

No. 6225

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**POLAND  
and  
YUGOSLAVIA**

**Consular Convention. Signed at Belgrade, on 17 November  
1958**

*Official texts: Polish and Serbo-Croat.*

*Registered by Poland on 10 July 1962.*

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**Convention consulaire. Signée à Belgrade, le 17 novembre  
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*Textes officiels polonais et serbo-croate.*

*Enregistrée par la Pologne le 10 juillet 1962.*

[TRANSLATION — TRADUCTION]

No. 6225. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA. SIGNED AT BELGRADE, ON 17 NOVEMBER 1958

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The Polish People's Republic and the Federal People's Republic of Yugoslavia, desiring to regulate consular relations between them in a spirit of friendship and co-operation, have decided to conclude a Consular Convention.

For that purpose the Council of State of the Polish People's Republic and the President of the Federal People's Republic of Yugoslavia have appointed as their plenipotentiaries :

The Council of State of the Polish People's Republic :

Henryk Grochulski, Ambassador Extraordinary and Plenipotentiary of the Polish People's Republic in the Federal People's Republic of Yugoslavia;

The president of the Federal People's Republic of Yugoslavia :

Dr. Milan Bartoš, Ambassador of the Federal People's Republic of Yugoslavia in the State Secretariat for Foreign Affairs.

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

PART I

DEFINITIONS

*Article 1*

For the purposes of this Convention :

(1) The term "consul" means the head of a consular post to whom the receiving State has granted an exequatur or provisional permission to act as a consul-general, consul or vice-consul;

(2) The term "consular agent" means any person appointed in that capacity by the competent consul with the consent of the receiving State;

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<sup>1</sup> Came into force on 12 July 1959, thirty days after the exchange of instruments of ratification which took place at Warsaw on 12 June 1959, in accordance with article 48.

(3) The term “ member of the consulate staff ” means, unless otherwise specified in this Convention, any person, except the consul, employed at a consulate, regardless of his nationality;

(4) The term “ consulate ” means a consulate-general, consulate or vice-consulate;

(5) The term “ consulate archives ” covers all official correspondence, documents and papers, and all office furniture for the safekeeping thereof, belonging to consulates and consular agents;

(6) The term “ vessel of the sending State ” or “ vessel of the receiving State ” means any vessel entitled to fly the flag of the State concerned;

(7) The term “ national of a State ” also covers legal persons deemed to be such under the law of the Contracting Party in whose territory they were constituted.

## PART II

### ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULS

#### *Article 2*

Each Contracting Party may establish consulates in the territory of the other Contracting Party. The receiving State reserves the right to object to the establishment of a consulate at any place where there is not already a consulate of a third State.

#### *Article 3*

1. The consular commission, specifying the consular district, shall be presented to the Ministry of Foreign Affairs of the receiving State. The consul shall be accepted and recognized in accordance with the rules and customs in force in the receiving State.

2. The receiving State may grant a consul provisional permission to perform his official duties pending the issue of an exequatur to him.

3. The authorities of the receiving State which have jurisdiction in the consular district specified in the exequatur or provisional permission shall immediately take appropriate steps to enable the consul to perform his official duties and to enjoy the rights, privileges and immunities to which he is entitled.

#### *Article 4*

1. The consul may appoint consular agents within his district; the provisions of article 2 shall apply, *mutatis mutandis*, for this purpose. A consular

agent may not enter upon his official duties until the receiving State has given its consent.

2. A consular agent shall perform his official duties under the direction and on the responsibility of the consul who appointed him.

#### *Article 5*

The necessary number of staff, whether nationals of the sending State or nationals of the receiving State, may be employed at a consulate. The consul shall communicate in writing to the competent authorities of the receiving State the personal particulars of such staff and the nature of their employment.

#### *Article 6*

If a consul dies or is unable to perform his official duties owing to illness, temporary absence or recall or for any other reason, a member of the staff of one of the consulates or of the diplomatic mission in the receiving State shall be authorized to perform the official duties of consul temporarily, provided that his official status as acting consul has been communicated beforehand, in writing, to the competent authorities of the receiving State. While acting as consul he shall enjoy the rights, privileges and immunities accorded to a consul by this Convention.

### PART III

## PRIVILEGES AND IMMUNITIES

#### *Article 7*

The receiving State shall grant a consul and consulate staff all necessary assistance in the performance of their official duties.

#### *Article 8*

1. A consul may place on the building in which the consulate is installed, and on its outer enclosure, the coat-of-arms of the sending State and an inscription designating the consulate in the official language of that State.

