

**No. 5017**

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**CZECHOSLOVAKIA  
and  
HUNGARY**

**Consular Convention. Signed at Prague, on 27 March 1959**

*Official texts: Czech and Hungarian.*

*Registered by Czechoslovakia on 18 February 1960.*

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**TCHÉCOSLOVAQUIE  
et  
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**Convention consulaire. Signée à Prague, le 27 mars 1959**

*Textes officiels tchèque et hongrois.*

*Enregistrée par la Tchécoslovaquie le 18 février 1960.*

[TRANSLATION — TRADUCTION]

No. 5017. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC. SIGNED AT PRAGUE, ON 27 MARCH 1959

The President of the Czechoslovak Republic and  
The Presidium of the Hungarian People's Republic,

Desiring to strengthen further the friendly relations existing between the two States and to intensify co-operation in the sphere of consular relations as in others,

Have decided to conclude a consular convention and for this purpose have appointed as their plenipotentiaries :

The President of the Czechoslovak Republic :

Dr. Antonín Gregor, First Deputy Minister of Foreign Affairs of the Czechoslovak Republic;

The Presidium of the Hungarian People's Republic :

Mr. József Gábor, Ambassador Extraordinary and Plenipotentiary of the Hungarian People's Republic in Czechoslovakia,

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

I

ESTABLISHMENT OF CONSULATES, APPOINTMENT AND ACCEPTANCE OF CONSULS

*Article 1*

(1) In accordance with this Convention, each Contracting Party shall be entitled to establish consulates in the territory of the other Party.

(2) The place of residence and the consular district of a consul shall in all cases be determined by agreement between the Contracting Parties.

*Article 2*

(1) A consul appointed by the sending State shall enter upon his duties when, after presentation of the consular commission, he is granted an exequatur by the receiving State. The consular commission shall indicate the consular district and place of residence of the consul.

<sup>1</sup> Came into force on 20 December 1959, thirty days after the exchange of the instruments of ratification which took place at Budapest on 20 November 1959, in accordance with article 23.

(2) The authorities of the receiving State shall make all necessary arrangements so that consuls may perform their official duties without obstruction and may enjoy all the rights, privileges and immunities guaranteed them by the laws of the receiving State and by this Convention.

### *Article 3*

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

(2) In the event of a consul's recall, the withdrawal of his exequatur, or his death or temporary absence, or in any other circumstances making it impossible for him to perform his duties, the consul's deputy shall be entitled to take over those duties. Such a transfer of duties shall be notified in good time to the competent authority of the receiving State.

(3) A deputy consul temporarily in charge of a consulate shall enjoy the same rights, privileges and immunities as under the terms of this Convention are accorded to a consul.

### *Article 4*

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.

## II

### RIGHTS, PRIVILEGES AND IMMUNITIES

### *Article 5*

Consuls and consular employees of the Contracting Parties shall not be subject to the jurisdiction of the receiving State in respect of the performance of their official duties.

### *Article 6*

Consuls shall be entitled to affix to the consular building the coat-of-arms of the sending State and an inscription designating the consulate; they shall also be entitled to fly the flag of the sending State at the consulate building, at their residence and on the vehicles used by them.

### *Article 7*

(1) Consuls and consular employees and their wives and minor children shall, if they are citizens of the sending State, be exempt from the personal services and direct taxes to which citizens of the receiving State are subject.

(2) Exemption from taxation shall not apply to income earned in the receiving State or to immovable property situated in its territory.

(3) Land, buildings and transport facilities shall be exempt from liability to military and other material service and obligations only if they are used for official purposes or personal needs by consuls or by consular employees who are citizens of the sending State.

#### *Article 8*

Immovable property of the sending State which serves as consulate premises or as the living quarters of consuls and consular employees shall not be subject to direct taxes.

#### *Article 9*

(1) Subject to reciprocity, consuls and consular employees who are citizens of the sending State shall enjoy the same exemptions with regard to customs duties as persons holding similar positions on the staff of diplomatic missions of the Contracting Parties.

