

No. 12897

HUNGARY
and
UNITED STATES OF AMERICA

Consular Convention. Signed at Budapest on 7 July 1972

Authentic texts: Hungarian and English.

Registered by Hungary on 12 December 1973.

HONGRIE
et
ÉTATS-UNIS D'AMÉRIQUE

Convention consulaire. Signée à Budapest le 7 juillet 1972

Textes authentiques: hongrois et anglais.

Enregistrée par la Hongrie le 12 décembre 1973.

CONSULAR CONVENTION¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE UNITED STATES OF AMERICA

The Presidential Council of the Hungarian People's Republic and the President of the United States of America;

Motivated by the desire to regulate consular relations and thereby contribute to the development of the relations between the two countries as well as to the facilitation of the protection of the rights and interests of their nationals;

Have agreed to conclude a consular convention and for this purpose have appointed their plenipotentiaries:

The Presidential Council of the Hungarian People's Republic: János Péter, Foreign Minister;

The President of the United States of America: William P. Rogers, Secretary of State;

Who have agreed on the following:

PART I. DEFINITIONS

Article 1. For the purposes of this Convention:

(1) The term "consulate" shall mean any consulate-general, consulate, vice-consulate or consular agency;

(2) The term "consular officer" shall mean any person, including the head of a consulate, who has been appointed as such in accordance with the provisions of the Convention, and charged with the performance of consular duties;

(3) The term "consular employee" shall mean any person employed in the administrative, technical or domestic service of a consulate and notified as such to the receiving State in conformity with article 5 (1);

(4) The term "vessel of the sending State" shall mean any vessel registered in the sending State.

PART II. ESTABLISHMENT OF CONSULATES AND CONSULAR APPOINTMENTS

Article 2. (1) The establishment of a consulate by the sending State in the territory of the receiving State shall be subject to the consent of the latter State.

¹ Came into force on 6 July 1973, i. e. 30 days after the exchange of instruments of ratification, which took place at Washington on 6 June 1973, in accordance with article 56 (1).

(2) The sending and receiving States shall determine by agreement the seat of the consulate, its classification and the consular district.

Article 3. (1) Prior to the appointment of the head of the consulate of the sending State it shall, through diplomatic channels, request the approval of the receiving State.

(2) The head of a consulate may enter upon the performance of his duties as soon as he receives an exequatur or other authorization from the receiving State after the presentation of his consular commission or other document of appointment.

(3) The consular commission or other document of appointment shall specify the full name of the head of the consulate, his rank, the consular district and the seat of the consulate.

(4) After the presentation of the consular commission or other document of appointment, the receiving State shall issue to the head of the consulate the exequatur or other authorization as soon as possible and free of charge. A State which refuses to grant an exequatur or other authorization shall not be obliged to give the sending State reasons for such refusal.

(5) Pending delivery of the exequatur or other authorization, the head of a consulate may be admitted on a provisional basis to the performance of his duties.

(6) The authorities of the receiving State when granting the exequatur or other authorization or when granting their provisional approval, shall undertake the measures necessary in order that the head of the consulate may perform his tasks.

Article 4. (1) If the head of a consulate is unable for any reason to act as such or if the post is temporarily vacant, the sending State may appoint a consular officer belonging to the same consulate or to another consulate in the receiving State or a member of the diplomatic staff of its diplomatic mission in that State to act temporarily in his place. The name of the person concerned shall be notified as soon as possible to the ministry of foreign affairs of the receiving State.

(2) Such acting officer shall be accorded the same rights, privileges and immunities and shall be subject to the same obligations as if he had been appointed under Article 3.

(3) If, in accordance with the provisions of paragraph (1) of this article, a member of the diplomatic staff of the diplomatic mission of the sending State is charged temporarily with heading the consulate, this assignment shall not affect his diplomatic privileges and immunities.

