

No. 12311

**FINLAND
and
HUNGARY**

**Consular Convention (with protocol). Signed at Helsinki on
24 August 1971**

*Authentique texts: Finnish and Hungarian.
Registered by Finland on 23 February 1973.*

**FINLANDE
et
HONGRIE**

**Convention consulaire (avec protocole). Signée à Helsinki le
24 août 1971**

*Textes authentiques: finnois et hongrois.
Enregistrée par la Finlande le 23 février 1973.*

[TRANSLATION—TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE REPUBLIC OF
FINLAND AND THE HUNGARIAN PEOPLE'S REPUBLIC

The President of the Republic of Finland and the Presidential Council of the Hungarian People's Republic,

Desiring to strengthen friendly relations between the two States,

Wishing to regulate and develop consular relations between them,

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

The President of the Republic of Finland: Olavi J. Mattila, Acting Minister for Foreign Affairs,

The Presidential Council of the Hungarian People's Republic: János Nagy, Deputy Minister for Foreign Affairs,

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

I. DEFINITIONS

Article 1. For the purposes of this Convention, the following expressions shall have the meaning hereunder assigned to them:

(a) "Consular post" means any consulate-general, consulate or vice-consulate;

(b) "Consular district" means the area assigned to a consular post for the exercise of consular functions;

(c) "Head of consular post" means the person charged with the duty of acting in that capacity; the head of a consular post may hold the rank of consul-general, consul or vice-consul;

(d) "Consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

(e) "Consular employee" means any person employed by the sending State to perform technical, administrative or service duties at a consular post;

(f) "Members of the consular post" means consular officers and consular employees;

(g) "Consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

¹ Came into force on 1 January 1973, i. e. on the thirtieth day after the date of the exchange of the instruments of ratification, which took place at Budapest on 2 December 1972, in accordance with article 37(1).

(h) "Consular archives" includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping;

(i) "Vessel" means any vessel entitled to fly the flag of the sending State;

(j) "National" includes, where the context so requires, a body corporate.

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

Article 2. 1. A consular post may be established in the territory of the receiving State only with that State's consent.

2. The sending and receiving States shall determine by agreement, the seat of the consular post, its classification and the limits of the consular district.

Article 3. 1. The head of a consular post shall be admitted to the exercise of his functions upon presentation of the consular commission and the granting by the receiving State of an exequatur or other authorization. The consular commission shall show the full name of the head of the consular post, his category and class, the seat of the consular post and the consular district.

2. If the receiving State refuses to grant an exequatur or other authorization, it shall not be obliged to give the sending State reasons for such refusal.

3. Pending delivery of the exequatur or other authorization, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of this Convention shall apply.

4. As soon as the head of the consular post receives the exequatur or other authorization or is admitted to the exercise of his functions provisionally in accordance with paragraph 3, the receiving State shall take the necessary measures without delay to enable him to carry out the duties of his office and to enjoy the facilities, privileges and immunities to which he is entitled.

Article 4. 1. In the case of a consular officer appointed to a consular post in a capacity other than that of head of a consular post, the diplomatic mission of the sending State shall, before he enters upon the performance of his duties, notify the Ministry of Foreign Affairs of the receiving State of the full name of the consular officer, his category and class and the consular post to which he has been appointed.

2. The sending State shall also notify the Ministry of Foreign Affairs of the receiving State of the full name, nationality and function of each consular employee.

Article 5. 1. A consular officer shall be a national of the sending State and may not be a permanent resident of the receiving State.

2. A consular employee may be a national of the sending State or a national of the receiving State. Any appointment of a national or a permanent resident of the receiving State as a consular employee shall be carried out in accordance with the laws and regulations of the receiving State.

3. The receiving State shall issue to each member of a consular post an appropriate document serving as evidence of his category and class.

Article 6. 1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, the sending State may authorize a consular officer belonging to the same consular post or to another consular post in the receiving State or a member of the diplomatic staff of its diplomatic mission in that State to act provisionally as head of the consular post. The full name and the category and class of the person concerned shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. A person authorized to act provisionally as head of a consular post shall enjoy the facilities, privileges and immunities which are accorded to the head of a consular post under this Convention. If such person is a member of the diplomatic staff of the diplomatic mission, he shall, in addition, enjoy the diplomatic privileges and immunities to which he is entitled as a member of the diplomatic staff.

Article 7. The receiving State may at any time, without having to explain the reason for its decision, notify the sending State through the diplomatic channel that a member of a consular post is unacceptable. The sending State shall thereupon recall the person concerned or terminate his duties at the consular post. If the sending State fails to carry out this obligation within a reasonable period, the receiving State may, in the case of the head of a consular post, withdraw the exequatur or other authorization or, in the case of a member of a consular post, decline to continue to recognize him in such capacity.