2. The consul may fly the flag of the sending State from the building in which the consulate is installed. He may likewise place the said flag on vehicles, vessels and aircraft when he uses them himself solely in the performance of his official duties.

#### *Article 9*

Consulate archives shall be inviolable, and the authorities of the receiving State shall not examine or detain them. The said archives must be kept separate from the private papers of the consul and consulate staff.

*Article 10*

The official premises of a consulate shall be inviolable. The authorities of the receiving State shall not enter the said premises except with the consul's consent or in cases justified by valid public interest (e.g. fire or the pursuit of a criminal). Any such entry shall be conducted with due regard to the principle of the inviolability of consulate archives stated in article 9.

*Article 11*

1. Correspondence sent or received by a consulate shall be inviolable, and the authorities of the receiving State shall not examine or detain it.

2. A consul may send and receive official correspondence through the courier service.

3. A consul may communicate in code with the authorities of the sending State.

*Article 12*

1. A consul and members of the consular staff who are nationals of the sending State shall not, except with the express consent of the sending State, be subject to the jurisdiction of the receiving State in respect of acts performed in their official capacity.

2. A consul shall not be arrested or detained before the court's decision becomes enforceable, except in the case of a serious offence punishable under the law of the receiving State by deprivation of liberty for not less than five years.

3. If a consul is arrested, detained or charged with a criminal offence, the authorities of the receiving State shall so notify the diplomatic representative of the sending State forthwith.

4. For the purposes of this article the term "consul" covers consuls-general, consuls and vice-consuls, whether or not serving as the heads of consular posts.

*Article 13*

1. The consul and members of the consulate staff may refuse to give evidence before the courts and authorities of the receiving State concerning matters connected with their official duties and may also refuse to produce official correspondence and other official documents. If the court or authority of the receiving State considers the refusal unjustified, the matter shall be settled through the diplomatic channel.

2. Subject to the provisions of paragraph 1, the consul and members of the consulate staff may be summoned to give evidence in civil, criminal and administrative cases; however, the court or authority requiring the evidence shall take care to avoid obstructing the said persons in the performance of their official duties. The consul may request that his evidence should be taken at a later date. He may likewise request that his evidence should be taken on the official premises of the consulate or at his residence.

3. Summonses served on a consul or on a member of the consulate staff who is a national of the sending State must be in the form of official letter and must contain no threat of a criminal penalty or of other coercive measures.

4. When appearing as a witness, a consul shall not be required to take the oath or to make an affirmation.

#### *Article 14*

A consul, members of the consulate staff and their spouses and minor children residing with them who are nationals of the sending State shall not be subject to the regulations of the receiving State under which aliens are required to be registered, to obtain residence permits and to report to the authorities. The arrival and departure of such persons shall be communicated to the Ministry of Foreign Affairs of the receiving State.

#### *Article 15*

1. Immovable property or parts thereof belonging to the sending State and occupied for official purposes by a consulate or as the living quarters of a consul and members of the consulate staff shall be exempt from taxes and other public contributions.

2. Immovable property or parts thereof occupied for the purposes specified in paragraph 1 shall not be immune from expropriation or other forms of limitation of ownership for purposes of public utility consistent with the law of the receiving State; however, if it is necessary to apply such measures, the authorities of the receiving State shall take the necessary steps to avoid interference with the functioning of the consulate.

3. The exemptions specified in paragraph 1 shall not apply to charges for the services of public utilities.

4. Vehicles, vessels, aircraft, radio and television receivers and other movable property owned by the sending State and required for the use of a consulate shall be exempt from fees, taxes and other public contributions.

*Article 16*

1. A consul and members of the consulate staff who are nationals of the sending State shall be exempt from personal direct taxes, from tax on remuneration received for work at the consulate, and from material contributions for military purposes.

2. The persons specified in paragraph 1 shall be exempt from taxes on their movable property in official or personal use.

*Article 17*

1. Official seals, coats-of-arms, flags and other stores, as well as office supplies, sent to a consulate for official use or returned by a consulate to the authorities of the sending State shall be exempt from all import and export duties.

2. Articles intended for the personal use of a consul and members of his family shall be exempt from import and export duties.

3. Household furniture and articles intended for the personal use of a consul, members of the consulate staff and members of their families who are nationals of the sending State shall not be subject to import or export duties when the said persons are transferred, provided that the removal takes place within six months after such persons report for duty or within three months after they leave the receiving State for the last time.

4. The items specified in this article shall be subject to customs examination.

*Article 18*

A consul and members of the consulate staff who are nationals of the sending State shall be exempt from payment of the social insurance contributions prescribed by the law of the receiving State. Such exemption shall not apply to members of the consulate staff who are permanently resident in the receiving State.

