



REGERINGSKANSLIET

## Ministry for Foreign Affairs

The acting Chief of Protocol presents his compliments to their Excellencies the Heads of Diplomatic Missions and has the honour to communicate the following.

### INTRODUCTION

Under Article 4 of the 1963 Vienna Convention on Consular Relations “a consular post may be established in the territory of the receiving State only with that State’s consent. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.”

Article 1(2) of the Convention differentiates between career consular officers and honorary consular officers. Chapter III (Articles 58-68) of the Convention contains provisions that relate specifically to the latter.

In order to facilitate the handling of consular matters, the Protocol Department wishes to draw the attention of the Diplomatic Missions to certain criteria applied by Sweden as the receiving State when considering a request for an honorary consul and to the practice of the Ministry for Foreign Affairs concerning the procedure for requesting exequatur.

### CRITERIA

Consular posts are established on a reciprocal basis. In the first place, there should be an identified need for the provision of consular services.

It is required that meaningful consular functions will be exercised by honorary consular offices on a regular basis.

A consular post should preferably be established in a city, not in a rural

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area. If a country does not have a Diplomatic Mission in Sweden, it is recommended that a consular post be established in the capital or in one of the major cities in Sweden. Consul Generals may act as head of consular posts in the main cities. No country may have more than two honorary consular officers belonging to the same consular post, including the head. In principle, the Ministry for Foreign Affairs will not agree to the establishment of a new consulate in or near Stockholm, if a Diplomatic Mission already exists in the capital. The consular district may comprise the whole of Sweden, one or several counties or a city.

The choice of person to head a consular post is of great importance. Apart from being a reputable, well-established and self-supporting person with an unblemished record and a well-developed network of contacts in Sweden as well as in the country he/she will represent, the person should be professionally active. The proposed person should not already be an honorary consular officer of another sending State. To avoid a conflict of interest, the nominee should not hold an office of profit or trust under the government, county, or municipality, or being an elected member of a Swedish political assembly. The person in question should preferably have Swedish citizenship or hold a Swedish residence permit, and should reside in the area where recognition is granted. The nominee should provide an office in the consular district, with standard equipment such as telephone, telefax, internet and e-mail, regular office hours, etc.

The Ministry for Foreign Affairs can refuse to grant an exequatur without having to give reasons for such a refusal. Furthermore, in cases of misuse after an exequatur has been issued, the exequatur can be revoked and with it the right to use the title “honorary consul”.

If the head of a consular post is unable to carry out his/her functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post. As a general rule, notification shall then be made in advance to the Ministry for Foreign Affairs.

#### **PROCEDURE**

The diplomatic Missions are requested to follow the procedure indicated below:

1. Send a note to the Ministry for Foreign Affairs (Protocol Department), giving notice of the intention to establish an honorary

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consular post and/or to appoint an honorary consul, at the same time asking for the Ministry's advance approval. The Curriculum Vitae (C.V.) of the nominee should be included.

- The Chief of Protocol will then send a letter to the County Governor concerned, including the C.V. Certain inquiries will be made about the candidate. The information will be forwarded to the Chief of Protocol. If the person is considered suitable a note will be sent to the Embassy stating that the Ministry has no objection to the appointment.

2. Send a second note to the Ministry (Protocol Department) after the appointment of the honorary consul, requesting an exequatur. The consular commission need not be enclosed.

- The Protocol Department will grant the exequatur. The Embassy will then be informed of the date of the exequatur. The Embassy will be kindly asked to kindly fill in a form with the honorary consul's full name, address, telephone number, etc.

In accordance with international practice a request for an exequatur should be handled strictly between the Government or Embassy of the sending State and the Government of the receiving State. The Ministry wishes to emphasise that the consular candidate should not contact the Ministry in this matter.

The head of a consular post shall not assume his/her duties until the exequatur has been granted.

The honorary consul has the right to an identity card, once the exequatur has been granted. A request has to be made by the Embassy. Two photographs are required.

The acting Chief of Protocol avails himself of this opportunity to renew to the Their Excellencies the Heads of Diplomatic Missions the assurances of its highest consideration.

Stockholm, 5 September 2007