III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 8. The authorities of the receiving State shall accord full facilities for the performance of the functions of the consular post.

Article 9. The coat-of-arms of the sending State and a plate bearing the name of the consular post in the official languages of the sending State and the receiving State may be affixed to the buildings serving as the consular post and the living quarters of the head of the consular post. The national flag of the sending State may be flown on the aforementioned buildings and on the means of transport used by the head of the consular post for official business.

Article 10. 1. Consular premises shall be inviolable. The authorities of the receiving State shall not enter the consular premises except with the consent of the head of the consular post, the head of the diplomatic mission of the sending State or a person duly authorized by one of them for that purpose.

2. The provisions of paragraph 1 shall also apply to the living quarters of a consular officer.

3. The consular archives shall be inviolable at all time and wherever they may be.

Article 11. 1. A consular post shall be entitled to communicate freely with the Government of the sending State and with the diplomatic missions and consular post, wherever situated, of that State. The consular post may for this purpose employ all means of communication as well as diplomatic couriers, diplomatic bags and messages in code or cipher. However, the installation and use of a wireless transmitter by the consular post shall be subject to the consent of the receiving State.

2. In respect of means of communication, the same tariffs shall be applied in the case of a consular post as are applied in the case of the diplomatic mission.

3. The official correspondence of a consular post (whatever the means of communication employed) as also diplomatic courier mail and sealed diplomatic bags dispatched by or addressed to the consular post and bearing visible external marks of their official character, shall be inviolable, and the authorities of the receiving State shall not examine or detain them.

Article 12. 1. The sending State and members of a consular post shall be exempt from all direct taxes and charges, State or local, on consular premises or on the living quarters of members of a consular post. This exemption shall not apply to taxes and charges in respect of services rendered or to purchase taxes on construction materials or on services relating to construction. This exemption shall likewise not apply to buildings or immovable property held by virtue of the ownership of shares in a housing or other corporation or in a housing co-operative. The exemption shall also not apply to any income tax liability incurred by a member of a consular post by reason of the ownership of shares as aforesaid or the disposal thereof.

2. A member of a consular post and members of his family forming part of his household shall be exempt from taxes on income not having its source in the receiving State and from taxes on property not situated in the receiving State. Salaries, wages and allowances paid by the sending State to the aforementioned persons in connexion with their official functions or duties in the receiving State or for other similar reasons shall be deemed to be from sources outside the receiving State.

3. The exemptions referred to in paragraphs 1 and 2 shall also apply to identical or substantially similar taxes and charges which are subsequently imposed in addition to or in place of the existing taxes or charges.

Article 13. 1. A member of a consular post shall not be subject to the criminal jurisdiction of the receiving State. He shall likewise not be subject to the civil or administrative jurisdiction of the receiving State, except in the case of:

- (a) An action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the consular post;
- (b) An action relating to an estate, in respect of which he acts in the capacity of executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) An action relating to professional or commercial activity exercised by him in the receiving State outside his official functions.

2. No measures of execution may be taken in respect of a member of a consular post except in the cases provided for in paragraph 1, subparagraphs (a), (b) and (c), and provided that the measures concerned can be taken without infringing the inviolability of his person or his living quarters.

3. The provisions of paragraphs 1 and 2 shall also apply to the members of the family of a consular officer forming part of his household; the members of the family of a consular employee forming part of his household shall be immune in the receiving State only from the criminal jurisdiction of that State, provided that in both the aforementioned cases such members are also nationals of the sending State.

Article 14. 1. A member of a consular post may be called upon to give evidence in the course of judicial or administrative proceedings. No coercive

measures shall be taken to compel a member of a consular post to appear as a witness or to give evidence. The summons shall be in the form of an official letter and shall contain no threat of the use of coercive measures.

2. At the request of a consular officer, the evidence given by him may be taken, at a time convenient to him, at the consular premises or at his residence, or, when possible, may be given in writing.

3. A member of a consular post shall not be required to take an oath.

4. A member of a consular post may decline to give evidence on any matter which has come to his knowledge in the exercise of his functions, and he may also decline to give evidence as an expert witness with regard to the law of the sending State.

5. The provisions of paragraphs 1, 2 and 3 shall also apply, *mutatis mutandis*, to the members of the family of a member of a consular post forming part of his household.

Article 15. 1. The sending State may waive immunity from jurisdiction with regard to the members of a consular post referred to in articles 13 and 14. The waiver shall in all cases be express and shall be communicated to the competent authority of the receiving State in writing.

