

No. 7508

**HUNGARY
and
MONGOLIA**

Consular Convention. Signed at Budapest, on 10 July 1963

Official texts: Hungarian, Mongolian and Russian.

Registered by Hungary on 3 December 1964.

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Convention consulaire. Signée à Budapest, le 10 juillet 1963

Textes officiels hongrois, mongol et russe.

Enregistrée par la Hongrie le 3 décembre 1964.

[TRANSLATION — TRADUCTION]

No. 7508. CONSULAR CONVENTION¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE MONGOLIAN PEOPLE'S REPUBLIC. SIGNED AT BUDAPEST, ON 10 JULY 1963

The Presidential Council of the Hungarian People's Republic and
The Presidium of the Great People's Khural of the Mongolian People's Republic,

Desiring further to strengthen friendly relations between the two States and to intensify co-operation between them,

Have decided to conclude a Consular Convention and for that purpose have appointed as their plenipotentiaries :

The Presidential Council of the Hungarian People's Republic :

Dr. Endre Ustor, Head of Department in the Ministry of Foreign Affairs of the Hungarian People's Republic ;

The Presidium of the Great People's Khural of the Mongolian People's Republic :

Zhambalyn Banzar, Ambassador Extraordinary and Plenipotentiary of the Mongolian People's Republic to the Hungarian People's Republic,

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

ESTABLISHMENT OF CONSULATES, APPOINTMENT AND ACCEPTANCE OF CONSULS

Article 1

1. Each Contracting Party shall be entitled to establish consulates-general, consulates and vice-consulates (hereinafter referred to as "consulates") in the territory of the other Contracting Party in accordance with this Convention.

2. The consular posts of consuls-general, consuls and vice-consuls (hereinafter referred to as "consuls") and their consular districts shall be determined by agreement between the Parties in each individual case.

¹ Came into force on 28 December 1963, the thirtieth day following the date of the exchange of the instruments of ratification which took place at Ulan Bator on 28 November 1963, in accordance with article 25.

Article 2

1. The diplomatic mission of the sending State shall present to the Ministry of Foreign Affairs of the receiving State the consular commission containing particulars concerning the consul, the consular district and the seat of the consular post.

2. The consul may not enter upon his duties until the Government of the receiving State has recognized him in that capacity. Such recognition shall be granted in the form of an exequatur issued after the consular commission has been presented.

3. After the 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 exemptions and privileges to which he is entitled under this Convention and under the laws of the receiving State.

Article 3

1. The functions of a consul shall terminate on his recall, the withdrawal of the exequatur or his death.

2. In the event of the consul's recall, the withdrawal of his exequatur, or his death, absence or illness, the sending State may authorize an officer of its diplomatic mission, or a consular officer of the consulate concerned or of another consulate, to take temporary charge of the consulate ; the officer's name 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 rights and privileges accorded to consuls by this Convention.

RIGHTS, EXEMPTIONS AND PRIVILEGES OF CONSULS,
CONSULAR OFFICERS AND CONSULAR EMPLOYEES

Article 4

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 5

Consuls shall be entitled to affix to consulate buildings a shield bearing the coat of arms of their State and an inscription designating the consulate, and to fly the flag of their State from the said buildings and place it on vehicles used by them.

Article 6

Consuls, consular officers and consular employees and their spouses and minor children who are nationals of the sending State shall be exempt from all forms of personal service and direct taxes imposed on nationals of the receiving State.

Article 7

Immovable property of the sending State which is intended for use as consulate premises or as the living quarters of consuls and other members of the consular staff shall be exempt from all direct taxes.

Article 8

Subject to reciprocity, consuls, consular officers, and consular employees who are nationals of the sending State shall enjoy the same exemptions with regard to customs duties as the staff of diplomatic missions.

Article 9

The provisions of article 8 above shall also apply to the spouses and minor children of consuls who live with them.

