

**No. 5865**

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**HUNGARY  
and  
GERMAN DEMOCRATIC REPUBLIC**

**Consular Convention. Signed at Budapest, on 3 July 1957**

*Official texts: Hungarian and German.*

*Registered by Hungary on 26 September 1961.*

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**HONGRIE  
et  
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Convention consulaire. Signée à Budapest, le 3 juillet 1957**

*Textes officiels hongrois et allemand.*

*Enregistrée par la Hongrie le 26 septembre 1961.*

[TRANSLATION — TRADUCTION]

No. 5865. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GERMAN DEMOCRATIC REPUBLIC. SIGNED AT BUDAPEST, ON 3 JULY 1957

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The Presidential Council of the Hungarian People's Republic and the President of the German Democratic Republic, desiring to establish closer relations between the two States in the consular field as in others, have decided to conclude the following Convention and have appointed as their plenipotentiaries :

The Presidential Council of the Hungarian People's Republic :

Imre Horváth, Minister for Foreign Affairs;

The President of the German Democratic Republic :

Dr. Lothar Bolz, Deputy Chairman of the Council of Ministers and Minister for Foreign Affairs,

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

I. ACCEPTANCE OF CONSULS

*Article 1*

Each Contracting Party shall accept in its territory consuls-general, consuls and vice-consuls (hereinafter referred to as "consuls") from the other Party. The places of residence of the consuls to be appointed and their consular districts shall be determined by special agreements between the Contracting Parties.

*Article 2*

Consuls appointed by the sending State shall enter upon their duties after they have been granted an exequatur by the receiving State. The consular district must be specified in the consular commission.

*Article 3*

(1) The function of a consul shall be terminated by his recall, the withdrawal of his exequatur or his death.

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<sup>1</sup> Came into force on 22 February 1958, one month after the exchange of the instruments of ratification at Berlin, in accordance with article 23.

(2) In the event of a consul's recall, the withdrawal of his exequatur, or his death or temporary absence, or when he is unable to act for any other reason, his deputy shall be entitled to assume the functions of consul provided that the competent authority of the receiving State has been notified, in advance, of his official status. A deputy placed in temporary charge of a consulate shall enjoy all the rights, privileges and exemptions accorded to consuls by this Convention.

## II. EXEMPTIONS AND PRIVILEGES OF CONSULS

### *Article 4*

(1) The receiving State shall guarantee that consuls and their staff will not be obstructed in the performance of their official duties. The authorities of the receiving State shall afford consuls and their staff all necessary support in the performance of their duties.

(2) The offices of consulates shall be inviolable. The authorities of the receiving State shall not use force in any form whatsoever, without the consuls' consent, in the offices or in the living quarters of consuls.

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

(4) Official correspondence shall be inviolable and shall not be subject to examination in any form. This shall apply also to telegrams, telephone calls and teletype and radio communications.

(5) In their communications 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 rates as diplomatic representatives for the use of public means of communication.

### *Article 5*

Consuls shall be entitled to affix to consulate buildings the coat of arms of the sending State and an inscription designating the consulate. They may fly the flag of the sending State from consulate buildings, from their living quarters and on vehicles used by them for official purposes.

### *Article 6*

Consuls and members of their staff who are nationals of the sending State shall not be subject to the jurisdiction of the receiving State in respect of the performance of their official duties.

### *Article 7*

Consuls and members of their staff may be required to give evidence before the competent authorities of the receiving State on any matter not connected

with their official duties. If a consul is unable to appear, he shall be examined at his residence or shall make a deposition in writing. A summons addressed to a consul must contain no threat of penalties or of other coercive measures in the event of failure to appear.

#### *Article 8*

(1) Consuls and members of their staff who are nationals of the sending State shall be exempt from military and other forms of service and from direct taxes. The exemption from taxation shall not apply to income earned or immovable property situated in the receiving State, which shall be taxed in accordance with the laws of the receiving State.

(2) Land and buildings shall not be exempt from military and other forms of material service unless they are used for official or residential purposes by consuls and members of their staff who are nationals of the sending State.

(3) Consuls and members of their staff who are nationals of the sending State shall be granted, subject to reciprocity, the same exemptions with regard to customs duties as members of diplomatic missions.

#### *Article 9*

The provisions of article 8 shall apply *mutatis mutandis* to the spouses and minor children of consuls who live with them.

### III. FUNCTIONS OF CONSULS

#### *Article 10*

(1) Consuls shall protect the rights and interests of the sending State and of its nationals (individuals and bodies corporate).

(2) In the performance of their official duties, consuls may apply to the State authorities of their consular district; they may make representations to the said authorities in the event of any violation of the rights and interests of the sending State or of its nationals. Relations with the central authorities of the receiving State shall be reserved to the diplomatic mission.

#### *Article 11*

Consuls shall be entitled to keep a register of nationals of the sending State who are permanently or temporarily resident in their consular district.

#### *Article 12*

(1) Consuls shall be entitled to issue passports to nationals of the sending State.

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

#### *Article 13*

Consuls shall receive from aliens and stateless persons applications for the nationality of the sending State.