2. The waiver of immunity from jurisdiction shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

3. The initiation of proceedings by a person who has been granted immunity from jurisdiction under article 13 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

Article 16. In the event of the death of a member of a consular post or of a member of his family forming part of his household, the receiving State shall permit the export of the movable property of the deceased free of customs duty and shall not levy estate, succession or inheritance duties on such property if the presence thereof in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 17. Members of a consular post and members of their families forming part of their households shall be exempt from all general obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits and from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 18. 1. The receiving State shall permit entry and re-export of and grant exemption from all customs duties, taxes and charges on:

- (a) Articles, including motor vehicles, intended for the official use of the consular post, to the same extent as articles intended for the official use of the diplomatic mission of the sending State;
- (b) Articles, including motor vehicles, intended for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment, to the same extent as articles intended for the use of members of the diplomatic staff of the sending State.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 in respect of articles imported at the time of first installation.

Article 19. All persons to whom privileges and immunities are accorded under this Convention shall, without prejudice to the said privileges and immunities, be under an obligation to respect the laws and regulations of the receiving State, including traffic regulations and the laws and regulations concerning the insurance of motor vehicles.

Article 20. The privileges and immunities referred to in articles 12 and 13, article 14, paragraphs 1, 3 and 5, and articles 16, 17 and 18, shall not be accorded to members of a consular post, or to members of their families forming part of their households, who are nationals of or permanently resident in the receiving State.

IV. CONSULAR FUNCTIONS

Article 21. A consular officer shall further the development of economic, commercial, cultural and scientific relations between the sending State and the receiving State and the development of tourism and shall otherwise promote friendly relations between them.

Article 22. In the performance of his functions, a consular officer shall be entitled to apply:

- (a) To the courts and the competent local authorities within his consular district;
- (b) To the superior courts and the central authorities of the receiving State to such extent as the laws and regulations of that State permit.

Article 23. 1. A consular officer shall be entitled to protect the rights and interests of the sending State and of its nationals.

2. A consular officer may without special authorization represent, before the tribunals and administrative authorities of the receiving State, nationals of the sending State who, owing to absence or for other valid reasons, are unable to protect their rights and interests.

3. The representation referred to in paragraph 2 shall remain in effect until the person represented appoints his own agent or himself assumes the protection of his rights and interests.

Article 24. A consular officer shall be entitled to:

- (a) Keep a register of nationals of the sending State who are permanently or temporarily resident in his consular district;
- (b) Issue passports and other travel documents to nationals of the sending State and amend and renew such documents;
- (c) Issue visas.

Article 25. 1. The head of a consular post shall be entitled to solemnize a marriage, provided that both parties thereto are nationals of the sending State and provided also that the solemnization of such a marriage is in conformity with the law of the receiving State. The consular post shall notify the solemnization of marriages to the competent authorities of the receiving State.

2. A consular officer shall be entitled to register the births, deaths and marriages of nationals of the sending State.

3. The provisions of paragraphs 1 and 2 shall not, however, exempt nationals of the sending State from the obligation to comply with the laws and regulations of the receiving State concerning the notification of births, deaths and marriages.

Article 26. A consular officer shall, where necessary, be entitled to propose to a court or other authority of the receiving State the appointment of appropriate persons to act as guardians or trustees in respect of nationals of the sending State or as trustees in respect of the property of such nationals where that property is left without supervision.

Article 27. 1. A consular officer shall be entitled to:

- (a) Draw up, attest and accept for safekeeping wills, and draw up 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 be used and 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 of, and extracts from, documents issued by authorities, officials or private individuals of the sending State;
- (d) Accept and attest declarations from nationals of the sending State and issue the relevant certificates and documents;
- (e) Legalize documents issued by authorities or officials of the sending State or the receiving State;
- (f) Translate documents and certify the translation;
- (g) Take evidence in civil cases, at the request of the courts or other authorities of the sending State, from nationals of that State on a voluntary basis and transmit to them documents relating to such cases which originate from the aforementioned courts and other authorities;
- (h) Accept for safekeeping money, valuables and documents from nationals of the sending State;
- (i) Perform any other functions entrusted to him by the sending State.

2. Instruments and documents which have been drawn up, attested or legalized by a consular officer of the sending State and to which the official seal has been affixed shall have the same force and effect as if they had been drawn up or attested by officials or authorities of the receiving State. The authorities of the receiving State shall, however, be obliged to recognize the validity of the said documents only to the extent that they are not contrary to the laws and regulations of that State.

