

**No. 6005**

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**ROMANIA  
and  
HUNGARY**

**Consular Convention. Signed at Budapest, on 18 March  
1959**

*Official texts: Romanian and Hungarian.*

*Registered by Romania on 15 December 1961.*

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**ROUMANIE  
et  
HONGRIE**

**Convention consulaire. Signée à Budapest, le 18 mars 1959**

*Textes officiels roumain et hongrois.*

*Enregistrée par la Roumanie le 15 décembre 1961.*

[TRANSLATION — TRADUCTION]

No. 6005. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE ROMANIAN PEOPLE'S REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC. SIGNED AT BUDAPEST, ON 18 MARCH 1959

The Presidium of the Grand National Assembly of the Romanian People's Republic and

The Presidential Council of the Hungarian People's Republic,

Desiring to strengthen further the fraternal relations existing between the two countries and their peoples and to develop co-operation in the sphere of consular relations, have decided to conclude a Consular Convention and for this purpose have appointed as their plenipotentiaries :

The Presidium of the Grand National Assembly of the Romanian People's Republic :

Vasile Pogăceanu, Ambassador Extraordinary and Plenipotentiary;

The Presidential Council of the Hungarian People's Republic :

István Sebes, Deputy Minister for Foreign Affairs,

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

2. The places of residence of consuls and their consular districts shall be determined by agreement between the Contracting Parties in each individual case.

*Article 2*

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

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

<sup>1</sup> Came into force on 15 October 1959, thirty days after the exchange of the instruments of ratification at Bucharest, in accordance with article 27.

3. The term “consular employees” means chief clerks, bookkeepers, translators, shorthand-typists, typists and other persons permanently employed on the consulate staff.

#### *Article 3*

1. Consuls and consular officers must be nationals of the sending State.
2. The Contracting Parties shall not appoint or accept honorary consuls.

#### *Article 4*

Each Contracting Party shall, before appointing a consul, communicate his name to the other Contracting Party through the diplomatic channel.

#### *Article 5*

1. A consul may enter upon his duties after the presentation of the consular commission and the issue of an exequatur by the receiving State. The consular commission shall show the consular district and place of residence of the consul.

2. After a consul has been recognized, the authorities of the receiving State shall make all necessary arrangements to enable him to perform his duties and enjoy the rights and privileges to which he is entitled under this Convention and under the laws of the receiving State.

#### *Article 6*

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

2. In the event of a consul's recall, the withdrawal of his exequatur, or his temporary absence, illness or death, his deputy shall assume the functions of consul. The deputy's name and the period of time for which he is to assume the said functions shall be communicated in advance to the Ministry of Foreign Affairs of the receiving State.

3. A person placed in temporary charge of a consulate shall enjoy the privileges and exemptions accorded to consuls by this Convention.

## II. PRIVILEGES AND EXEMPTIONS

#### *Article 7*

Consuls of the Contracting Parties, consular officers and consular employees 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 8*

1. Consuls, consular officers and consular employees may be summoned to give evidence before the judicial authorities of the receiving State. A summons addressed to a consul or consular officer must contain no reference to the application of penalties or other coercive measures in the event of failure to appear.

2. If a consul, consular officer or consular employee is prevented by the exigencies of his service, by illness or for other valid reasons from appearing before the authorities of the receiving State, a deposition may be taken orally at the consulate or at his residence, or may be made in writing where this is in accordance with the laws of the receiving State.

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

*Article 9*

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 said offices or in the living quarters of consuls.

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

4. 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 ordinary postal services or telecommunications.

*Article 10*

Consuls shall be entitled to affix to consulate buildings a shield bearing the coat of arms of the sending State and the designation of the consulate. They shall be entitled to fly the flag of the sending State from consulate buildings and on vehicles used for official purposes.

*Article 11*

Consuls, consular officers and their spouses and minor children who are nationals of the sending State shall be exempt from all forms of personal and material service and from direct taxes. Consular employees and their spouses and minor children shall enjoy the same exemption provided that they are nationals of the sending State. The exemption from taxation referred

to in this article shall not apply to immovable property situated in the receiving State.

#### *Article 12*

Immovable property of the sending State which is intended for consulate use as offices or as the living quarters of consuls, consular officers and consular employees shall be exempt from all taxes and from all forms of material service.

#### *Article 13*

1. Consuls, consular officers and consular employees who are nationals of the sending State shall enjoy, subject to reciprocity, the same exemptions from customs duties as members of diplomatic missions.