(2) Articles intended for the official needs of a consulate shall not be subject to customs duties or other charges.

(3) The provisions of paragraph (1) shall also apply to the wives and minor children of the persons referred to therein.

#### *Article 10*

(1) Consuls and consular employees shall, if duly summoned, give evidence before authorities of the receiving State in matters not connected with their official duties.

(2) If a consul or consular employee is unable to appear, his testimony shall be taken at his residence or in the offices of the consulate. This privilege shall not be accorded to clerical and technical personnel.

(3) Summonses addressed to consuls shall contain no threat of penalties in the event of failure to appear before an authority of the receiving State.

#### *Article 11*

(1) Consular premises and archives shall be inviolable. The authorities of the receiving State may not enter such premises or the consul's living quarters except with the consent of the consul, nor may they use force therein.

Papers of a private nature shall not be kept in consular archives.

(2) Official correspondence of consuls, including information transmitted by means of telecommunications, shall be inviolable and shall not be subjected to examination.

(3) In communicating with the authorities of the sending State, consuls shall be entitled to use codes and the services of diplomatic couriers. Consuls shall be charged at the same rate as diplomatic representatives for the use of ordinary means of communication.

### III

#### FUNCTIONS OF CONSULS

##### *Article 12*

Consuls shall perform their duties in such a way as to further the development of political, economic and cultural relations between the two countries.

##### *Article 13*

(1) Consuls shall protect, within their consular district, the rights and interests of the sending State and of its citizens and bodies corporate (hereinafter referred to as citizens).

(2) In the performance of their functions, consuls may apply to the authorities of their consular district. They may make representations to the said authorities concerning violations of the rights and interests of the sending State or its citizens.

##### *Article 14*

(1) Consuls shall, without special authorization, be entitled to represent citizens of the sending State in the courts and before other authorities of the receiving State for the purpose of making necessary arrangements where the said citizens, owing to absence or for other reasons, are unable to protect their own rights and interests within the prescribed time-limits.

(2) Representation by a consul shall cease when the person represented by the consul assumes the protection of his own rights and interests or appoints his own agent.

##### *Article 15*

(1) Consuls shall be entitled to keep a register of citizens of the sending State, to issue or renew their passports and other identity documents and certificates, and to perform other acts connected with the foregoing.

(2) Consuls may issue visas for entry into and exit from the sending State.

(3) They shall also, where authorized to do so by the sending State, be entitled to keep a register of the births and deaths of citizens of the sending State and to issue certificates of such births and deaths. Consuls shall notify every registration of a birth or death to the competent authority of the receiving State.

#### *Article 16*

(1) Marriages may be celebrated before consuls or duly authorized consular employees in accordance with the laws of the sending State, on condition that both parties to the marriage are citizens of that State.

(2) Consuls shall, where authorized to do so by the laws of the sending State, be entitled to register marriages celebrated before them and the dissolution of such marriages. They shall notify such registration to the competent authorities of the receiving State.

#### *Article 17*

(1) In so far as they are not prohibited from doing so by the laws of the receiving State, consuls shall—at consulates, at their own residences or those of citizens of the sending State, and on board vessels and aircraft flying the flag or bearing the national insignia of the sending State—be entitled to perform the following functions :

- (a) To draw up, attest and accept for safekeeping the wills or unilateral legal instruments of citizens of the sending State;
- (b) To draw up or attest declarations by citizens of the sending State;
- (c) To draw up or attest documents concerning legal transactions between citizens of the sending State; they may not, however, draw up or attest any document concerning a legal transaction which relates to the establishment or alienation of an interest in a building or in other immovable property situated in the territory of the receiving State;
- (d) To draw up or attest documents concerning legal transactions between citizens of the sending State and citizens of the receiving State, on condition that such transactions relate exclusively to interests situated in the territory of the sending State or are to be carried out in the territory of that State, and on condition that such transactions are not contrary to the laws of the two Contracting Parties;
- (e) To attest the signatures of citizens of the sending State on documents of any kind; to legalize documents issued by authorities, officials or citizens of the sending or the receiving State, and to certify copies, translations and extracts of such documents;

- (f) To accept for safekeeping money, valuables and documents from or for citizens of the sending State, without prejudice to the relevant legal provisions of the receiving State;
- (g) To perform other functions for which they may be authorized by the sending State.

