

## 2.4. The Consular Corps

Published: 29.08.2021.

### 2.4.1. Establishment of a Consular Post

In accordance with Article 4 of the Vienna Convention 1963, the establishment of a consular post in the Republic of Latvia requires a prior express consent of the Latvian Government as to the proposed seat, classification and consular district of the consular post. Consular posts in Latvia are classified as Consulates and Consulates-General. Proposals for establishment of a new consular post are to be addressed to the Ministry of Foreign Affairs of the Republic of Latvia.

Such proposals may be made in the form of a verbal note from a diplomatic mission or an established consular post of the sending State in the Republic of Latvia. In other cases, consent shall be sought by the Ministry of Foreign Affairs or the Government of the sending state through the nearest, most convenient Latvian diplomatic mission or consular post. Consent of the MFA shall also be sought for any intended changes in the seat of the consular post, its classification or the consular district, as well as for opening of an office forming part of an existing consular post elsewhere than at the seat thereof. Proposals to establish a new consular post headed by a career consular officer should also address the projected scope of consular functions and expected volume of the workload at the new post.

Where a country maintains diplomatic representation in Latvia, members of the mission may perform whatever consular functions are required in accordance with Article 70 of the Vienna Convention 1963 and Article 3(2) of the Vienna Convention 1961. Designated staff members of resident diplomatic missions may perform such functions throughout Latvia, regardless of the existence of an established consular post of the sending state. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the State Protocol.

Under provisions of Article 68 of the Vienna Convention 1963, the Republic of Latvia accepts designation of honorary consular officers as well as establishment of Consular posts headed by honorary consular officers. Consular posts headed by honorary consuls are established as described above.

### 2.4.2. Consular District

The number of consular districts corresponds to the number of representations the relevant foreign state has been granted permission to open.

The consular district of an Embassy includes also the consular districts of other consular representations of the relevant sending state present in Latvia.

Overlapping of consular districts is not allowed.

The appointment and admission of career heads of consular posts in the Republic of Latvia is governed in by the Chapters I and II of the Vienna Convention 1963, the Diplomatic and Consular Service Law of 1995 as well as internal regulations of the MFA on admission (accreditation) of members of staff of foreign diplomatic missions and consular posts. A document in the form of a commission or similar instrument shall be transmitted by the sending state through the diplomatic or other appropriate channel to the Ministry of Foreign Affairs and shall contain the information specified in the Paragraph 1, Article 11.

Once the decision has been made, the Latvian Government shall issue an authorisation (*exequatur*) admitting the head of a consular post to the exercise of his/her functions as per Article 12.

Pending delivery of the *exequatur* the head of a consular post may be admitted on a provisional basis to the exercise of his/her functions (Article 13).

As soon as the head of a consular post is admitted even provisionally to the exercise of his/her functions, the MFA shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his/her office and to have the benefit of the provisions of the Vienna Convention 1963.

Career consular officers who have been approved for accreditation are subject to the provisions of [section 2.1](#).

The career heads of consular posts pay their courtesy visits to the Head of the State Protocol of the Ministry of Foreign Affairs, or in his/her absence, the Deputy Head of the State Protocol, as well as to the Director General of the Consular and Diplomatic Facilities Directorate and the Director of the Consular Department.

If a consular post is temporarily headed by the Deputy Head of the Consular post he/she pays a courtesy visit to the Deputy Head of the State Protocol of the Ministry of Foreign Affairs and Director General of the Consular and Diplomatic Facilities Directorate, or in his/her absence - to the Director of the Consular Department.

According to the Vienna Convention 1963, consular officers and consular employees enjoy immunity from jurisdiction in respect of acts performed in the exercise of their consular duties. Career consular officers also enjoy immunity from arrest or pre-trial detention, except in the case of a grave crime and pursuant to a decision given by the competent judicial authority. However, consular officers may also be arrested or subjected to restrictions on their personal freedom in execution of a final and irrevocable court judgment.

Under the provisions of the Vienna Convention 1963, the following are inviolable:

- consular premises
- consular archives
- official correspondence of the consular post
- consular courier
- consular officers

Consular officers who are nationals of or permanently resident in the receiving state only enjoy immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their duties.

Subject to reciprocity, career consular officers are normally equated with the diplomatic staff of missions. In accordance with the Vienna Convention 1963, a diplomatic mission may also exercise consular functions, in which case the status of the staff will continue to be governed by the Vienna Convention 1961.

The right to use its national flag and coat-of-arms of the sending State in the receiving State shall be in accordance with the Article 29 of the Vienna Convention 1963. Car pennants, however, should only be used when the vehicle is occupied by the head of mission while used solely for official business of the sending state.

As with the diplomatic corps, career consular officers and their family members are registered at the State Protocol of the Ministry of Foreign Affairs and are issued an identity card. ([See article 2.1.2.](#)).

The appointment of an Honorary Consul reflects a formal agreement between a sending government and a receiving government, as outlined in the Vienna Convention 1963.

A nominee for appointment as an Honorary Consul in the Republic of Latvia will normally be a Latvian citizen or permanent resident who has some substantial connection with the sending state. The nominee must be of sound character and should enjoy a good reputation in the local community. He or she should have the capacity to communicate and maintain good relations with the local authorities in the consular district. The Latvian Government, in consultation with the relevant State authorities, will consider the personal qualities of each nominee and may reject a nomination where doubts about the nominee's suitability arise. A document in the form of a commission or similar instrument shall be transmitted by the sending state through the diplomatic or other appropriate channel to the Ministry for of Foreign Affairs and shall contain the information as specified in the Paragraph 1, Article 11.

Once the decision has been made, the Latvian Government shall issue an authorisation (exequatur) admitting the head of a consular post to the exercise of his/her functions as per Article 12.

Honorary consular officers are registered at the State Protocol of the Ministry of Foreign Affairs and are issued an identity card. ([See article 2.1.2.](#))

Honorary heads of consular posts pay their courtesy visits to the Head of the State Protocol of the Ministry of Foreign Affairs, or in his/her absence, the Deputy Head of the State Protocol, as well as to the Director General of the Consular and Diplomatic Facilities Directorate and the Director of the Consular Department.

The privileges and immunities applied to honorary consuls and consular posts headed by them are based on provisions of the Vienna Convention 1963 (Chapter III).

Honorary consuls in Latvia enjoy limited immunity from jurisdiction in respect of acts carried out in official capacity and from giving testimony concerning matters connected with the exercise of those official acts. It is important to note that honorary consuls are not immune from arrest or detention.

A consular post headed by an honorary consul enjoys exemption from customs duties only on the following articles, provided that they are for the official use of the consulate: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending state.

The motor vehicle of the Honorary Consul may be registered with a special CH number plate. The procedure for the registration or cancellation is described in sub-section 7.4. [Registration and Deregistration of Motor Vehicles](#)

The right to use its national flag and coat-of-arms of the sending State in the receiving State shall be in accordance with the Article 29 of the Vienna Convention 1963. Car pennants, however, should only be used when the vehicle is occupied by the head of mission while used solely for official business of the sending state.

In Latvia, consular posts headed by honorary consuls are not allowed to designate diplomatic or consular couriers, or to use diplomatic or consular bags.