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No. 6318

**HUNGARY
and
BULGARIA**

Consular Convention. Signed at Sofia, on 27 June 1958

Official texts: Hungarian and Bulgarian.

Registered by Hungary on 27 September 1962.

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Enregistrée par la Hongrie le 27 septembre 1962.

[TRANSLATION — TRADUCTION]

No. 6318. CONSULAR CONVENTION¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE PEOPLE'S REPUBLIC OF BULGARIA. SIGNED AT SOFIA, ON 27 JUNE 1958

The Presidential Council of the Hungarian People's Republic and the Presidium of the National Assembly of the People's Republic of Bulgaria,

Desiring to regulate the existing consular relations between the two States,
Have decided to conclude a Consular Convention and for this purpose have appointed as their plenipotentiaries :

The Presidential Council of the Hungarian People's Republic :

Béla Némety, Ambassador Extraordinary and Plenipotentiary of the Hungarian People's Republic in the People's Republic of Bulgaria;

The Presidium of the National Assembly of the People's Republic of Bulgaria :

Milko Tarabanov, Deputy Minister for Foreign Affairs of the People's Republic of Bulgaria,

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, CONSULATE STAFF

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) Consuls appointed by the sending State may enter upon their duties when, after presentation of the letter of appointment (consular commission),

¹ Came into force on 3 June 1959 by the exchange of the instruments of ratification, at Budapest, in accordance with article 23.

the receiving State has issued an authorization (exequatur). The letter of appointment shall show the consul's personal particulars, place of residence and consular district.

(2) After a consul has been recognized, the authorities of the receiving State shall make all necessary arrangements to enable the consul to perform his official duties without let or hindrance and to enjoy all the privileges and immunities to which he is entitled under this Convention and under the laws of the receiving State.

Article 3

(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 death, absence or illness, the sending State may authorize a member of its diplomatic mission, or of the staff of the consulate concerned or of another consulate, to take temporary charge of the consulate ; the name of such person shall be communicated beforehand 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 immunities accorded to a consul by this Convention.

Article 4

(1) 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.

(2) The term "consulate staff" means the consul, consular officers and consulate employees.

(3) The term "consular officers" means consulate secretaries, referendaries and trainees.

(4) The term "consulate employees" means chief clerks, translators, shorthand-typists, bookkeepers, housekeepers, drivers, etc.

II

IMMUNITIES AND PRIVILEGES OF CONSULS, CONSULAR OFFICERS AND CONSULATE EMPLOYEES

Article 5

Consuls, consular officers and consulate employees 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.

Article 6

A consul may affix to the consulate building the coat-of-arms of the sending State and an inscription designating the consulate; he may fly the flag of the sending State at the said building, at his residence, and on vehicles used by him.

Article 7

(1) A consul, consular officers and consulate employees and their spouses and minor children who are nationals of the sending State shall be exempt from the direct taxes and personal service to which nationals of the receiving State are subject.

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

(3) Land and buildings shall be exempt from requisitioning for military or other purposes if they are used for official or residential purposes by a consul, consular officers or consulate employees who are nationals of the sending State.

Article 8

Immovable property of the sending State which is used as consulate premises or as living quarters for consulate staff shall be exempt from all direct taxes.

Article 9

A consul, consular officers and consulate employees who are nationals of the sending State shall enjoy, subject to reciprocity, the same exemptions from customs duties as the staff of diplomatic missions.

Article 10

The provisions of article 9 shall also apply to the spouse and minor children of a consul who live with him.

Article 11

(1) A consul, consular officers and consulate employees shall, if duly summoned, give evidence before the courts of the receiving State.

(2) If a consul, consular officer or consulate employee who is a national of the sending State is prevented by the exigencies of his service or for other reasons from appearing before the court, he shall make a deposition at his residence or at the consulate.

(3) A consul, consular officers and consulate employees may refuse to make a deposition concerning matters connected with their official duties.

(4) A summons addressed to a consul must contain no threat of a penalty or other coercive measures in the event of failure to appear.

Article 12

(1) The official premises of a consulate shall be inviolable. The authorities of the receiving State shall not use force, in any form whatsoever, on the said premises or at a consul's residence.

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

(3) The official correspondence of a consul, as well as messages transmitted by telecommunication, shall be inviolable and shall not be subject to examination.

(4) In communicating with the authorities of the sending State, a consul shall be entitled to use codes and the services of diplomatic couriers. A consul shall be charged at the same rates as a diplomatic representative for the use of general telecommunication facilities.

III

FUNCTIONS OF CONSULS

Article 13

(1) A consul shall protect, within his consular district, the rights and interests of the sending State and of its nationals (natural and legal persons).

