

No. 7018

**POLAND
and
BULGARIA**

Consular Convention. Signed at Sofia, on 19 September 1961

Official texts: Polish and Bulgarian.

Registered by Poland on 23 December 1963.

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Convention consulaire. Signée à Sofia, le 19 septembre 1961

Textes officiels polonais et bulgare.

Enregistrée par la Pologne le 23 décembre 1963.

[TRANSLATION — TRADUCTION]

No. 7018. CONSULAR CONVENTION¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE PEOPLE'S REPUBLIC OF BULGARIA. SIGNED AT SOFIA, ON 19 SEPTEMBER 1961

The Council of State of the Polish People's Republic and the Presidium of the National Assembly of the People's Republic of Bulgaria,

Desiring to regulate consular relations between them in a spirit of friendship and co-operation,

Have resolved to conclude this Convention and for this purpose have appointed as their Plenipotentiaries :

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

Aleksander Juskiewicz, Ambassador Extraordinary and Plenipotentiary of the Polish People's Republic at Sofia;

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

Atanas Voinov, Deputy Minister for Justice of the People's Republic of Bulgaria,

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

P A R T I

DEFINITIONS

Article 1

For the purposes of this Convention :

(1) The term " consul " means any person having the nationality of the sending State to whom the receiving State has granted an exequatur or any other authorization, even if provisional, to act in the capacity of a consul-general, consul or vice-consul;

(2) The term " member of the consular staff " means any person employed at a consulate, regardless of his nationality;

(3) The term " consulate " means a consulate-general, consulate or vice-consulate;

¹ Came into force on 14 February 1963, thirty days after the exchange of the instruments of ratification which took place at Warsaw, on 15 January 1963, in accordance with the provisions of article 30.

(4) The term “ consular archives ” includes official correspondence, documents and papers, and office furniture for the safekeeping thereof;

(5) The term “ national of the State ” means an individual having the nationality of the State in question or a body corporate established in accordance with the law of that State and domiciled in its territory.

P A R T II

ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULS

Article 2

1. Each Contracting Party may establish consulates in the territory of the other Contracting Party in accordance with this Convention.

2. Consular districts shall be determined by agreement between the two Contracting Parties in each individual case.

Article 3

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 after the consular commission has been presented and an exequatur has been granted. The consular commission shall indicate the consul's given name, surname and rank, the location of the consulate, and the consular district.

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

3. As soon as a consul receives the exequatur or the permission referred to in paragraph 2, the competent authorities in the consular district shall make the necessary arrangements to enable him to perform his official duties without hindrance and to enjoy the rights, privileges and immunities to which he is entitled.

Article 4

The necessary number of staff, whether nationals of the sending State or nationals of the receiving State, may be employed at the consulate. The personal particulars and functions of such staff shall be communicated in writing to the competent authorities of the receiving State.

Article 5

In the event of a consul's recall, death or temporary absence, or of his inability for any other reason to perform his official duties, a member of the

staff of a consulate or of the diplomatic mission of the sending State who is a national of that State shall be authorized to perform those duties temporarily, provided that the competent authorities of the receiving State are notified beforehand in writing of his assumption of those duties. He shall, during such time, enjoy the rights, privileges and immunities accorded to consuls.

P A R T I I I

PRIVILEGES AND IMMUNITIES

Article 6

1. A tablet bearing the coat-of-arms of the sending State and the title of the consulate may be placed on the building in which the consulate is installed.

2. The flag of the sending State may be flown from the building in which the consulate is installed. The flag of that State may also be flown on motor vehicles, vessels, aircraft and other means of conveyance when they are used by the consul in the performance of his official duties.

Article 7

1. The offices of the consulate shall be inviolable. The authorities of the receiving State may enter those offices or the consul's living quarters only with the consent of the consul and with due regard to the principle of the inviolability of consular archives defined in article 8, paragraph 1.

2. The offices of the consulate shall be separate from the living quarters of the consul and the members of the consular staff.