Article 10

1. Consuls, consular officers and consular employees shall give evidence before the judicial organs of the receiving State if requested to do so by the judicial authorities.

2. If a consul, a consular officer, or a consular employee who is a national of the sending State is unable, owing to the exigencies of his service or for other reasons, to appear before the judicial organs, he shall make a deposition at the consular premises or at his residence, or he may make the deposition in writing if that is permissible under the law 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 11

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 offices or in the private living quarters of consuls.

3. Consular archives shall be inviolable. Private papers shall not be kept in the 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 means of communication.

FUNCTIONS OF CONSULS

Article 12

1. Consuls shall be entitled, within their consular district, to protect the rights and interests of the sending State and of its nationals (individuals and bodies corporate).

2. In the performance of their duties, consuls may apply to the authorities of their consular district and may make representations to them concerning violations of the rights and interests of the sending State or its nationals.

Article 13

Consuls shall be entitled, in order to protect the interests of nationals of the sending State, to represent in the courts and before other authorities of the receiving State such nationals who, owing to absence or for other reasons, are unable to protect their own rights and interests 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 14

1. Consuls 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 carry on any other activity connected with the registration of nationals of the sending State and the issue of personal documents to them.

2. Consuls shall issue to their own and to foreign nationals and to stateless persons the necessary visas for entry into and exit from the sending State.

3. Consuls shall, where authorized to do so by the laws of the sending State, be entitled to issue certificates of the birth or death of nationals of their State. The registration of the birth or death of such nationals shall be notified to the competent authorities of the receiving State.

Article 15

1. Consuls shall, where authorized to do so by the laws of the sending State, be entitled to solemnize, that is to say, to register marriages where both parties to the marriage are nationals of the sending State.

2. Where one party to a marriage is a national of the sending State and the other party a national of the receiving State, the marriage may be solemnized with the participation of the competent authority of the receiving State.

3. The provisions of paragraphs 1 and 2 above shall also apply to the registration of the dissolution of marriages.

4. The competent authority of the receiving State shall be notified of the registration of marriages and of the dissolution of marriages registered by a consul.

Article 16

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 of that State :

1. To receive, draw up and certify declarations by nationals of the sending State ;

2. To draw up, attest and accept for safekeeping the wills of nationals of the sending State ;

3. To draw up or certify legal instruments concerning transactions between nationals of the sending State and to certify unilateral instruments, provided that such instruments are not contrary to the laws of the receiving State. A consul may not draw up or certify any instrument establishing or transferring rights *in rem* to immovable property situated in the receiving State ;

4. To draw up or certify legal instruments concerning transactions between nationals of the sending State and nationals of the receiving State, provided that such instruments relate exclusively to interests situated in the territory of the State represented by the consul or to transactions to be carried out in the territory of that State, and provided that such instruments are not contrary to the laws of the receiving State ;

5. To legalize documents issued by the authorities or officials of the sending or the receiving State and to certify copies or translations of and extracts from such documents ;

6. To certify the signatures, on documents of any kind, of nationals of the State represented by the consul, provided that the contents of such documents are not contrary to the laws of the receiving State ;

7. To accept for safekeeping property and documents from nationals of the sending State or intended for such nationals, provided that this is not contrary to the laws of the receiving State ;

8. To perform other acts forming part of a consul's duties, provided that they are not contrary to the laws of the receiving State.

Article 17

1. The documents referred to in article 16 above, copies or translations thereof or extracts therefrom, which have been drawn up or certified by a consul shall be regarded in the receiving State as documents, copies, translations and extracts having the same standing in law and the same validity when adduced in evidence as if they had been drawn up or translated by competent authorities and institutions of the receiving State.

2. However, the documents, copies, translations and extracts mentioned above shall be subject to such legalization as the law of the receiving State may require.

