

No. 7516

**POLAND
and
ROMANIA**

**Consular Convention. Signed at Bucharest, on 5 October
1962**

Official texts: Polish and Romanian.

Registered by Poland on 14 December 1964.

**POLOGNE
et
ROUMANIE**

Convention consulaire. Signée à Bucarest, le 5 octobre 1962

Textes officiels polonais et roumain.

Enregistrée par la Pologne le 14 décembre 1964.

[TRANSLATION — TRADUCTION]

No. 7516. CONSULAR CONVENTION¹ BETWEEN THE
POLISH PEOPLE'S REPUBLIC AND THE ROMANIAN
PEOPLE'S REPUBLIC. SIGNED AT BUCHAREST, ON
5 OCTOBER 1962

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

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

Janusz Zambrowicz, Ambassador Extraordinary and Plenipotentiary of the
Polish People's Republic in the Romanian People's Republic;

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

Aurel Mălnășan, Under-Secretary of State in the Ministry of Foreign
Affairs,

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

CHAPTER I

ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULS

Article 1

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 established by agreement in each case between the Contracting Parties.

Article 2

Consuls and members of the consular staff performing responsible consular functions must be nationals of the sending State. They may not engage in the territory of the receiving State in any employment other than their work at the consulate.

¹ Came into force on 31 August 1963, thirty days after the exchange of the instruments of ratification which took place at Warsaw on 1 August 1963, in accordance with article 27.

Article 3

1. Consuls may enter upon their official duties after presentation of the consular commission and receipt of an exequatur from the receiving State. The consular commission shall show the consul's surname, first name and consular rank, the location of the consulate and the consular district.

2. The receiving State may grant a consul provisional authorization to perform his official duties pending his receipt of an exequatur.

3. As soon as the consul receives the exequatur or provisional authorization, the authorities of the receiving State shall make all necessary arrangements to enable him to carry out his duties official and enjoy the privileges and immunities to which he is entitled.

Article 4

A consulate may employ the necessary number of staff. Personal particulars and particulars relating to the functions of such staff shall be communicated in writing to the authorities of the receiving State.

Article 5

1. If a consul is unable to carry out his official duties, temporary charge of the consulate may be entrusted to an officer of one of the consulates or of the diplomatic mission of the sending State in the receiving State; the name of such officer shall be communicated in advance to the authorities of the receiving State.

2. The person authorized to take temporary charge of the consulate shall enjoy the privileges and immunities accorded to a consul.

CHAPTER II

PRIVILEGES AND IMMUNITIES

Article 6

1. A plaque bearing the coat-of-arms of the sending State and the designation of the consulate may be affixed to the building in which the consulate has its premises.

2. The flag of the sending State may be flown from the building in which the consulate has its premises. The flag of that State may also be flown on vehicles while they are being used by the consul in the performance of his official duties.

Article 7

1. Consular premises and the residence of the consul shall be inviolable.

2. The consular archives shall be inviolable. Private papers and objects may not be kept in the archives.

3. Consular correspondence dispatched by or addressed to the consulate shall be inviolable and may not be detained.

4. Consulates may use the services of diplomatic couriers and may employ codes.

Article 8

1. Consuls and members of the consular staff who are nationals of the sending State shall not be subject to the jurisdiction of the receiving State in matters connected with their official functions.

2. If a consul performs an act, not connected with his official functions, which is punishable under the laws of the receiving State, proceedings of any kind to be taken against him shall in all cases be agreed beforehand between the Contracting Parties.

Article 9

1. Consuls and members of the consular staff may be summoned by the authorities of the receiving State to give evidence in civil, criminal and administrative cases. They may refuse to give evidence concerning matters connected with their official functions or to produce correspondence and other official documents.

2. Summonses addressed to consuls or members of the consular staff who are nationals of the sending State shall be drawn up in writing and must contain no threat of penalties for failure to appear.

3. The authority issuing the summons shall take the necessary steps to ensure that the hearing does not interfere with the performance by the persons referred to in paragraph 1 of their official duties.

4. A consul or member of the consular staff who is a national of the sending State may ask for his evidence to be taken at a later date, or at the consular premises or his residence. If the laws of the receiving State permit, he may make a deposition in writing.

5. Consuls and members of the consular staff appearing as witnesses shall not be required to take the oath if they are nationals of the sending State.

Article 10

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 the regulations of the receiving State relating to the residence, registration and control of aliens.

Article 11

1. Consuls and members of the consular staff and their spouses and minor children residing with them shall be exempt from personal services and material obligations of a public nature.

2. Consuls and members of the consular staff who are nationals of the sending State shall be exempt from taxes on income received for their consular work.

3. Immovable property of the sending State which is used for the official purposes of a consulate or for the residences of the consul and consular staff shall be exempt from taxes and obligations of a public nature.

4. Vehicles and other movable property owned by the sending State and used in the service of a consulate shall be exempt from taxes, fees and obligations of a public nature.

5. The exemptions referred to in paragraphs 1 to 4 shall not apply to fees charged for services rendered.

Article 12

1. Consuls and their spouses and minor children who are nationals of the sending State shall be exempt from Customs duties to the same extent as diplomatic staff of the diplomatic mission of the sending State. This provision shall apply *mutatis mutandis* to consular attachés and their spouses and minor children.

2. Other members of the consular staff and their spouses and minor children who are nationals of the sending State shall be exempt from Customs duties to the same extent as non-diplomatic staff of the diplomatic mission of the sending State.

