

No. 4607

**UNION OF SOVIET SOCIALIST REPUBLICS
and
HUNGARY**

**Consular Convention. Signed at Budapest, on 24 August
1957**

Official texts : Russian and Hungarian.

Registered by the Union of Soviet Socialist Republics on 29 December 1958.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
HONGRIE**

Convention consulaire. Signée à Budapest, le 24 août 1957

Textes officiels russe et hongrois.

Enregistrée par l'Union des Républiques socialistes soviétiques le 29 décembre 1958.

[TRANSLATION — TRADUCTION]

No. 4607. CONSULAR CONVENTION¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE HUNGARIAN PEOPLE'S REPUBLIC. SIGNED AT BUDAPEST, ON 24 AUGUST 1957

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, on the one hand, and the Presidium of the Hungarian People's Republic, on the other hand,

Being desirous of determining and regulating consular relations between the two States,

Have resolved to conclude a Consular Convention and for this purpose have appointed as their plenipotentiaries :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics : E. I. Gromov, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics in the Hungarian People's Republic,

The Presidium of the Hungarian People's Republic : Dr. Endre Sik, First Deputy Minister of Foreign Affairs of the Hungarian People's Republic,

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

ESTABLISHMENT OF CONSULATES, APPOINTMENTS AND ACCEPTANCE OF CONSULS,
CONSULAR STAFF

Article 1

1. Either Contracting Party shall be entitled to establish consulates in the territory of the other Contracting Party in accordance with this Convention.

2. The places in which consuls are stationed and their consular districts shall be determined by agreement between the Parties in each individual case.

Article 2

1. The diplomatic mission of the sending country shall present to the Ministry of Foreign Affairs of the receiving country the consular letter of appointment setting forth the particulars of the Consul, the consular district for which he will be responsible, and his duty station.

¹ Came into force on 15 January 1958, the thirtieth day following the date of the exchange of the instruments of ratification at Moscow, in accordance with article 25.

2. The consul may not enter upon his duties until the Government of the receiving country has recognized him in that capacity. Such recognition shall be granted in the form of an exequatur issued after the letter of appointment has been presented.

3. After the consul has been recognized, the authorities of the receiving country shall make the necessary arrangements to enable the consul to perform his duties and enjoy the exemptions and privileges to which he is entitled under this Convention and under the laws of the receiving country.

Article 3

1. The function of a consul shall terminate on recall, by withdrawal of his exequatur or in case of his death.

2. In the event of the consul's recall, the withdrawal of his exequatur, his death, absence or illness, the sending country may authorize an officer of its diplomatic mission, or a consular officer of the consulate concerned or of another consulate, to take temporary charge of the consulate; the officer's name shall be communicated beforehand to the Ministry of Foreign Affairs of the receiving country.

3. A person accepted as being in temporary charge of a consulate shall enjoy the rights and privileges accorded to consuls by this Convention.

Article 4

1. For the purposes of this Convention, the term "consulate" means a consulate-general, consulate, vice-consulate or consular agency, and the term "consul" means a consul-general, consul, vice-consul or consular agent.

2. The term "consular staff" means the consul, consular officers and consular employees.

3. The term "consular officers" means the consulate secretaries, advisers and trainees.

4. The term "consular employees" means chief clerks, translators, shorthand typists, bookkeepers, housekeepers, chauffeurs, etc.

RIGHTS, EXEMPTIONS AND PRIVILEGES OF CONSULS, CONSULAR OFFICERS AND CONSULAR EMPLOYEES

Article 5

The consuls, consular officers and consular employees of the Contracting Parties who are citizens of the sending country shall not be subject to the jurisdiction of the receiving State where the performance of their official duties is concerned.

Article 6

Consuls shall be entitled to affix to consulate buildings shields bearing the coat-of-arms of their country and an inscription designating the consulate, and to fly the flags of their country from the said buildings and place them on vehicles used by them.

Article 7

The consuls, consular officers and consular employees and their spouses and minor children who are citizens of the sending country shall be exempt from all forms of personal service and direct taxes imposed on citizens of the receiving country.

Article 8

Immovable property of the sending country which is intended for consulate premises or the living quarters of consuls and other members of the consular staff shall be exempt from all direct taxes.

Article 9

Subject to reciprocity, consuls, consular officers and consular employees who are citizens of the sending country shall enjoy the same exemptions with regard to customs duties as the staff of diplomatic missions.

Article 10

The provisions of article 9 above shall also apply to the spouses and minor children of consuls who live with them.

Article 11

1. Consuls, consular officers, and consular employees shall give evidence before the judicial organs of the receiving country if requested to do so by the judicial authorities.

2. If a consul, consular officer or consular employee who is a citizen of the sending country is prevented by the exigencies of his service or for other reasons from appearing before the judicial organs, he shall make a deposition in the premises of the consulate or at his residence, or he may make the deposition in writing if that is permissible under the law of the receiving country.

3. Consuls, consular officers and consular employees may refuse to make a deposition concerning matters connected with their official duties.

Article 12

1. The official correspondence of consuls shall be inviolable and shall not be subject to examination. This shall also apply to telegraphic communications.

2. The offices of consulates shall be inviolable. The authorities of the receiving State shall not use force, in any form whatsoever, in the offices or in the private living quarters of consuls.

3. Consular archives shall be inviolable. Private papers shall not be kept in the consular archives.

4. In their communications with the authorities of the sending country, consuls shall be entitled to use codes and the services of diplomatic couriers. Consuls shall be charged at the same rates as diplomatic representatives for the use of ordinary means of communication.