Article 8

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

2. The consular archives shall be kept separate from the private documents of the consul and the members of the consular staff.

Article 9

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

2. The consulate may employ the services of couriers and use codes.

Article 10

1. The consul and members of the consular staff who are nationals of the sending State shall not, except with the consent of the sending State, 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, proceedings of any kind to be taken against him shall in every case be agreed beforehand between the Contracting Parties.

Article 11

1. Consuls and members of the consular staff may refuse to give testimony before courts or authorities of the receiving State concerning matters connected with their official duties and may 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, consuls and members of the consular staff may be summoned to testify in criminal, civil and administrative cases; however, the court or authority shall take all necessary steps to avoid obstructing the said persons in the performance of their official duties. A summons addressed to a consul or a member of the consular staff who is a national of the sending State shall be in the form of an official letter and shall contain no threat of a criminal penalty or of any other coercive measure.

3. A consul may, on grounds of urgent official business or of illness, request that his testimony should be taken at a later time. He may also request that his testimony should be taken in the offices of the consulate or at his residence.

Article 12

Consuls and members of the consular staff and their spouses and minor children residing with them who are nationals of the sending State shall not be subject to regulations of the receiving State under which aliens are required to obtain residence permits, to register and to report to the authorities.

Article 13

1. Consuls and members of the consular staff and their spouses and minor children residing with them who are nationals of the sending State shall be exempt from taxes and other charges of a similar nature and from personal services or material contributions for military or other public purposes.

2. The consulate shall be exempt from taxes and other charges of a similar nature and from contributions for military or other public purposes.
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. Subject to reciprocity, articles intended for the needs of a consulate shall be exempt from customs duties to the same extent as articles intended for the needs of the diplomatic mission of the sending State.
2. Subject to reciprocity, consuls-general, consuls, vice-consuls and consular attachés and their spouses and minor children residing with them who are nationals of the sending State shall be exempt from customs duties in respect of articles which are their property or are intended for them to the same extent as diplomatic staff of the diplomatic mission of the sending State, while other members of the consular staff and their spouses and minor children residing with them 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.

P A R T I V

FUNCTIONS OF CONSULS

Article 15

In the performance of their duties, consuls shall further the development of political, economic and cultural relations between the Contracting Parties.

Article 16

1. In their districts, consuls shall protect the rights and interests of the sending State and its nationals, in accordance with international law and usage, and shall watch over the welfare of such nationals. They may for that purpose apply directly to the courts and other authorities of the receiving State.
2. Consuls may without special authorization represent, in the courts and before other State authorities, nationals of the sending State who owing to absence or for other valid reasons are unable to protect their rights and interests themselves at the proper time and have not appointed representatives. This shall not affect regulations of the receiving State reserving the right of such representation to specified persons.

Article 17

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

Article 18

Consuls may :

- (1) Register nationals of the sending State;
- (2) Issue passports and other travel documents to nationals of the sending State;
- (3) Issue visas.

Article 19

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

2. The provisions of paragraph 1 shall not affect regulations of the receiving State relating to the registration of births and deaths at the competent civil registry offices of that State.

Article 20

Consuls may receive declarations of marriage and register marriage if both parties to the marriage are nationals of the sending State. The consul shall notify the competent authority of the receiving State of the solemnization of the marriage.

Article 21

1. Consuls may :

- (1) Draw up and receive for safekeeping the wills of nationals of the sending State;
- (2) Draw up and attest deeds executed by nationals of the sending State; they may not, however, draw up or attest any deed which relates to immovable property situated in the territory of the receiving State;
- (3) Draw up and attest deeds relating to transactions between nationals of the sending State and nationals of the receiving State or of a third State, provided that such deeds are to have legal effects in the territory of the sending State;
- (4) Certify the signatures of nationals of the sending State on documents not specified in sub-paragraphs (2) and (3);
- (5) Certify extracts from and copies of documents;
- (6) Prepare and certify translations of documents;

- (7) Legalize documents drawn up or attested in the receiving or the sending State and documents drawn up or attested in a third State, provided that they relate to nationals of the sending State;
- (8) Perform other administrative functions for which they are authorized by the sending State, provided that this does not violate the regulations of the receiving State and that the authorities of that State express no objection thereto.