(2) The documents, copies, translations and extracts referred to in paragraph (1) which have been drawn up, legalized or certified by a consul shall have the same juridical force and the same validity as evidence in the receiving State as documents drawn up, translated, certified or legalized by the competent authorities and officials of that State.

#### *Article 18*

(1) The functions of consuls in matters of succession shall—subject to the provisions of paragraph (2)—be governed by the Treaty concerning legal assistance in civil and criminal matters that was concluded by the Contracting Parties on 6 March 1951 at Budapest.

(2) The competent authority of the receiving State shall notify the consul of all proceedings in matters of succession affecting the interests, as heirs, of citizens of the sending State so that the consul may take the necessary measures to protect the rights and interests of the heirs. In such cases, the consul shall be given all available information concerning heirs, the domicile or residence of affected citizens of the sending State, the condition and value of the estate, and the will, if any.

#### *Article 19*

A consul may appoint a curator or guardian for citizens of the sending State where such action is in conformity with the laws of that State. In such cases, the consul shall be entitled to supervise such guardianship or curatorship.

#### *Article 20*

(1) A consul may, personally or through his agent, extend all possible assistance to vessels sailing under the flag of the sending State which enter a port in his consular district. He may communicate with the vessel's crew and passengers, examine the vessel's papers and prepare a report concerning the cargo, the purpose of the voyage and any special incidents. He shall assist the master of the vessel in maintaining order on board. In this connexion, the competent authorities of the receiving State shall, upon request, extend aid and assistance to the consul or to the master of the vessel.

(2) If the competent authorities of the receiving State intend to carry out any measures of constraint on board merchant vessels of the sending State, they shall

so notify the consul beforehand. He may be present when such measures are carried out. This provision shall not apply to customs, passport and health control of the vessel, crew and passengers.

(3) If a vessel of the sending State is damaged or wrecked, the consul shall be entitled to take measures for aiding the vessel's crew or passengers, saving the cargo and repairing the vessel and to request assistance in taking such measures from the competent authorities of the receiving State.

(4) If a vessel of the sending State is damaged or wrecked, the authorities of the receiving State shall immediately notify the consul of the occurrence and, at the same time, inform him of the measures that have been taken to save lives, the vessel and the cargo. The authorities of the receiving State shall, if a vessel of the sending State is damaged or wrecked, extend the necessary assistance to the consul in such action as he may take.

(5) Nothing in this article shall affect the provisions of other agreements concerning mutual assistance in case of shipwreck or damage to vessels.

#### *Article 21*

The provisions of article 20 of this Convention shall apply *mutatis mutandis* to aircraft.

### IV

#### FINAL PROVISIONS

#### *Article 22*

The provisions of this Convention concerning the rights and duties of consuls shall apply *mutatis mutandis* to employees of diplomatic missions who are assigned to consular duties. This provision shall not affect the rights, privileges and immunities of members of diplomatic missions.

#### *Article 23*

(1) This Convention shall be subject to ratification. The exchange of the instruments of ratification shall take place at Budapest.

(2) The Convention shall enter into force on the thirtieth day following the exchange of the instruments of ratification.

#### *Article 24*

This Convention shall remain in force for a period of five years. If, not later than one year before the expiry of this period, neither Contracting Party has



informed the other Party of its intention to terminate the Convention, the Convention shall remain in force until one year after the date on which one of the Parties gives notice that it is terminating the Convention.

This Convention has been drawn up in duplicate at Prague, on 27 March 1959, in the Czech and Hungarian languages. Both texts are equally authentic.

For the President  
of the Czechoslovak Republic :

Ant. GREGOR

For the Presidium  
of the Hungarian People's  
Republic :

GÁBOR József