(2) In the performance of his official duties, a consul may apply to the local authorities in his consular district. He 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.

Article 14

(1) A consul shall be entitled to represent nationals of the sending State before the courts and other authorities of the receiving State for the purpose of making necessary arrangements, where the persons concerned are unable owing to absence or for other reasons to protect their own rights and interests within the appropriate time-limit.

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

Article 15

(1) A consul shall be entitled to keep a register of nationals of the sending State, to issue or renew their passports and other identity documents, and to perform any other function connected with the registration of nationals of the sending State and the issue of identity documents to them.

(2) A consul shall issue to nationals of the sending State, to aliens and to stateless persons the necessary visas for entry into and exit from the sending State.

Article 16

(1) A consul shall, where authorized to do so by the law of the sending State, be entitled to register the birth and death of nationals of the sending State.

(2) The provisions of paragraph (1) shall not exempt the persons concerned from the obligation of reporting to the competent civil registry in accordance with the laws of the receiving State.

(3) A consul shall be entitled, in accordance with the law of the sending State, to solemnize a marriage and to enter the marriage in the register provided that both parties to the marriage are nationals of the sending State.

(4) The provisions of paragraph (3) shall also apply to the registration of the dissolution of marriage.

(5) The competent authority of the receiving State must be notified of the solemnization of a marriage and of the registration of the dissolution of a marriage solemnized before a consul.

Article 17

(1) A consul shall be entitled to carry on the following activities at the consulate, at his residence, at the residences of nationals of the sending State, and on board vessels or aircraft flying the flag or bearing the markings of the sending State, in so far as the said activities are not prohibited by the laws of the receiving State :

- (a) To draw up, certify and accept for safekeeping the wills or other unilateral legal instruments of nationals of the sending State;
- (b) To draw up or certify declarations by nationals of the sending State;
- (c) To draw up or certify legal instruments concerning transactions between nationals of the sending State, except legal instruments relating to the establishment or transfer of rights to immovable property situated in the territory of the receiving State;
- (d) 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 to transactions to be carried out in the territory of the sending State;

- (e) To certify the signatures of nationals of the sending State on documents of any kind; to certify copies of, extracts from and translations of documents issued by the authorities or officials of the sending or the receiving State;
- (f) To accept for safekeeping property and documents from nationals of the sending State or intended for such nationals;
- (g) To carry on other activities for which he may be authorized by the sending State.

(2) The documents and the copies and translations thereof and extracts therefrom referred to in paragraph (1) 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 documents drawn up, translated or certified by the authorities and officials of the receiving State.

Article 18

The functions of a consul in matters of succession shall be governed by the relevant provisions of the Treaty concerning legal assistance in civil and criminal cases, concluded between the Contracting Parties at Budapest on 8 August 1953.

Article 19

(1) A consul may appoint a guardian or curator for nationals of the sending State. In such cases, the consul shall be entitled to supervise the guardianship or curatorship.

(2) If a consul learns that the property of a national of the sending State is without an administrator, he may appoint an administrator for such property.

(3) The provisions of this article shall apply where the laws of the sending State confer the necessary authority on the consul.

Article 20

(1) A consul may extend, personally or through his agent, every assistance to vessels sailing under the flag of the sending State which enter a port in his consular district. He may, in particular, communicate with a 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. The consul shall assist the masters of vessels in maintaining order on board. In this connexion the authorities of the receiving State shall, on request, extend assistance and support 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, they shall so notify the consul

in advance. The consul may be present when such measures are carried out. This provision shall not apply to the harbour, customs, passport and health control of the vessel, crew and passengers before the vessel receives *pratique* or before it leaves port.

(3) If a vessel of the sending State is wrecked or damaged, the consul shall be entitled to take measures to assist the crew and passengers of the vessel, to safeguard the cargo and to repair the vessel, and to request assistance for that purpose from the authorities of the receiving State.

(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 they have taken to save lives, the vessel and the cargo. The authorities of the receiving State shall extend the necessary assistance 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

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 members of diplomatic missions assigned to consular functions. This provision shall not affect the privileges and immunities of such members of diplomatic missions.

Article 23

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

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

(3) Upon the entry into force of this Convention, the Consular Convention concluded at Sofia on 18/31 May 1911¹ shall cease to have effect.

¹ *British and Foreign State Papers*, Vol. 104, p. 695. See also League of Nations, *Treaty Series*, Vol. LXIX, p. 327.

Article 24

This Convention is concluded for a term of five years. The Convention 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 terms.

DONE at Sofia on 27 June 1958, in duplicate in the Hungarian and Bulgarian languages. Both texts are equally authentic.

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

NÉMETY Béla

For the Presidium
of the National Assembly
of the People's Republic
of Bulgaria :

M. TARABANOV