

**No. 6217**

---

**POLAND  
and  
HUNGARY**

**Consular Convention. Signed at Warsaw, on 20 May 1959**

*Official texts: Polish and Hungarian.*

*Registered by Poland on 10 July 1962.*

---

**POLOGNE  
et  
HONGRIE**

**Convention consulaire. Signée à Varsovie, le 20 mai 1959**

*Textes officiels polonais et hongrois.*

*Enregistrée par la Pologne le 10 juillet 1962.*

[TRANSLATION — TRADUCTION]

No. 6217. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC. SIGNED AT WARSAW, ON 20 MAY 1959

The Council of State of the Polish People's Republic and the Presidential Council of the Hungarian People's Republic, desiring to regulate consular relations between the two States in a spirit of friendship and co-operation, have decided to conclude this Convention and for that purpose have appointed as their plenipotentiaries :

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

Adam Rapacki, Minister for Foreign Affairs of the Polish People's Republic;

The Presidential Council of the Hungarian People's Republic :

János Katona, Ambassador Extraordinary and Plenipotentiary of the Hungarian People's Republic at Warsaw,

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

PART I

ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULS

*Article 1*

Each Contracting Party may establish consulates in the territory of the other Contracting Party.

*Article 2*

1. A consul shall be admitted to the performance of his official duties and recognized in accordance with the laws and customs in force in the receiving State by means of the grant of an exequatur after presentation of his consular commission. The consular commission shall show the consul's given name and surname, the location of the consulate and the consular district.

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

<sup>1</sup> Came into force on 6 December 1959, thirty days after the exchange of the instruments of ratification which took place at Budapest on 6 November 1959, in accordance with article 28 (1).

3. The receiving State shall without delay notify the competent authorities in the consular district of the grant of an exequatur or of provisional permission for a consul to perform his official duties; the said authorities shall take the necessary steps to enable the consul to perform those duties and to enjoy the rights, immunities and privileges to which he is entitled.

#### *Article 3*

A consulate may employ the number of staff necessary to carry out its tasks. The consul shall communicate in writing to the competent authorities of the receiving State the personal particulars and functions of such staff.

#### *Article 4*

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

2. If a consul is unable to perform his official duties owing to illness, temporary absence or recall, or for any other reason, a member of the consulate staff or of the diplomatic mission of the sending State may be authorized to perform the duties of consul temporarily, provided that advance notice of such authorization is given to the competent authority of the receiving State.

3. A person authorized to perform the duties of consul temporarily shall enjoy the rights, immunities and privileges accorded to a consul.

### PART II

## IMMUNITIES AND PRIVILEGES

#### *Article 5*

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

#### *Article 6*

1. The coat-of-arms of the sending State and a plaque designating the consulate may be affixed to the consulate building.

2. The flag of the sending State may be flown from the consulate building. The consul may place the flag of the sending State on vehicles, vessels and aircraft when they are used for official purposes.

#### *Article 7*

The official premises of a consulate shall be inviolable. The authorities of the receiving State may enter them only with the consent of the head of the

consulate. The authorities of the receiving State shall not use force in any form whatsoever on the said premises or at the consul's residence.

#### Article 8

1. Consulate archives shall be inviolable. The authorities of the receiving State shall not examine or detain them.

2. Private papers belonging to the consul or consulate staff shall not be kept in the consulate archives.

#### Article 9

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

2. The provisions of paragraph 1 shall apply *mutatis mutandis* to communications transmitted by telegraph, telephone, teletype or radio.

3. A consulate may use codes and the services of diplomatic couriers.

#### Article 10

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

2. If a consul performs, otherwise than in his official capacity, an act which is punishable under the law of the receiving State, the question of proceeding against him in any manner whatsoever shall in each case be settled beforehand by agreement between the Contracting Parties.

#### Article 11

1. A consul and members of the consulate staff may be summoned to give evidence before the courts and other authorities of the receiving State in criminal, civil and administrative cases.

2. A consul and members of the consulate staff who are nationals of the sending State may refuse to give evidence concerning matters connected with their official duties or to produce official documents.

3. Summonses addressed to the persons mentioned in paragraph 2 must be in the form of an official letter and must contain no threat of a fine or coercive measures. The court or authority requiring the evidence shall take all necessary steps to avoid obstructing the said persons in the performance of their official duties.

4. A consul may request, on grounds of urgent official business or illness, that his evidence should be taken at a later date or on the consulate premises or at his residence.

#### *Article 12*

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 obtain residence permits, to report to the authorities and to be registered.

#### *Article 13*

1. A consul and members of the consulate staff who are nationals of the sending State shall be exempt from all taxes, other public charges and all personal services and material contributions.

2. A consulate shall be exempt from all taxes, other public charges and material contributions.

3. The exemptions specified in paragraphs 1 and 2 shall not apply to payments for public utilities and for other services rendered.