3. Articles intended for the needs of a consulate shall be exempt from Customs duties.

CHAPTER III

FUNCTIONS OF CONSULS

Article 13

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

Article 14

1. Consuls shall protect the rights and interests of the sending State and its nationals, and shall watch over the welfare of such nationals.

2. Consuls may without special authorization represent, before the authorities of the receiving State, nationals of the sending State who, owing to absence or for other reasons, are unable to protect their rights and interests themselves at the proper time and have not appointed representatives. This provision shall not affect the rights of the receiving State.

Article 15

In performing their functions, consuls may communicate direct with the authorities of the receiving State in their districts.

Article 16

1. Consuls may register nationals of the sending State and issue passports and other personal documents to them.

2. Consuls may issue visas.

Article 17

1. Consuls may register the births and deaths of nationals of the sending State and issue appropriate certificates. This provision shall not affect the regulations of the receiving State relating to the registration of births and deaths.

2. Marriages may be solemnized before a consul if both parties to the marriage are nationals of the sending State. The consul may issue the appropriate certificate. He shall notify the competent authority of the receiving State of marriages solemnized before him.

Article 18

Consuls shall be entitled to perform the following functions provided that they do not conflict with the laws of the receiving State :

(a) Draw up and attest statements by nationals of the sending State;

(b) Draw up, attest and hold in safe keeping wills and other instruments relating to unilateral dispositions of nationals of the sending State;

(c) Draw up and attest instruments relating to contracts between nationals of the sending State; this shall not, however, apply to instruments relating to contracts concerning immovable property situated in the territory of the receiving State;

(d) Draw up and attest instruments relating to contracts between nationals of the sending State and nationals of the receiving State or of a third State, provided that such contracts are to have legal effects exclusively in the territory of the sending State;

(e) Certify the signatures of nationals of the sending State on documents of any kind;

(f) Prepare and certify extracts from and copies of documents;

(g) Prepare and certify translations of documents;

(h) Legalize documents drawn up or attested by the competent authorities in the receiving or sending State, and documents drawn up or attested in a third State provided that they relate to nationals of the sending State;

(i) Receive for safe custody money, documents and other articles from nationals of the sending State.

Article 19

The documents referred to in article 18 shall have the same legal effect and validity as evidence in the receiving State as documents drawn up, attested or legalized by the authorities of that State.

Article 20

1. Consuls may extend assistance to vessels of the sending State. At the consul's request, the authorities of the receiving State shall give him any necessary assistance.

2. A consul may communicate with a vessel's crew and passengers, visit the vessel, and draw up, certify and verify ship's papers and documents relating to the cargo, the purpose of the voyage and any incidents which have taken place on the vessel. He may also take any necessary steps to ensure order and discipline on board the vessel.

3. The consul may appear with members of the crew before the authorities of the receiving State, if the laws of that State permit, give them assistance and act as interpreter in matters between them and the authorities referred to.

Article 21

1. Where a vessel of the sending State is involved in an accident, the authorities of the receiving State shall notify the consul immediately and inform him of the measures taken to rescue and safeguard the vessel, the crew, the passengers and the cargo. They shall also give the consul all necessary assistance in any action

taken in connexion with the accident and request his participation in establishing the causes of the accident and collecting evidence.

2. The consul may request the authorities of the receiving State to take steps to rescue and safeguard the vessel, crew, passengers and cargo.

Article 22

1. Where the authorities of the receiving State intend to carry out coercive measures on board a vessel of the sending State, they shall notify the consul in time for him to be present when the measures are carried out, unless the urgency of the matter is such that his presence cannot be ensured. If the consul is not present or represented on board the vessel, the authorities of the receiving State shall inform him immediately concerning the application of the coercive measures.

2. The provisions of paragraph 1 shall not apply to normal measures of Customs, passport or health control.

Article 23

1. The provisions of articles 20 to 22 shall apply *mutatis mutandis* to aircraft.

2. In the event of the forced landing of an aircraft, consuls may assist the crew and passengers in their dealings with the authorities of the receiving State and take appropriate measures to enable them to resume the flight.

Article 24

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

CHAPTER IV

FINAL PROVISIONS

Article 25

The provisions of chapter III of this Convention concerning the functions of consuls shall apply *mutatis mutandis* to members of the diplomatic staff of a diplomatic mission performing consular functions, provided that notice of their assignment to such functions is given to the authorities of the receiving State. This shall not affect the diplomatic privileges and immunities of such persons.

Article 26

For the purposes of this Convention :

- (1) The term “ consul ” means a consul-general, consul or vice-consul;
- (2) The term “ member of the consular staff ” means any person, other than a consul, employed at a consulate.
- (3) The term “ consulate ” means a consulate-general, consulate or vice-consulate;
- (4) The term “ consular archives ” means official correspondence and documents and office furniture used for their safe keeping;
- (5) The term “ vessel of the sending State ” means a vessel flying the flag of that State;
- (6) The term “ nationals ” means both individuals and bodies corporate.

Article 27

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

Article 28

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

Article 29

The Consular Convention between Poland and Romania, signed at Bucharest on 17 December 1929, shall cease to have effect on the date of entry into force of this Convention.

DONE at Bucharest on 5 October 1962 in two copies, each in the Polish and Romanian languages, both texts being equally authentic.

IN WITNESS WHEREOF the 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 :
Janusz ZAMBROWICZ

For the Council of State
of the Romanian People's
Republic :
Aurel MĂLNĂȘAN