## PART IV

## FUNCTIONS OF A CONSUL

*Article 19*

1. A consul shall, in accordance with international law and practice, watch over the welfare of nationals of the sending State and protect their rights and interests. For that purpose he may apply directly to the courts and other State authorities in his district.

2. A consul shall endeavour to develop economic relations and shall strive to strengthen the bonds of friendship between the Contracting Parties.

#### *Article 20*

A consul may, without a special power of attorney, represent before the courts and other State authorities in his district nationals of the sending State who, owing to absence or for other valid reasons, are unable to protect their own rights and interests within the appropriate time-limit and have not appointed representatives. This provision shall not affect the regulations of the receiving State which reserve the right of such representation to specified persons.

#### *Article 21*

If a national of the sending State is arrested or detained, the authorities of the receiving State shall so notify the competent consul forthwith.

#### *Article 22*

A consul may :

- (a) Register nationals of the sending State;
- (b) Issue passports to nationals of the sending State;
- (c) Issue other travel documents;
- (d) Issue visas.

#### *Article 23*

1. A consul may, at the request of the authorities of the sending State, interrogate nationals of that State as litigants, witnesses or experts, provided that they submit voluntarily to interrogation.

2. A consul may serve the official documents of his State's authorities on nationals of the sending State by the method and procedure prescribed by the regulations of that State.

#### *Article 24*

A consul may solemnize marriage and draw up marriage certificates provided that both parties to the marriage are nationals of the sending State. A consul shall report every marriage solemnized by him to the competent authority of the receiving State.

#### *Article 25*

1. A consul may keep civil registers of the birth, marriage and death of nationals of the sending State and may issue extracts from such registers.



2. The provisions of paragraph 1 shall not affect the regulations of the receiving State concerning the registration of births, marriages and deaths.

#### *Article 26*

1. A consul may, where authorized to do so by the regulations of the sending State :

- (a) Receive declarations from nationals of the sending State at their request and prepare the appropriate documents on the basis of such declarations;
- (b) Receive, certify and accept for safekeeping the wills of nationals of the sending State;
- (c) Prepare, legalize and certify documents and receive declarations from persons, regardless of their nationality, if such documents and declarations are to produce legal effects in the sending State. In the case of documents and declarations relating to property, rights and interests in a third State, such authority shall vest in the consul only if a national of the sending State is affected. In performing such acts, the consul shall comply with the foreign exchange regulations of the receiving State;
- (d) Prepare and certify translations of documents of any kind.

2. Documents, extracts and translations prepared, legalized or certified in accordance with paragraph 1 shall be recognized in the receiving State as if they had been prepared, legalized or certified by the competent authority of the sending State, provided that they conform in form and content to the regulations of the latter State.

#### *Article 27*

1. A consul may accept for safekeeping documents, money and other articles from nationals of the sending State.

2. Money and other articles accepted for safekeeping by a consul may be taken out of the receiving State solely in conformity with the regulations of that State.

3. The provisions of article 9 shall not apply to items accepted for safekeeping.

#### *Article 28*

1. A consul may apply to the authorities of the receiving State for the establishment of guardianship or curatorship for a national of the sending State who may require it, pending the establishment of such guardianship or curatorship by the competent authority of the latter State.

2. The consul may apply to the authorities of the receiving State for the appointment of a curator for the property of a national of the sending State if such property is without an administrator.

### Article 29

The competent authority of the receiving State shall forthwith notify the consul of the death of any national of the sending State and shall furnish the consul, free of fees and costs, with an abridged copy of the death certificate. If such copy cannot be prepared without delay, the competent authority shall furnish til ater.

### Article 30

1. In any case where a deceased national of the sending State leaves property, the authorities of the receiving State shall furnish the consul with a copy of the will, communicate to him whatever information is available concerning the heirs, their domicile or residence and the nature and value of the estate, and shall inform him whether succession proceedings have begun and what stage they have reached.

2. In matters of succession to a national of the sending State, a consul may :

- (a) Co-operate in drawing up the inventory of the estate and sign the relevant minutes;
- (b) Co-operate with the competent authorities of the receiving State in all action taken to preserve the estate from damage or loss and, in particular, propose the sale of the movable estate if such sale is in the interest of the heirs; the consul may take part in such sale;
- (c) Co-operate in the appointment of a curator for the estate and in settling other questions concerning the administration of the estate.