3. In exercising the rights accorded under this article a consular officer shall act in conformity with the laws and regulations of the receiving State.

Article 28. 1. Where a national of the sending State has died in the receiving State, the competent authority shall, without delay, inform a consular officer of the sending State accordingly and shall transmit to him without charge the death certificate or other document recording the death.

2. Where it comes to the knowledge of an authority of the receiving State that there is in that State an estate of a deceased person of any nationality in which a

national of the sending State may hold an interest, the said authority shall, without delay, inform a consular officer of the sending State accordingly.

3. The competent authority of the contracting State in whose territory the estate referred to in paragraph 2 is situated shall take appropriate steps in accordance with the laws and regulations of that State for the protection of the estate, shall transmit a copy of the will, if one was drawn up, to the consular officer together with all available information concerning heirs and the nature and value of the estate, and shall provide him with information concerning the commencement of succession proceedings or the stage which such proceedings have reached.

4. In the matters referred to in paragraph 2, relating to the protection of an estate, a consular officer may co-operate with the competent authorities of the receiving State, particularly as regards:

- (a) All measures for preventing damage to the estate, including the sale of movable property;
- (b) The appointment of an administrator or trustee for the estate and the settlement of other questions concerning the administration of the estate.

5. Where a national of the sending State who is neither resident nor otherwise represented in the receiving State has a claim against an estate situated in that State, a consular officer shall be entitled to represent him, either personally or through a representative, before the courts or other authorities of the receiving State.

6. If, after the completion of succession proceedings in the receiving State, the movable estate or the proceeds of the sale of the movable or immovable estate are to descend to a statutory or testamentary heir being a national of the sending State who is not resident in the receiving State and has not appointed a representative, such estate or proceeds shall be delivered to the consular post of the sending State, provided that:

- (a) The heir furnishes proof that he is a statutory or testamentary heir;
- (b) The competent authorities have authorized delivery of the estate or proceeds where such authorization is required;
- (c) All claims on the estate presented within the period prescribed by the law of the receiving State have been paid or secured;
- (d) The estate duties have been paid or secured.

Article 29. 1. If a national of the sending State not resident in the receiving State dies while travelling in the latter State, his personal effects shall be delivered to a consular officer of the sending State without any formal proceedings, provided that the claims of the creditors of the deceased in the receiving State have been satisfied or secured.

2. A consular officer shall be entitled, subject to the laws and regulations of the receiving State, to transfer abroad the items of an estate referred to in paragraph 1 of this article and in paragraph 6 of article 28.

Article 30. 1. A consular officer shall be entitled to meet and communicate with any national of the sending State, to aid and advise such national and, where necessary, to provide him with legal assistance. The receiving State shall do

nothing to restrict the access of a national of the sending State to the consular post.

2. In any case where a national of the sending State has been arrested, detained or subjected to any other deprivation of liberty, the competent authorities of the receiving State shall immediately inform a consular officer accordingly.

3. A consular officer shall be entitled, without delay, to visit and communicate with a national of the sending State who has been arrested or detained or otherwise been deprived of his liberty or is serving a term of imprisonment. The rights specified in this paragraph shall be exercised in conformity with the laws and regulations, including the prison regulations, of the receiving State, provided that the application of such laws and regulations does not nullify the said rights.

Article 31. 1. A consular officer shall be entitled to render every aid and assistance to vessels of the sending State and their crews; he shall be entitled to exercise the rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of the vessels of that State and their crews and to take all measures intended to ensure that the maritime navigation legislation of the sending State is being complied with. For this purpose, the consular officer may also visit a vessel of the sending State as soon as it has been cleared on arrival and may receive visits from the master or any member of the crew thereof.

2. The authorities of the receiving State shall respect all measures taken by a consular officer in accordance with the laws and regulations of the sending State in relation to vessels of the sending State and their crews, including measures for the settlement of disputes of any kind between the master and members of the crew, provided that such measures do not infringe upon the jurisdiction of the courts or other authorities of the receiving State over crimes and offences which disturb the peace and safety of the port nor upon their right to apply the laws and regulations of the receiving State to all vessels in its territory regardless of their nationality. In carrying out the aforementioned measures, the consular officer may request assistance from the competent authorities of the receiving State.

Article 32. 1. Where it is the intention of a court or other authority of the receiving State to arrest or otherwise detain, on board a vessel of the sending State, the master or a member of the crew of that vessel or any other person who is not a national of the receiving State, or to seize any property on board such vessel, the competent authorities of the receiving State shall notify a consular officer accordingly in time to enable him to be present at the vessel before such action is taken. If there is no practical possibility of notifying the consular officer beforehand, the authorities of the receiving State shall notify him of the matter as soon as possible but in no event any later than the time when the said action is begun. The said authorities shall enable the consular officer to meet and consult with any person so arrested or detained and to take such measures as are appropriate for defending the interests of the person or vessel concerned.