#### *Article 14*

1. Articles intended for the use of a consulate shall be exempt from customs duties.

2. Subject to reciprocity, consuls-general, consuls, vice-consuls, consular attachés and their spouses and minor children who are nationals of the sending State shall be exempt from customs duties in respect of articles belonging to or intended for them to the same extent as diplomatic staff of the diplomatic mission of the sending State, while other members of the consulate staff, their spouses and minor children who are nationals of the sending State shall be exempt to the same extent as non-diplomatic staff of the diplomatic mission of that State.

### PART III

## FUNCTIONS OF A CONSUL

#### *Article 15*

In performing his duties, a consul shall endeavour to strengthen the political, economic and cultural relations between the Contracting Parties.

*Article 16*

1. A consul shall protect the rights and represent the interests of nationals of the sending State (natural and legal persons). For that purpose he may apply directly to the courts and other authorities in his district.

2. A consul may, without special authorization, represent nationals of the sending State before the courts and other authorities during such time as the person concerned is unable owing to absence or for other valid reasons to protect his rights and interests himself and has not appointed a representative. This provision shall not affect the regulations of the receiving State concerning obligatory representation by counsel.

*Article 17*

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

*Article 18*

A consul may :

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

*Article 19*

1. A consul may draw up certificates of the birth and death of nationals of the sending State.

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

*Article 20*

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

*Article 21*

1. A consul shall be entitled to carry on the following activities provided that they do not conflict with the legal provisions of the receiving State :

- (a) To perform notarial acts to the extent provided for by the law of the sending State if such acts relate to nationals of that State; however, in matters involving immovable property the consul may perform only such notarial acts as are to produce legal effects in the territory of the sending State;
- (b) To prepare and certify translations of documents;
- (c) To legalize documents drawn up or certified in the receiving or the sending State, as well as documents relating to nationals of the sending State which have been drawn up or certified in a third State;
- (d) To accept for safekeeping money, documents and other articles from nationals of the sending State;
- (e) To carry on other administrative activities or activities relating to navigation, provided that the authorities of the receiving State have expressed no objection thereto.

2. Documents prepared, certified or legalized by a consul, in accordance with the provisions of paragraph 1, in the form prescribed by the law of the sending State shall have in the receiving State the same standing in law and the same validity when adduced in evidence as documents prepared, certified or legalized by the authorities of the latter State.

#### *Article 22*

A consul may extend every assistance to aircraft of the sending State. In particular, in the case of a forced landing, he may assist the crew and passengers in their dealings with the competent authorities of the receiving State and take appropriate measures to enable them to resume the journey.

#### *Article 23*

The functions of a consul in matters of succession affecting nationals of the sending State and with regard to their interrogation and the service of documents upon them shall be governed by the Treaty between the Polish People's Republic and the Hungarian People's Republic concerning legal relations in civil, family and criminal cases.<sup>1</sup>

#### *Article 24*

A consul may collect in the currency of the receiving State the fees prescribed by the law of the sending State for the performance of his official duties.

<sup>1</sup> See p. 3 of this volume.

## PART IV

## MISCELLANEOUS AND FINAL PROVISIONS

*Article 25*

In correspondence with the authorities of the receiving State, a consul shall use the official language of that State.

*Article 26*

The provisions of part III of this Convention relating to the rights and obligations of consuls shall apply *mutatis mutandis* to a member of the diplomatic mission of the sending State who has been authorized to perform consular functions, provided that advance notice of such authorization has been given to the competent authority of the receiving State. Such a person shall continue to enjoy diplomatic immunities and privileges.

*Article 27*

For the purposes of this Convention :

- (a) The term “ consul ” means any national of the sending State to whom the receiving State has granted an exequatur or other permission, even of a provisional nature, to act as a consul-general, consul or vice-consul;
- (b) The term “ member of the consulate staff ” means any person employed at a consulate, regardless of his nationality;
- (c) The term “ consulate ” means a consulate-general, consulate or vice-consulate.

*Article 28*

1. 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 Budapest.

2. This Convention is concluded for a term of five years from the date of its entry into force. It shall be extended for successive terms of five years unless it is denounced by one of the Contracting Parties six months before the expiry of the current term.

3. The Consular Convention between Poland and Hungary, signed at Budapest on 24 April 1936,<sup>1</sup> shall cease to have effect on the date of entry into force of this Convention.

<sup>1</sup> League of Nations, *Treaty Series*, Vol. CLXXXV, p. 303.



This Convention has been done at Warsaw on 20 May 1959, in duplicate in the Polish and Hungarian languages, both texts being equally authentic.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries have signed this Convention and have thereto affixed their seals.

For the Council of State  
of the Polish People's  
Republic :  
A. RAPACKI

For the Presidential Council  
of the Hungarian People's  
Republic :  
J. KATONA