

**No. 8052**

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**POLAND  
and  
MONGOLIA**

**Consular Convention. Signed at Warsaw, on 28 October  
1964**

*Official texts: Polish, Mongolian and Russian.*

*Registered by Poland on 25 January 1966.*

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**Convention consulaire. Signée à Varsovie, le 28 octobre 1964**

*Textes officiels polonais, mongol et russe.*

*Enregistrée par la Pologne le 25 janvier 1966.*

[TRANSLATION — TRADUCTION]

No. 8052. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE MONGOLIAN PEOPLE'S REPUBLIC. SIGNED AT WARSAW, ON 28 OCTOBER 1964

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The Council of State of the Polish People's Republic and the Presidium of the Great People's Khural of the Mongolian People's Republic, desiring further to develop friendly relations and general co-operation in accordance with the wishes and in the interests of the peoples of both countries, 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 :

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

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

Mr. Mangalyn Dugersuren, Minister for Foreign Affairs of the Mongolian People's Republic,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

## I. DEFINITIONS

### *Article 1*

For the purposes of this Convention :

- (a) The expression "consular post" means any consulate-general, consulate, vice-consulate or consular agency ;
- (b) The expression "head of a consular post" means the person charged with the duty of acting in that capacity ;
- (c) The expression "consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions ;
- (d) The expression "employee of a consular post" means any person performing administrative and technical duties or duties connected with the service of a consular post ;

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<sup>1</sup> Came into force on 27 June 1965, the thirtieth day after the exchange of the instruments of ratification which took place at Ulan Bator on 28 May 1965, in accordance with article 25.

- (e) The expression "members of a consular post" means consular officers and employees of a consular post ;
- (f) The expression "premises of a consular post" means the buildings or parts of buildings, and the land ancillary thereto, used exclusively for the purposes of the consular post ;
- (g) The expression "archives of a consular post" means official correspondence, documents and records, and articles serving as evidence, as well as office equipment intended exclusively for their safekeeping.

II. ESTABLISHMENT OF CONSULAR POSTS,  
APPOINTMENT AND ADMISSION OF HEADS OF CONSULAR POSTS

*Article 2*

1. In accordance with this Convention, each Contracting Party may establish consular posts in the territory of the other Contracting Party and may appoint heads of consular posts and other members of consular posts.

2. The seat of a consular post and the consular district shall be determined by agreement between the Contracting Parties.

*Article 3*

1. The head of a consular post shall be admitted to the exercise of consular functions after the presentation by him of the consular commission and the issue to him of an exequatur by the receiving State. The consular commission shall show the full name of the head of the consular post, his category and class, the consular district and the seat of the consular post.

2. The receiving State may permit the head of a consular post to exercise consular functions on a provisional basis before the exequatur is issued to him.

3. As soon as the head of a consular post receives the exequatur or the permission referred to in paragraph 2, the competent authorities of the receiving State shall take the necessary steps to enable him to exercise his official functions and enjoy the rights, privileges and facilities to which he is entitled.

*Article 4*

Consular officers must be nationals of the sending State.

*Article 5*

1. If the head of a consular post is absent or is unable for any other reason to carry out his functions, or if he is recalled or dies, the sending State may authorize

a member of the diplomatic staff of its diplomatic mission, or a consular officer of the same or another consular post, temporarily to exercise the functions of head of the consular post. The name and function of such person shall be communicated in writing beforehand to the Ministry of Foreign Affairs of the receiving State.

2. The person authorized under paragraph 1 temporarily to exercise the functions of head of the consular post shall enjoy all the facilities, privileges and immunities accorded by this Convention to the head of a consular post.

### III. FACILITIES, PRIVILEGES AND IMMUNITIES

#### *Article 6*

The competent authorities of the receiving State shall facilitate in every way the performance by the consular post of its functions and shall render necessary assistance in connexion with its official activities.

#### *Article 7*

1. Members of a consular post shall not be subject to the jurisdiction of the receiving State in matters connected with their official activities.

2. If the head of a consular post commits an act, not connected with his official activities, 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. Other consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

#### *Article 8*

1. Members of a consular post may be summoned by the authorities of the receiving State to give evidence in civil, family, criminal and administrative cases. They may refuse to give evidence concerning matters connected with their official activities.

2. At the request of a member of a consular post who is a national of the sending State, evidence may be taken in writing or orally, at a time convenient for him, at his residence or in the premises of the consular post.

3. A summons calling upon one of the persons referred to in paragraph 1 to give evidence shall be in the form of an official letter and must contain no threat of coercive measures.

*Article 9*

1. The premises of a consular post shall be inviolable. Representatives of the authorities of the receiving State may enter them only with the consent of the head of the consular post, of a person appointed by him or of the head of the diplomatic mission of the sending State.

2. The archives of a consular post shall be inviolable at all times and wherever they may be. Private papers shall not be kept in the archives.

3. The official correspondence of a consular post shall be inviolable and shall not be subject to inspection.

4. Consular posts may employ the services of couriers and use codes.

*Article 10*

The national flag of the sending State may be flown and its national coat-of-arms displayed on the building of a consular post, at the residence of the head of a consular post, and on his vehicles when they are used for official purposes.

*Article 11*

The members of a consular post and members of their families residing with them shall not, if they are nationals of the sending State, be subject to the regulations of the receiving State relating to residence permits and the registration and reporting of aliens and shall be exempt from all personal and public services and from military obligations such as those connected with requisitioning, military contributions and billeting.

