

On the basis of Articles 16 and 74 of Public Administration Act (ZDU-1 – UPB4, OG RS, 113/05) and Article 28 of Foreign Affairs Act (ZZZ-1 – UPB1, OG RS, 113/03) the Minister of Foreign Affairs of the Republic of Slovenia issues the following

INSTRUCTION

For Honorary Consular Officers of the Republic of Slovenia

I General Provisions

Article 1

The purpose of this Instruction is to set out in detail the exercise of the functions of consular posts of the Republic of Slovenia headed by honorary consular officers in accordance with the Vienna Convention on Consular Relations done at Vienna on 24 April 1963 (hereinafter: Vienna Convention on Consular Relations).

Article 2

For the purposes of the present Instruction, consular post has the meaning of consulate-general, consulate, vice-consulate or consular agency headed by an honorary consular officer.

Article 3

A consulate-general may be established in the capital of the receiving State if there is no embassy of the Republic of Slovenia, in other important political and economic centres of the receiving State, and in the cities with a considerable number of Slovenian citizens and/or persons of Slovenian origin. In other cities a consulate, a vice-consulate or a consular agency may be established, in accordance with their significance.

Article 4

The consular post shall exercise its functions under supervision, according to the instructions and with the assistance of the diplomatic mission (hereinafter: supervising mission) that performs its duties in the consular district of the relevant consular post. In case there is no Slovenian diplomatic mission in the consular district of the relevant consular post, the role of the supervising mission shall be assumed by the Ministry of Foreign Affairs of the Republic of Slovenia (hereinafter: Ministry). For practical reasons and with regard to a specific consular district the Ministry may assign some of the functions of the supervising mission to a consular post headed by a career consular officer.

Article 5

The consular post shall have its seat and its consular district. Taken into account that in one consular district there can only be one consular post, the seat and the consular district shall be established by the Ministry upon the proposal of the supervising mission and with the receiving State's consent. The proposal of the Ministry shall be submitted for approval to the Government of the Republic of Slovenia.

Article 6

In case of specific tasks the Ministry may appoint a career consular officer or any other employee of the Ministry to a position at the consular post, subject to the approval of the receiving State. In such case the appointed person shall be directly subordinated to the supervising mission or to the Ministry, and shall report to the head of consular post.

II Functions

Article 7

The consular post shall provide assistance to Slovenian citizens and legal persons in its consular district by advising them on the possibilities of protection of their rights in the receiving State.

Article 8

The consular post shall provide information about Slovenia, its economy and culture. In cooperation with the supervising mission the consular post shall participate in establishing contacts in the economy, culture, science, education and sports.

Article 9

The consular post, upon being informed of the death of or serious accident involving a Slovenian citizen, shall notify the supervising mission of such event without delay and provide all necessary assistance.

Article 10

The consular post, upon being informed of a Slovenian citizen taken into custody, sentenced to prison, involved in a criminal offence or subject to any violent measures, shall notify the supervising mission of such event without delay.

Article 11

Upon instruction of the supervising mission the consular post shall assist in search for Slovenian citizens within its consular district.

Article 12

The consular post shall perform other activities as authorised by the Ministry or the supervising mission.

Article 13

The consular post, if addressed in connection with a subject for which it is not competent, shall redirect the request toward the supervising mission. If there is no supervising mission, the consular post shall request an instruction from the Ministry.

Article 14

The consular post is not authorised to issue visas.

Article 15

The consular post is not authorised to collect consular taxes.

III Contacts

Article 16

In exercising its functions the consular post shall communicate with the competent local authorities in its consular district. If there is no Slovenian embassy in the receiving State, the consular post shall apply the practices of the receiving State in communication with the central authorities and follow the instructions of the supervising mission.

Article 17

The honorary consular officer shall develop good relations with the authorities of the receiving State. Upon the assumption of duties and on other occasions, if appropriate, the honorary consular officer shall pay a courtesy visit to the authorities. If possible, he/she shall personally attend the receptions on the official occasions to which he/she has been invited.