2. Documents drawn up, attested or legalized by a consul under the provisions of paragraph 1 in the form prescribed by the law of the sending State shall have in the receiving State the same legal effect and validity as evidence as documents drawn up, attested or legalized by the authorities of the latter State.

Article 22

Consuls may receive money, documents and other articles for safekeeping from nationals of the sending State if this does not violate the regulations of the receiving State.

Article 23

1. Consuls may extend all possible assistance to vessels of the sending State. They may communicate with the vessel's crew and passengers, visit the vessel, ask the master and other members of the crew for information concerning the vessel, its cargo and the progress and purpose of the voyage, draw up, certify and verify ship's papers, settle disputes between the master and other members of the crew, and take steps to ensure order and discipline on board the vessel.

2. Where a vessel of the sending State is involved in an accident in the inland or territorial waters of the receiving State or arrives in such waters in damaged condition, the authorities of the receiving State shall forthwith notify the consul and inform him of the measures taken to safeguard the vessel, the crew, the passengers and the cargo.

Article 24

1. The authorities of the receiving State may not intervene in the affairs of a vessel of the sending State except at the request or with the consent of the consul. The consul's consent shall not be required where an occurrence on board the vessel is disturbing the peace or threatening the security of the port or violates the regulations of the receiving State in customs, passport or health control matters.

2. Where the authorities of the receiving State intend to carry out coercive measures on board a vessel, they shall notify the consul in time for him to be

present when the said measures are carried out, unless the urgency of the matter is clearly such as to preclude his presence. If the consul is not present or represented on board the vessel, the authorities of the receiving State shall immediately provide him with full information concerning the application of the coercive measures. The provisions of this paragraph shall not apply to measures of customs, passport or health control.

Article 25

1. Consuls may extend all possible assistance to aircraft of the sending State. In particular, they may, in the event of a forced landing, assist the crew and passengers in their dealings with the authorities of the sending State and take appropriate measures to enable them to resume the flight.

2. Where an aircraft of the sending State is involved in an accident, the consul may take appropriate measures to assist the crew and passengers and to safeguard the aircraft and its cargo. The consul may also request the authorities of the receiving State to take such measures.

3. The provisions of article 23, paragraph 2, and of article 24 shall apply *mutatis mutandis*.

Article 26

Consuls may charge for official services the fees prescribed by the regulations of the sending State.

P A R T V

FINAL PROVISIONS

Article 27

The provisions of part IV of this Convention concerning the rights and obligations of consuls shall apply *mutatis mutandis* to a member of the staff of the diplomatic mission of either Contracting Party who has been entrusted with the performance of consular functions, provided that the other Contracting Party is notified of his assumption of those functions. The said staff member shall continue to enjoy diplomatic privileges and immunities.

Article 28

Each Contracting Party undertakes to grant 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 29

Disputes arising in connexion with the interpretation and application of this Convention shall be settled through the diplomatic channel.

Article 30

This Convention shall be subject to ratification and shall enter into force on the expiry of thirty days from the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

Article 31

1. This Convention is concluded for an indefinite period. It may be denounced by either Contracting Party, in which case it shall cease to have effect on the expiry of six months from the date on which notice of denunciation is received by the other Contracting Party.

2. On the date of the entry into force of this Convention, the Consular Convention between Poland and Bulgaria, signed at Sofia on 22 December 1934,¹ and other agreements relating to matters regulated by this Convention shall cease to have effect.

DONE at Sofia on 19 September 1961, in duplicate in the Polish and Bulgarian 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 :
AL. JUSZKIEWICZ

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

¹ League of Nations, *Treaty Series*, Vol. CLIX, p. 265.