2. In considering whether and by what means the coercive measures referred to in paragraph 1 are to be taken, the competent authorities shall take into account the requirements of navigation.

3. The foregoing provisions shall not apply to any routine examination by the authorities with regard to immigration, customs, public health or the safety or life

at sea or to any action taken at the request or with the consent of the master of the vessel.

Article 33. 1. If a vessel of the sending State is wrecked, runs aground, is swept ashore or otherwise sustains damage in the territory of the receiving State or if any article belonging to that vessel or forming part of its cargo or of the cargo of a wrecked vessel of a third State and being the property of the sending State or of a national of that State is found in the receiving State, the competent authorities of the receiving State shall, without delay, inform the consular officer accordingly and shall report to him what measures have been taken for the safety and preservation of the wrecked vessel, the lives of persons on board the vessel and the cargo and other property on board. The measures in question shall, where practicable, be taken in collaboration with the consular officer and the master of the vessel.

2. In the absence of any other person authorized so to act, the consular officer shall be deemed to be authorized to make the same arrangements as the owner himself could have made if he had been present in relation to:

- (a) A vessel of the sending State, its cargo or any article belonging to the vessel, or forming part of its cargo, which has become separated from the vessel; or
- (b) The cargo or any article forming part of the cargo of a wrecked vessel of a third State and being the property of the sending State or of a national of that State which has been found in the territory of the receiving State or is brought into a port of that State.

3. The competent authorities of the receiving State shall extend the necessary assistance to the consular officer, at his request, in his action in connexion with the damage to the vessel.

4. The damaged vessel, its cargo, equipment, fittings and stores and other articles from the vessel shall not be liable in the territory of the receiving State to customs or other similar duties on imports unless they are transferred for use or consumption in that State.

Article 34. The provisions of articles 31 to 33 shall also apply, *mutatis mutandis*, to aircraft.

Article 35. A consular post may charge consular fees in the territory of the receiving State in accordance with the laws and regulations of the sending State.

V. FINAL PROVISIONS

Article 36. 1. The provisions of this Convention relating to the rights and duties of consular officers shall also apply to members of the diplomatic staff of the diplomatic missions of the Contracting Parties who are entrusted with the performance of consular functions and whose names are notified by the diplomatic mission to the Ministry of Foreign Affairs of the receiving State.

2. The performance of consular functions shall not affect the diplomatic privileges and immunities accorded to the members of the diplomatic staff referred to in paragraph 1.

Article 37. 1. This Convention shall be ratified, and it shall enter into force on the thirtieth day after the date of exchange of the instruments of ratification, which shall take place at Budapest.

2. The Convention shall remain in force for an indefinite period. It may be terminated by either Contracting Party by written notice. In such case, it shall cease to have effect on the expiry of six months from the date of such notice.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting Parties have signed this Convention and have thereto affixed their seals.

DONE at Helsinki on 24 August 1971, in duplicate in the Finnish and Hungarian languages, both texts being equally authentic.

For the President of the Republic of Finland:
OLAVI J. MATTILA

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

PROTOCOL TO THE CONSULAR CONVENTION BETWEEN THE REPUBLIC OF FINLAND AND THE HUNGARIAN PEOPLE'S REPUBLIC

At the time of signing the Consular Convention of today's date between the Republic of Finland and the Hungarian People's Republic, the undersigned plenipotentiaries have agreed on the following provisions:

1. The notification to a consular officer provided for in article 30, paragraph 2, of the Consular Convention shall take place within three days from the time at which the national of the sending State is arrested, detained or subjected to any other deprivation of liberty.

2. The right, as provided in article 30, paragraph 3, of the Consular Convention, to visit and communicate with a national of the sending State shall be accorded to a consular officer within four days from the time at which such national is arrested, detained or subjected to any other deprivation of liberty.

3. The right of the consular officer, as provided in article 30, paragraph 3, of the Consular Convention, to visit and communicate with a national of the sending State while he is under arrest or otherwise detained or is serving a term of imprisonment shall be accorded on a continuing basis.

This Protocol shall constitute an integral part of the Consular Convention between the Republic of Finland and the Hungarian People's Republic.

DONE at Helsinki on 24 August 1971, in duplicate in the Finnish and Hungarian languages, both texts being equally authentic.

For the President of the Republic of Finland:
OLAVI J. MATTILA

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