Article 18

The honorary consular officer shall maintain close relations with all associations and their representatives, businesses, organisations and the media in the receiving State that have contacts with Slovenia and/or demonstrate or can be expected to demonstrate special interest in Slovenia.

Article 19

The honorary consular officer strives for good relations and cooperation with other consular officers and representatives of other countries and international organisations that have their seat in his/her consular district and whose activities are connected with his/her function. A newly appointed honorary consular officer shall pay a courtesy visit to the head of consular corps and to the chairman or secretary

general of the consular association – if the latter exists in his/her consular district – and to consular officers, if so instructed by the supervising mission.

Article 20

The honorary consular officer shall maintain contacts with Slovenian citizens and persons of Slovenian origin who live in his/her consular district, as well as with their associations and organisations.

IV Running of the consular post

Article 21

The consular post shall be run by an honorary consular officer, i.e. an honorary consul general, an honorary consul, an honorary vice-consul or an honorary consular agent.

Article 22

If two (2) honorary consular officers have been appointed to one (1) consular district, one of them shall be of lower rank than the other. The honorary consular officer of higher rank shall be appointed as head of the consular post, and the honorary consular officer of lower rank shall be appointed as member of the consular staff.

Article 23

If the position of the head of consular post has become vacant, the supervising mission shall make a suggestion to the Ministry and the Ministry shall take a decision on further operation of the consular post as quickly as possible, in accordance with the relevant provisions of the Vienna Convention on Consular Relations.

Article 24

Upon taking up his/her functions the head of consular post shall examine the archives of the consular post as well as the equipment and the objects deposited with the consular post, and shall prepare a handover report in three (3) copies, of which one shall remain in the archives of the consular post, one shall be handed to the former head of consular post, and one shall be sent to the supervising mission.

Article 25

Unless otherwise provided by the Ministry, the head of consular post shall be responsible for the management of things at the consular post. The objects connected with the performance of consular activities shall be separated from the personal belongings of the honorary consular officer and/or from the objects intended for his/her other activities.

V Consular premises and equipment

Article 26

The honorary consular officer shall ensure consular premises which have to be suitably placed and easily accessible. As a rule, the area containing the archives, reports and other things belonging to the consular post shall be separated from the area in which visitors are received. The supervising mission shall give its opinion on the appropriateness of such consular premises.

Article 27

The honorary consular officer shall make certain that the address and telephone numbers of the consular post are listed in the local directory under "consulates". He/She shall also ensure that the address is listed in other relevant directories and reference publications. The honorary consular officer shall regularly inform the supervising mission of any changes, and the supervising mission shall further notify the receiving State.

Article 28

If the situation permits, and as appropriate, the national flag of the Republic of Slovenia shall always be flown on the building occupied by the consular post. On each occasion when flags are flown on public buildings, the national flag of the Republic of Slovenia shall be flown on the building of the consular post. As far as flying the flag at half-mast is concerned, local customs shall be observed. If consular premises are not in a building owned by the honorary consular officer, he/she shall agree upon the use of a flagpole with the owner of the building.

On official occasions, the honorary consular officer may fly the national flag of the Republic of Slovenia on his/her residence.

The Ministry's department of Diplomatic Protocol shall provide three national flags for the use of the consular post and one flag for lending in the receiving State.

Article 29

The Ministry's department of Diplomatic Protocol shall provide the consular post with a signboard with the Slovenian coat-of-arms. The signboard shall be mounted at a suitable place on or in the building occupied by the consular post. If consular premises are not in a building owned by the honorary consular officer, he/she shall agree upon the placement of the signboard with the owner of the building.

Article 30

The Ministry's Public Relations Office shall provide the consular post with information publications about Slovenia and its businesses and tourism in English or other relevant language.