#### *Article 14*

Consuls shall be entitled to carry on the following activities at consulates, at their residences, at the residences of nationals of the sending State, and on board vessels or aircraft flying the flag or bearing the national insignia of that State, in so far as the said activities are not prohibited by the laws of the receiving State :

1. To draw up or certify declarations by nationals of the sending State;
2. To draw up, certify and keep the wills or unilateral legal instruments of nationals of the sending State;
3. To draw up or certify legal instruments concerning transactions between nationals of the sending State; this shall not apply to legal instruments relating to the establishment or transfer of rights to buildings and land situated in the receiving State;
4. To draw up or certify legal instruments concerning transactions between nationals of the sending State and nationals of the receiving State, provided that such legal instruments relate exclusively to interests situated in the territory of the sending State or are to be executed in the territory of that State;
5. To certify the signatures of nationals of the sending State on documents of any kind; to certify documents issued by the authorities or officials of the sending or the receiving State; and to certify copies of and extracts from such documents;
6. To certify translations of documents issued by the authorities and officials of the sending or the receiving State;
7. To accept for safekeeping property and documents from nationals of the sending State or intended for such nationals;
8. To perform such other acts as may be required of them by the sending State.

#### *Article 15*

The documents, copies or translations thereof or extracts therefrom referred to in article 14 which have been drawn up or certified by a consul shall have, in the receiving State, the same standing in law and the same validity when adduced in evidence as if they had been drawn up, translated or certified by the competent authorities and officials of the receiving State.

*Article 16*

The functions of consuls in matters of succession to the estate of nationals of the sending State shall be determined by special agreements between the Contracting Parties.

*Article 17*

(1) Consuls may solemnize marriages, in accordance with the laws of the sending State, where both parties to the marriage are nationals of the sending State.

(2) The competent authority of the receiving State must be notified of any marriage solemnized.

*Article 18*

(1) Consuls may, in accordance with the laws of the sending State, issue certificates of the birth or death of nationals of the sending State.

(2) The competent authority of the receiving State must be notified of any such births or deaths.

*Article 19*

A consul may appoint a guardian or curator for nationals of the sending State and their property, where authorized to do so by the laws of the sending State. In such cases, the consul shall be entitled to supervise such guardianship or curatorship.

*Article 20*

(1) Consuls shall be entitled to extend every assistance to vessels of the sending State. They may, in particular, communicate with a vessel's crew and passengers, examine the ship's papers, and prepare reports concerning the cargo, the purpose of the voyage and any special incidents. Consuls shall assist the masters of vessels in maintaining order on board. For that purpose the authorities of the receiving State shall, on request, extend support and assistance to the consul or to the master of the vessel.

(2) If the authorities of the receiving State intend to apply any coercive measures to merchant vessels of the sending State, the consul must be so notified in advance. He may be present when such measures are carried out. This provision shall not apply to the customs, passport and health control of the vessel, crew and passengers before the vessel is cleared for entry or before it leaves port.

(3) If a vessel of the sending State is wrecked or damaged, the consul shall be entitled to take, or to request the authorities of the receiving State to take,

measures to assist the crew and passengers of the vessel, to safeguard the cargo and to repair the vessel.

(4) If a vessel of the sending State is wrecked or damaged, the authorities of the receiving State shall immediately notify the competent consul of the occurrence and shall, at the same time, inform him of the measures taken to save lives, the vessel and the cargo. The authorities of the receiving State shall extend the necessary support to the consul in his action in connexion with the shipwreck of or damage to a vessel of the sending State.

(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

(1) Consuls shall be entitled to extend every assistance to aircraft of the sending State. In particular, in the case of a forced landing, they may assist the crew and passengers in their dealings with the competent authorities of the receiving State and take appropriate measures with a view to resumption of the journey.

(2) If an aircraft of the sending State is wrecked or involved in an accident, the consul shall be entitled to take, or to request the authorities of the receiving State to take, measures to assist the crew and passengers of the aircraft, to safeguard the cargo and to repair the aircraft.

(3) Nothing in this article shall affect the provisions of other agreements concerning mutual assistance in case of air disasters or accidents to aircraft.

### IV. FINAL PROVISIONS

#### Article 22

(1) The provisions of this Convention concerning the rights and duties of consuls shall apply *mutatis mutandis* to members of diplomatic missions assigned to consular functions. This provision shall not affect the diplomatic privileges and immunities of such members of diplomatic missions.

(2) Direct relations with the authorities of the receiving State shall be regulated by agreement between the Ministries of Foreign Affairs of the Contracting Parties.

#### Article 23

This Convention is subject to ratification. The exchange of the instruments of ratification shall take place at Berlin. The Convention shall enter into force one month after the exchange of the instruments of ratification.

*Article 24*

This Convention is concluded for a term of five years. Unless the Convention is denounced by one of the Contracting Parties six months before the expiry of the current term, it shall remain in force for successive terms of five years, subject to denunciation within the prescribed time-limit.

DONE at Budapest on 3 July 1957, in duplicate in the Hungarian and German languages. Both texts are equally authentic.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting Parties have signed this Convention and have affixed thereto their seals.

For the Presidential Council  
of the Hungarian People's  
Republic :  
HORVÁTH Imre

For the President  
of the German Democratic  
Republic :  
Dr. Lothar BOLZ