*Article 12*

Consular officers and members of their families residing with them shall be exempt from all taxes, dues and customs duties to the same extent as members of the diplomatic staff of the diplomatic mission of the sending State. Employees of a consular post and members of their families residing with them shall, unless they are nationals of the receiving State, enjoy the aforementioned exemptions to the same extent as members of the administrative, technical and service staff of the diplomatic mission of the sending State.

*Article 13*

1. Immovable property of the sending State which is intended for use as the premises of a consular post or as living quarters of members of a consular post shall be exempt from taxes and dues and from material obligations.

2. Articles intended for the needs of a consular post shall be exempt from all taxes, dues and customs duties and from import and export restrictions to the same extent as articles intended for the needs of the diplomatic mission.

#### IV. CONSULAR FUNCTIONS

##### *Article 14*

1. Consular officers shall, through their activities, further the development of commercial, economic, cultural and scientific relations between the two countries in a spirit of friendship and co-operation.

2. In the performance of its official duties a consular post may apply directly to the competent authorities of the consular district for assistance.

##### *Article 15*

1. A consular officer shall be entitled, within his consular district, to protect the rights and interests of the sending State and of its nationals, both individuals and bodies corporate.

2. A consular officer may without special authorization represent, in the courts and before other State authorities, nationals—whether individuals or bodies corporate—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.

##### *Article 16*

1. A consular officer shall be entitled to keep a register of nationals of the sending State who are permanently or temporarily resident in his consular district.

2. A consular officer may issue passports and other travel documents to nationals of the sending State. He may issue visas for entry into, transit through or exit from the sending State.

##### *Article 17*

1. The head of a consular post may, in accordance with the law of the sending State, receive declarations of marriage if both parties are nationals of the sending State. The head of the consular post shall notify the registration of marriages to the competent authorities of the receiving State.

2. A consular officer may register the births and deaths of nationals of the sending State and issue the appropriate certificates. These provisions shall not however exempt the persons concerned from the obligation to comply with the relevant legal provisions of the receiving State.

*Article 18*

1. If a national of one Contracting Party dies in the territory of the other Contracting Party, the diplomatic mission or consular post of the State of which the deceased person was a national shall be notified forthwith.

2. If a deceased national of one Contracting Party leaves property in the territory of the other Contracting Party, the competent authorities of the latter Party shall take measures to protect such property in accordance with the laws of their State.

3. If a national of the sending State dies while temporarily present in the territory of the receiving State, all effects and valuables in his possession shall be delivered to a consular officer of the sending State without succession proceedings.

*Article 19*

In the event of the arrest or detention of a national of the sending State the competent authorities of the receiving State shall notify a consular post forthwith.

*Article 20*

1. A consular officer may perform the following functions, provided that they do not conflict with the laws of the receiving State :

- (a) Draw up, attest and accept for safekeeping wills and other documents relating to unilateral legal acts of nationals of the sending State ;
- (b) Draw up and attest documents relating to legal transactions between nationals of the sending State or between nationals of the sending State and nationals of the receiving State or of a third State, provided that such documents are to have legal effects in the territory of the sending State ;
- (c) Attest the signatures of nationals of the sending State on documents of any kind ; attest copies and translations of, and extracts from, documents issued by authorities, officials or private individuals of the sending State ; and attest the signatures and seals of authorities and officials of the sending State or the receiving State on documents of any kind ;
- (d) Accept declarations from nationals of the sending State, attest them and issue on the basis thereof the appropriate certificates and documents ;

- (e) Take evidence on behalf of the authorities of the sending State from nationals of that State and deliver to them all documents and official letters originating from the authorities of that State ;
- (f) Accept for safekeeping money, valuables and documents from nationals of the sending State ;
- (g) Perform other functions for which he is authorized by the sending State.

2. Documents drawn up or attested in accordance with the provisions of paragraph 1 and in the form prescribed by the laws of the sending State shall have the same legal effect and evidential value in the receiving State as documents drawn up or attested by the authorities of that State.

#### Article 21

1. A consular officer may, where necessary, request the authorities of the receiving State to appoint a guardian or curator for a national of the sending State until such time as a guardian or curator is appointed by the competent authorities of the latter State.

2. A consular officer may request the authorities of the receiving State to appoint a curator for property belonging to a national of the sending State if such property is found to be without an administrator.

#### Article 22

1. A consular officer may extend assistance to aircraft of the sending State and to members of the crew and passengers of such aircraft.

2. If an aircraft of the sending State is wrecked or involved in an accident, a consular officer may take steps to provide assistance in rescuing the members of the crew, the passengers, their property and the cargo of the aircraft.

#### Article 23

A consular post may charge consular fees in accordance with the laws of the sending State.

### V. FINAL PROVISIONS

#### Article 24

The provisions of this Convention concerning the rights and obligations of heads of consular posts and of other consular officers shall apply, *mutatis mutandis*, to members of the diplomatic staff of the diplomatic mission of the sending State who are authorized to perform consular functions. This provision shall not affect the diplomatic privileges and immunities of such persons.



*Article 25*

This Convention shall be subject to ratification and shall enter into force on the thirtieth day after the exchange of the instruments of ratification, which shall take place at Ulan Bator.

This Convention is concluded for an indefinite period and shall remain in force until the expiry of six months from the date on which notice of its termination is given by one of the Contracting Parties.

DONE at Warsaw on 28 October 1964, in duplicate in the Polish, Mongolian and Russian languages, all three texts being equally authentic.

IN WITNESS WHEREOF the aforementioned 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 :

Adam RAPACKI

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

Mangalyn DUGERSUREN