal acts (visas, passports and civil registration).

They are under the supervision of the embassy which put forward their candidature and remains the sole interlocutor of the Ministry of Foreign Affairs Protocol Department for any issue relating to their situation, status and remit, as well as the privileges and immunities accorded to them. Consequently, it is the embassy's duty to notify the Protocol Department as soon as possible of any change affecting the honorary consuls for which it is responsible⁶./.

⁵ Article 61, Chap. III, Vienna Convention of 24 April 1963

⁶ Changes to or termination of functions, civil registration changes, changes of address, various problems