VI Consular operations

Correspondence

Article 31

Official consular correspondence shall comprise correspondence with local authorities, with representatives of other countries and international organisations, with the supervising mission, and with others.

Article 32

Correspondence with local authorities shall be conducted in customary form and in the usual local language.

Article 33

If, in accordance with Article 16 of this Instruction, there is written correspondence with other representations and with the Ministry of Foreign Affairs of the receiving State, such correspondence shall be conducted in the form of consular correspondence.

Article 34

As far as letters and reports of the consular post to the supervising mission are concerned, the following shall apply:

- a) The languages used shall be either Slovenian or the official language of the receiving State, if so agreed with the supervising mission, or one of the diplomatic languages.
- b) Letters shall be addressed to the supervising mission or to the Ministry, but not to individual persons.

Article 35

As a rule, letters to Slovenian authorities, institutions or individuals shall be sent through the supervising mission. In the case of letters addressed to such authorities, institutions or individuals in reply to their letters, and concerning matters with which the consular post is well acquainted, correspondence may be conducted directly.

Article 36

Upon taking up his/her functions the honorary consular officer shall be provided with a collection of official printed matter by the Diplomatic Protocol of the Ministry. The honorary consular officer shall have the official printed matter printed on the model of the received collection of official printed matter and/or on the model of samples, sent by the Diplomatic Protocol of the Ministry.

Article 37

The honorary consular officer may use official paper and stamps only for official correspondence of the consular post.

Archives

Article 38

The consular post shall hold archives with documents in connection with its activities. The archives shall comprise a work register. The archives shall be separated from the rest of the honorary consular officer's documents.

Article 39

The head of consular post shall ensure that the documents concerning the activities of the consular post and the honorary consular officer are entered into the work register and that the documents kept in the archives are stored appropriately.

Article 40

The supervising mission shall have the responsibility for consular archives to be in conformity with Articles 38 and 39 of the present Instruction.

Article 41

In the event of closure of the consular post its archives shall be taken care of by the supervising mission.

Operating expenses

Article 42

The honorary consular officer shall cover all expenses incurred by the operation of the consular post. Exceptionally, the following expenses may be paid back to the honorary consular officer:

- a) Purchase of printed matter, samples and other materials sent to Slovenian authorities on their request.
- b) The cost of urgent notifications of death, serious accident or deprivation of liberty of a Slovenian citizen.
- c) The cost of assistance to persons in adversity, legal assistance in criminal matters, actions concerning death abroad, natural and other disasters involving Slovenian citizens. Any reimbursement may not exceed the expenses incurred after a prior instruction or a prior approval of the supervising mission has been issued.
- d) Other expenses following a prior instruction or a prior approval of the supervising mission.

Article 43

If the honorary consular officer requests reimbursement of the expenses from Article 42 of the present Instruction, he/she shall send an invoice through the supervising mission addressed to the Secretary General of the Ministry, the latter being in charge to decide on the reimbursement.

Reporting

Article 44

The consular post shall prepare an annual report on its activities. The report for the preceding year shall be sent to the supervising mission by 31 January of the current year.

VII Obligations and rights of honorary consular officers

Article 45

An honorary consular officer who is engaged in political or any other public activities shall perform such activities with no harm to the interests of the Republic of Slovenia.

Article 46

Before accepting a nomination or a task, he/she was entrusted with by the government of the receiving State, and/or before standing for election in the receiving State, the honorary consular officer shall give to the supervising mission the opportunity to express its opinion concerning the compatibility of such acts with the task performed for the Republic of Slovenia. The honorary consular officer shall do the same if he/she wishes to take up a career for a third State or an international organisation.

Article 47

The honorary consular officer must not disclose any personal or confidential information gathered during the exercise of his/her official duties. The honorary consular officer shall exercise full discretion in all matters concerning the Ministry.

Article 48

The honorary consular officer shall enjoy all privileges and immunities guaranteed by the receiving State in compliance with international law.