2. The provisions of this article shall also apply to the spouses and minor children of consuls and consular officers who live with them.

### III. FUNCTIONS OF CONSULS

#### *Article 14*

1. Consuls shall be entitled, within their consular district, to protect the rights and interests of the sending State and of its nationals and legal persons.

2. In the performance of their duties, consuls may apply to the administrative and judicial 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.

3. Relations with the central authorities of the receiving State shall be reserved to the diplomatic mission.

#### *Article 15*

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

#### *Article 16*

1. Consuls shall be entitled to keep a register of nationals of the sending State and to issue or renew passports and other personal documents.

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

#### *Article 17*

1. Consuls may solemnize marriages, in accordance with the laws of the sending State, provided that both parties to the marriage are nationals of that State, and may perform all the functions of civil registration in connexion with the marriage.

2. The competent authority of the receiving State must be notified of the solemnization of a marriage or of the registration of the dissolution of a marriage solemnized before a consul.

#### *Article 18*

1. Consuls may, in accordance with the laws of the sending State, register the birth and death of nationals of that State and, in virtue of such registration, issue birth and death certificates.

2. Births and deaths must be reported to the authorities of the receiving State, in accordance with the laws of that State, by the persons whose obligation it is to render such reports.

#### *Article 19*

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 consular activities and the declarations, legal instruments and other operations on which such activities are based are not prohibited by the laws, and contain nothing contrary to the social and economic order, of the receiving State :

1. To draw up, certify or attest declarations by nationals of the sending State;

2. To draw up, attest or keep the wills or other unilateral legal instruments of nationals of the sending State;

3. To draw up or attest legal instruments concerning transactions between nationals of the sending State, except legal instruments relating to the establishment or transfer of rights to buildings and land situated in the receiving State;

4. To draw up or attest legal instruments concerning transactions between nationals of the sending State and nationals of the receiving State, provided that such legal instruments relate exclusively to interest 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 or 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 duties as may be assigned to them by the sending State.

#### *Article 20*

The documents referred to in article 19, copies or translations thereof or extracts therefrom which have been drawn up, certified or attested by a consul shall have in the receiving State the same standing in law and the same validity when adduced in evidence as documents, copies, translations and extracts drawn up, translated, certified or attested by the competent authorities or officials of the receiving State.

#### *Article 21*

The functions of consuls in matters of succession shall be governed by the Treaty concerning legal assistance in civil, family and criminal cases concluded at Bucharest on 7 October 1958.<sup>1</sup>

#### *Article 22*

1. Consuls may extend, personally or through their agents, every assistance to vessels sailing under the flag of the sending State. They may 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 incidents which have occurred during the voyage. Consuls shall assist the master of a vessel 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 deem it necessary to carry out coercive measures on board vessels sailing under the flag of the sending State, they must so notify the competent consul so that 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 and of the persons on board before the vessel is cleared for entry or before it leaves port.

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<sup>1</sup> United Nations, *Treaty Series*, Vol. 416.

3. Consuls may accompany the masters of vessels and assist them in making statements, where required, before the judicial and administrative authorities of the receiving State.

#### *Article 23*

1. If a vessel sailing under the flag of the sending State is wrecked or damaged, consuls shall be entitled to take, or to request the authorities of the receiving State to take, measures to assist the persons on board, to safeguard the cargo and to repair the vessel.

2. If a vessel sailing under the flag 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 the vessel concerned.

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

#### *Article 24*

The provisions of articles 22 and 23 of this Convention shall apply *mutatis mutandis* to aircraft.

### IV. FINAL PROVISIONS

#### *Article 25*

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

#### *Article 26*

This Convention is subject to ratification. The exchange of the instruments of ratification shall take place at Bucharest as soon as possible.

#### *Article 27*

1. The Convention shall enter into force thirty days after the exchange of the instruments of ratification. The term of the Convention shall be five years from the date of entry into force.

2. Unless one of the Contracting Parties denounces this Convention not later than six months before the expiry of the five-year term, it shall be extended indefinitely and shall remain in force until one of the Contracting Parties denounces it by giving one year's notice.

*Article 28*

This Convention has been drawn up in duplicate in the Romanian and Hungarian languages, both texts being equally authentic.

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

DONE at Budapest, on 18 March 1959.

For the Presidium  
of the Grand National Assembly  
of the Romanian People's Republic :

V. POGĂCEĂNU

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

SEBES István

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