### Article 31

If, on the basis of the proceedings before the authorities of the receiving State, the movable estate or the moneys realized from the sale of the movable or immovable estate are to be delivered to heirs who are nationals of the sending State and such heirs take no part in the proceedings and have not appointed representatives, the said estate or moneys shall be delivered to the consul.

2. If the value of the estate left by a national of the sending State who died in the territory of the receiving State, as estimated by the authorities of the receiving State, does not exceed :

In the Polish People's Republic . . . . .	10,000 zlotys
In the Federal People's Republic of Yugoslavia . . . . .	130,000 dinars

and none of the persons entitled to the estate is domiciled in the territory of the receiving State or is represented, the said estate shall, unless the heirs decide otherwise, be delivered to the consul at his request without preliminary succession proceedings. The amounts specified in this paragraph may be altered by the Contracting Parties through an exchange of notes.

3. If a national of the sending State, not domiciled or resident in the territory of the receiving State at the time of his death, has died while travelling in that territory, such personal effects and valuables as he was carrying with him shall be delivered to the consul without any succession proceedings.

4. The items of the estate which are specified in paragraphs 1, 2 and 3 may be delivered to the consul provided that :

(a) All claims of the testator's creditors presented within the time-limit prescribed by the law of the Contracting Party in whose territory the estate is situated have been paid or secured; however, such obligations shall lapse unless within six months after the testator's death the said claims are shown to be legally valid or to be under examination by the competent State authorities;

(b) All estate duties and other public duties have been paid or secured.

5. The items of the estate which are specified in paragraphs 1, 2 and 3 may be delivered to the heirs or sent abroad by the consul solely in conformity with the regulations of the receiving State.

#### Article 32

If an authority of the receiving State learns that a national of the sending State is concerned in succession proceedings pending before it, it shall so notify the consul of the latter State.

#### Article 33

The provisions of articles 30, 31 and 32 shall likewise apply in any case where a national of the sending State has died at sea or on land in any country whatsoever as the master or a member of the crew of a vessel of the receiving State.

#### Article 34

When a vessel of the sending State enters a port in the receiving State, the master and the members of the crew shall be permitted to communicate with the competent consul. After the vessel has received *pratique*, the consul may proceed on board.

#### Article 35

1. A consul may extend assistance to vessels of the sending State when they are in ports situated in his consular district.

2. A consul may, in accordance with the regulations of the sending State :

(a) Examine the vessel's books and papers, question the master and members of the crew concerning the vessel, the cargo, the progress of the voyage and the

vessel's destination, and take steps to facilitate the entry and departure of the vessel;

- (b) Appear with the master and members of the crew before the courts and other authorities of the receiving State in accordance with the regulations of that State, extend every assistance to such persons, and act as interpreter in matters between them and the said authorities;
- (c) Decide disputes between the master and members of the crew, including labour disputes, arrange for the engagement and discharge of the master and members of the crew, and take measures for the preservation of good order and discipline on the vessel;
- (d) Take all measures within his authority, in relation to a vessel of the sending State, for the enforcement of the administrative regulations and the provisions of the maritime and river law of that State;
- (e) Where necessary, arrange hospital treatment for the master and members of the crew of the vessel or their voluntary repatriation to the sending State.

#### *Article 36*

A consul may visit, at ports situated in his district, vessels of any flag destined to ports of the sending State.

#### *Article 37*

1. Except with the consent or at the request of the consul or the master of the vessel, the courts and other authorities of the receiving State shall not concern themselves :

- (a) With any matters relating to the internal management of the vessel, especially labour disputes between the master and members of the crew, or with any matters relating to disciplinary action taken on board the vessel against members of the crew guilty of a breach of the service regulations;
- (b) With any offence in the "less serious" category committed on board the vessel, unless it creates a threat to the good order or tranquillity of the port, health or public safety or was committed on board the vessel by or against a person other than a member of the crew.

2. The provisions of paragraph 1 shall not affect :

- (a) The power of the courts and other authorities of the receiving State to conduct inquiries and investigations in connexion with serious or less serious offences, with the exception of those specified in paragraph 1, sub-paragraph (b), if such serious or less serious offences have been committed on board a vessel of the sending State in the territorial or inland waters of the receiving State;
- (b) The regulations of the receiving State relating to vessels and to persons and articles on board vessels.

*Article 38*

1. The courts and other authorities of the receiving State may proceed, in accordance with the regulations of that State, to question or arrest any person from a vessel, to seize any movable property on board the vessel, to take any action on board the vessel in connexion with judicial proceedings, or to require the master or a member of the crew to testify before a court or other authority of the receiving State, solely on condition that the consul is given notice far enough in advance for him to be present.