Article 18

1. If a national of one Contracting Party dies in the territory of the other Contracting Party, the competent authority shall immediately so notify the diplomatic or consular mission of the country of which the deceased was a national, communicating to it whatever information is available concerning the heirs or legatees, their domicile, residence or address, the condition of the estate and the existence of a will. The said authority shall also send such notification if it learns that the deceased has left property in the territory of a third State.

2. If the competent authority of one of the Contracting Parties to which notification has been sent in accordance with paragraph 1 learns of the existence in the territory of its own State or abroad of heirs or legatees not mentioned in such notification or learns that the deceased left a will, it shall so notify the competent authority of the other Contracting Party.

3. If a national of one Contracting Party dies in the territory of that Contracting Party and a national of the other Contracting Party is concerned with the succession as an heir or legatee, the competent authority of the first Contracting Party shall notify the diplomatic or consular mission of the other Contracting Party in accordance with paragraph 1.

Article 19

1. In all succession proceedings arising in the territory of one of the Contracting Parties, diplomatic or consular missions shall have the right to represent the interests of nationals of their State before the authorities of that Contracting Party if such

nationals are not present and have not appointed their representatives ; in such cases, no special power of attorney shall be necessary.

2. If a national of one Contracting Party not domiciled or resident in the territory of the other Contracting Party dies while travelling in such territory, his personal effects shall be delivered without any formal proceedings to the diplomatic or consular mission.

Article 20

1. The competent authority of a Contracting Party in whose territory an estate has been left by a national of the other Contracting Party shall, in accordance with its laws, take such measures as are necessary to ensure the protection and the administration thereof.

2. The measures taken under paragraph 1 shall be immediately reported to the diplomatic or consular mission of the other Contracting Party, which may participate, either directly or through a representative, in carrying them out. At the mission's request, the said measures may be modified or rescinded.

3. The time-limit prescribed by the law of the Contracting Parties for the acceptance of estates shall be reckoned from the date on which the diplomatic or consular mission is notified of the decedent's death.

Article 21

1. If, after the completion of succession proceedings, the movable estate of the deceased or the moneys realized from the sale of his movable or immovable estate are to be delivered to heirs in the territory of the other Contracting Party, the movable estate or the moneys realized shall be delivered to the diplomatic or consular mission of that State.

2. The succession authority shall issue instructions for the delivery of the estate to the diplomatic or consular mission if :

(a) All claims of the heirs, legatees or creditors of the deceased presented within the period prescribed by the law of the Contracting Party in whose territory the estate is situated have been paid or secured ;

(b) All estate duties have been paid or secured ;

(c) The competent authorities have authorized the export of the estate and the transfer of moneys realized from the sale of portions thereof, where such authorization is required.

Article 22

1. Where authorized to do so by the laws of the sending State, consuls may appoint guardians and curators for nationals of that State. In such cases, they shall be entitled to supervise the activities of the guardians and curators.

2. If a consul learns that the property of a national of the sending State is without an administrator, he may appoint a trustee if that is permissible under the laws of that State.

Article 23

Consuls may extend every assistance to aircraft of the sending State. In particular, in the event of a forced landing, they may extend assistance to the crew and passengers of aircraft in their relations with the competent authorities of the receiving State, and may take appropriate measures to ensure the resumption of the flight.

FINAL PROVISIONS

Article 24

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

Article 25

This Convention is subject to ratification. It shall enter into force on the thirtieth day following the date of the exchange of the instruments of ratification, which shall take place at Ulan Bator.

This Convention is concluded for a period of five years. It shall be extended for further periods of five years unless it is denounced by one of the Contracting Parties six months before the expiry of the current five-year period.

DONE at Budapest on 10 July 1963, in duplicate in the Hungarian, Mongolian and Russian languages, all three texts being equally authentic. In the event of any divergence of interpretation, the Russian text shall prevail.

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

USTOR Endre

For the Presidium
of the Great People's Khural
of the Mongolian People's Republic :

Z. BANZAR