FUNCTIONS OF CONSULS

Article 13

1. Consuls shall be entitled, within their consular district, to protect the rights and interests of their State and of the citizens (natural and legal persons) of the sending country.

2. In the performance of their duties, consuls may apply to the authorities of their consular district and may make representations to them concerning violations of the rights and interests of their State or of citizens of the sending country.

Article 14

Consuls shall be entitled, in order to protect the interests of the citizens of the sending country, to represent in the courts and before other authorities of the receiving country such citizens who, owing to absence or for other reasons, are unable to protect their own rights and interests within the appropriate time-limits. Such representation shall continue until the persons represented appoint their own agent or themselves assume the protection of their rights and interests.

Article 15

1. Consuls shall be entitled to keep a register of citizens of the sending country, to issue or renew their passports and other identity documents, and to carry on any other activity connected with the registration of citizens of the sending country and the delivery of documents to them.

2. Consuls shall issue to their own and to foreign citizens and to stateless persons the necessary visas for entry into and exit from the sending State.

3. Consuls shall, where authorized to do so by the laws of the sending country, be entitled to issue certificates of the birth or death of citizens of their country. The registration of the birth or death of such citizens shall be notified to the competent authorities of the receiving country.

Article 16

1. Consuls shall, where authorized to do so by the laws of the sending country, be entitled to register marriages where both parties to the marriage are citizens of the sending country.

2. The provisions of paragraph 1 above shall also apply to the registration of the dissolution of marriages.

3. The marriage or dissolution of the marriage registered by the consul shall be notified to the competent authorities of the receiving country.

Article 17

Consuls shall be entitled to carry on the following activities at consulates, at their residences, at the residences of citizens of the sending country and on board vessels or aircraft flying that country's flag :

1. To receive, draw up and certify declarations from citizens of the sending country ;

2. To draw up, attest and accept for safekeeping the wills of citizens of the sending country ;

3. To draw up or certify agreements concluded between citizens of the sending country, and to certify unilateral instruments provided that such agreements and instruments are not contrary to the laws of the receiving country. A consul may not draw up or certify any agreement or instrument establishing or transferring rights to immovable property situated in the receiving country ;

4. To draw up or certify agreements between citizens of the sending country and citizens of the receiving country, provided that such agreements relate exclusively to interests situated in the territory of the State which the consul represents or to transactions to be carried out in the territory of that State, and provided that such agreements are not contrary to the laws of the receiving country ;

5. To legalize documents issued by the authorities or officials of the sending or the receiving country, and to certify copies or translations of such documents and extracts therefrom ;

6. To certify the signatures, on documents of any kind, of citizens of the country which the consul represents, provided that the contents of such documents are not contrary to the laws of the receiving country ;

7. To accept for safekeeping property and documents from citizens of the sending country or intended for such citizens provided that this is not contrary to the laws of the receiving country ;

8. To perform other acts forming part of a consul's duties, provided that they are not contrary to the laws of the receiving country.

Article 18

1. The documents referred to in article 17 above, copies or translations thereof or extracts therefrom, which have been drawn up or certified by a consul shall be regarded in the receiving country as documents, copies, translations and extracts having the same standing in law and the same validity when adduced in evidence as if they had been drawn up, translated or certified by competent authorities and institutions of the receiving country.

2. However, the documents, copies, translations and extracts mentioned above shall be subject to such legalization as the law of the receiving country may require.

Article 19

The functions of consuls in matters of inheritance shall be determined in a separate agreement between the Contracting Parties.

Article 20

1. Where authorized to do so by the laws of the sending country, consuls may appoint guardians and curators for citizens of the sending State. In such circumstances, they shall be entitled to supervise the activities of the guardians and curators.

2. If a consul learns that the property of a citizen of the sending State is without an administrator, he may appoint a trustee if this is permissible under the laws of the sending country.

Article 21

1. A consul may, personally or through his agents, extend every assistance and co-operation to vessels which sail under his country's flag and which enter a port in his consular district. He shall be entitled in particular to communicate with the members of the crew and the passengers, examine the ship's papers and draw up reports concerning the cargo, the purpose of the voyage and any special events.

2. If the authorities of the receiving State intend to carry out any measures of constraint on board merchant vessels of the sending State, the appropriate consul shall be notified in advance so that he may be present when the said measures

are carried out. This provision shall not apply to customs, passport and health control of the vessel, crew and passengers.

Article 22

If a vessel sailing under the flag of one Contracting Party is wrecked, or runs aground or is stranded on the coast of the other Contracting Party, or is otherwise damaged, the competent authorities shall immediately notify the consul of the occurrence and inform him of the measures they have taken to save lives, the vessel and the cargo. They shall extend the necessary co-operation to the consul in his action in connexion with the damage to the vessel.

Article 23

The provisions of articles 21 and 22 of this Convention shall apply *mutatis mutandis* to aircraft.

FINAL PROVISIONS

Article 24

The provisions of this Convention concerning the rights and duties of consuls shall apply to members of diplomatic missions who perform consular functions in the country in which they are stationed. The performance of consular functions by such persons shall not affect their diplomatic privileges and immunities.

Article 25

This Convention is subject to ratification. It shall enter into force on the thirtieth day following the date of the exchange of the instruments of ratification, which shall take place at Moscow.

This Convention is concluded for a period of five years. It shall be extended for further periods of five years until it is denounced by one of the Parties at least six months before the expiry of the current period of five years.

DONE at Budapest, on 24 August 1957, in duplicate, in the Russian and Hungarian languages, both texts being equally authentic.

For the Presidium
of the Supreme Soviet
of the Union of Soviet
Socialist Republics :
E. I. GROMOV

For the Presidium
of the Hungarian People's
Republic :
Sik Endre