2. If the notice specified in paragraph 1 cannot be given owing to the special urgency of the case, or if the courts or other State authorities have intervened at the request of the master of the vessel, or if the consul was not present when their official action was taken, the said authorities shall inform the consul of the action taken as fully as is consistent with the purpose of the proceedings.

*Article 39*

The provisions of articles 37 and 38 shall not apply to official action taken by the courts or other authorities of the receiving State in connexion with the safety of the vessel, persons and cargo, with health examination or with passport control, or for the purpose of preventing or detecting customs offences or of seizing goods.

*Article 40*

1. If a vessel of the sending State suffers damage in the inland or territorial waters of the receiving State or arrives in the inland or territorial waters of the latter State in a damaged condition, the authorities of the receiving State shall so notify the competent consul forthwith.

2. The authorities of the receiving State shall take all necessary measures for the preservation of the damaged vessel, of the lives of persons from the vessel, of the cargo and of other articles on board, and for the prevention of plunder or disorder on the vessel. Such measures shall also extend to articles belonging to the vessel or forming part of its cargo which have become separated from the vessel.

3. If the vessel has been damaged within a port or constitutes a navigational hazard within the territorial waters of the receiving State, the local authorities may apply all measures which they consider necessary with a view to avoiding any damage that might otherwise be caused by the vessel to the port facilities or to other vessels, and shall so notify the consul, if possible before the said measures are applied.

4. If neither the owner of the damaged vessel, his agent, the insurer concerned nor the master is in a position to take the necessary measures, the consul shall be deemed to be authorized to take, as agent for the owner, all decisions relating to the vessel.

5. The authorities of the receiving State in whose territory the damaged vessel is lying shall levy no customs or other duties on the cargo, stores or equipment of the vessel or on articles belonging to the vessel unless such articles are intended for the free market in the territory of that State; however, the authorities of that State may require security for the protection of the revenue in relation to the said articles.

6. The authorities of the receiving State may require reimbursement of the cost of their assistance and rescue operations at the same rate as from vessels of the receiving State in similar circumstances.

#### *Article 41*

Where any articles belonging to a damaged vessel of the sending State or forming part of its cargo, stores or equipment are found on or near the coast of the receiving State, the consul may take, as agent for the owner or for other authorized persons, all necessary measures for the preservation or disposal of such articles if those persons have not taken, directly or through their representatives, the appropriate measures.

#### *Article 42*

The provisions of this Convention which relate to shipping shall apply *mutatis mutandis* to air transport, with the exception of such regulations as are contrary to universally accepted practice in matters of air navigation or to the provisions of international agreements binding on both Contracting Parties.

#### *Article 43*

A consul may collect the fees prescribed by the law of the sending State for the performance of his official duties, but without applying any coercive measures.

### PART V

## GENERAL AND FINAL PROVISIONS

#### *Article 44*

In correspondence with the authorities and institutions of the receiving State, a consul shall use the official language or one of the official languages of that State.

#### *Article 45*

The provisions of part IV of this Convention relating to the rights and obligations of consuls shall apply to the head of the consular department of the

diplomatic mission of each Contracting Party, provided that notice of his appointment in that capacity is given to the other Contracting Party. This provision shall not affect the diplomatic privileges and immunities of such person.

*Article 46*

Each Contracting Party undertakes to accord the other Contracting Party most-favoured-nation treatment in all matters relating to the privileges, immunities, rights and functions of consuls and consular staff. However, neither Contracting Party may invoke the most-favoured-nation clause for the purpose of requesting privileges, immunities and rights other or more extensive than those which it itself accords to the consuls and consular staff of the other Contracting Party.

*Article 47*

The provisions of this Convention shall not be interpreted to mean that the powers herein accorded to consuls for the purpose of protecting the rights of nationals of the sending State shall preclude or limit the construction of those rights according to the generally accepted principles of international law.

*Article 48*

This Convention shall be ratified and shall enter into force thirty days after the exchange of the instruments of ratification, which shall take place at Warsaw.

*Article 49*

This Convention is concluded for an indefinite period and shall remain in force until six months after the date on which notice of denunciation is given by one of the Contracting Parties.

This Convention is done at Belgrade on 17 November 1958, in duplicate in the Polish and Serbo-Croat languages, both texts being equally authentic.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries of the two Contracting Parties have signed this convention and have thereto affixed their seals.

For the Council of State  
of the Polish People's  
Republic :  
H. GROCHULSKI

For the President  
of the Federal People's Republic  
of Yugoslavia :  
Milan BARTOŠ