VIII Appointment and relief of duties for honorary consular officers

Article 49

To be appointed honorary consular officer, the candidate should live in the receiving State and enjoy good reputation and confidence. The candidate's age should not exceed seventy (70) years. Exceptionally, a person not older than seventy-five (75) years of age may be appointed honorary consular officer.

To ascertain the candidate's eligibility, the supervising mission shall request from the candidate a proof of education and a certificate stating that the candidate has no criminal record and is not involved in criminal proceedings, conduct a means test, and verify all circumstances on the basis of which the Ministry can establish if the

candidate's professional and other activities are compatible with the function of honorary consular officer.

Article 50

The head of consular post shall be appointed and relieved of duties in accordance with Article 23 of Foreign Affairs Act. Other honorary consular officers shall be appointed and relieved of duties by the Minister in charge of foreign affairs upon prior opinion of the supervising mission.

Article 51

The honorary consular officer's exercise of activities shall be verified every five (5) years (the mandate). The verification of honorary consular officer's activities shall be carried out by the supervising mission, which shall send the findings of the verification to the Ministry at least sixty (60) days before the expiry of the honorary consular officer's mandate. The findings of the verification sent to the Ministry shall be accompanied by an opinion of the supervising mission on the operation of the honorary consular officer.

The criteria for the verification of honorary consular officer's exercise of activities shall be his/her fulfilling of tasks and obligations in accordance with this Instruction and the Foreign Affairs Act.

The verification shall be terminated by a declaratory order of the Minister in charge of foreign affairs on a five-year (5-year) prolongation of the honorary consular officer's mandate or by a proposal on the relief of his/her duties submitted to the Government of the Republic of Slovenia.

Article 52

After the appointment and before the issuance of consular commission, the honorary consular officer shall sign the declaration appended to the present Instruction.

Article 53

- (1) The head of consular post may be relieved of his/her duties if:
- Any of the five-year periods under Article 51 of the present Instruction has expired and the Minister in charge of foreign affairs has submitted a proposal to the Government to relieve the officer of his/her duties.
 - As a rule, the officer has attained the age of seventy-five (75) years.
 - It is not in the interest of the Republic of Slovenia to maintain an honorary consular function.
 - The officer himself/herself has requested relief of duties.
 - Other legitimate reasons occur.
- (2) Other honorary consular officers may be relieved of their duties if:
- Any of the five-year periods under Article 51 of this Instruction has expired and the Minister in charge of foreign affairs has not issued a decision prolonging their mandate.
 - As a rule, the officer has attained the age of seventy-five (75) years.

- It is not in the interest of the Republic of Slovenia to maintain an honorary consular function.
- The officer himself/herself has requested relief of duties.
- Other legitimate reasons occur.

Article 54

An honorary consular officer relieved of his/her duties shall not be entitled to an indemnity from the Ministry.

IX Transitional and final provisions

Article 55

Secretary General of the Ministry shall coordinate the activities of the Ministry concerning consular posts and honorary consular officers.

Article 56

If appropriate, the Ministry shall arrange meetings of honorary consular officers in Slovenia. The related travel and accommodation expenses shall be covered by honorary consular officers themselves.

Article 57

If appropriate, the supervisory missions shall hold consultations with honorary consular officers. The related travel and accommodation expenses shall be covered by honorary consular officers themselves.

Article 58

Honorary consular officers to whom the provisions of Article 53 of the present Instruction apply shall be relieved of their duties within three (3) months following the date of entry into force of the present Instruction.

Article 59

With the entry into force of the present Instruction, the Instruction for Honorary Consular Officers of the Republic of Slovenia, No. ZDP-802/2003 of 7 July 2003 shall cease to apply.

Article 60

The present Instruction shall enter into force on the fifteenth (15) day following its signature.

Number: ZKD-1154/07
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Dr Dimitrij Rupel
Minister