Article 5. (1) In the case of a consular officer to whom article 3 does not apply, as well as in the case of a consular employee, the sending State shall notify in advance through the diplomatic channel the Ministry of Foreign Affairs of the receiving State of the name, nationality, rank and function of the officer or employee.

(2) The receiving State shall, upon the request of the sending State, issue for each consular officer included in the provisions of paragraph (1) a document recognizing his right to exercise consular functions.

Article 6. (1) (a) A consular officer shall be a national of the sending State and not a national or a permanent resident of the receiving State.

(b) A consular employee may be a national of the sending State, a national of the receiving State or a national of a third State.

(2) The prior consent of the receiving State shall be required in the following cases:

(a) any appointment of a national of the sending State if the person concerned has already been authorized to enter, or reside in, the receiving State for other purposes. This limitation shall not apply, however, in the case of a person who is already a member of the staff of a consulate, or of the diplomatic mission, of the sending State in the receiving State;

(b) the appointment as a consular employee of a national or a permanent resident of the receiving State or a national of a third State.

Article 7. The receiving State may at any time and without having to explain the reason for its decision, notify the sending State through the diplomatic channel that a consular officer or consular employee is unacceptable. The sending State shall thereupon cancel the appointment of the person concerned, or recall him, or terminate his duties at the consulate. 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 consulate, withdraw the exequatur or other authorization or, in the case of a consular officer or consular employee, decline to continue to recognize him in such capacity.

PART III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 8. (1) The receiving State shall treat a consular officer with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity, or that of any member of his family residing with him.

(2) The receiving State is under a special duty to take all appropriate steps to protect the consular premises and the residence of a consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consulate or impairment of its dignity.

Article 9. (1) The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consulate or assist the sending State in obtaining accommodations in some other way.

(2) It shall also, where necessary, assist the sending State in obtaining suitable accommodations for consular officers and for consular employees who are neither citizens nor permanent residents of the receiving State.

(3) The sending State shall have the right, in the territory of the receiving State and in accordance with its laws and regulations, to acquire, own, lease for any period of time, or otherwise hold and occupy such lands, buildings, and appurtenances as may be necessary and appropriate for consular purposes, including residences for officers and employees of the consulate who are not nationals of the receiving State.

(4) The sending State shall have the right, in accordance with the laws and regulations of the receiving State, to erect buildings, and appurtenances on land which it owns or leases in accordance with paragraph (3) of this article.

Article 10. Land, buildings and parts of buildings, used exclusively for the purposes of a consulate, shall be inviolable. The authorities of the receiving State shall not enter the said land, buildings or parts of buildings except with the consent of the head of the consulate or of the head of the diplomatic mission of the sending State or of a person nominated by one of them. The provisions of this paragraph shall apply also to the residence of the head of a consulate.

Article 11. The consular premises, their furnishings, the property of the consulate and its means of transport shall be immune from any form of requisition for purposes of national defense or public utility.

Article 12. (1) The flag of the sending State and its consular flag may be flown and its coat-of-arms displayed on the building in which the consulate is installed and at the entrance door thereof, on the residence of the head of the consulate and on the means of transport used by him in the performance of his official duties.

(2) In the exercise of the rights accorded under this article, regard shall be paid to the laws, regulations and usages of the receiving State.

Article 13. (1) The consular archives and documents shall be inviolable at all times and wherever they may be.

(2) Documents and objects of an unofficial character shall not be kept in the archives.

Article 14. (1) A consulate shall be entitled to exchange communications with the Government of the sending State and with the diplomatic mission, or other consulates, of that State in the receiving State or in a third State. The consulate may for this purpose employ all public means of communication as well as couriers, sealed pouches, bags and other containers, and may use codes or ciphers. However, the installation and use of a wireless transmitter by the consulate shall be subject to the consent of the receiving State.

(2) In respect of public means of communication, the same tariffs shall be applied in the case of a consulate as are applied in the case of the diplomatic mission.

(3) The official correspondence of a consulate (whatever the means of communication employed) as well as the sealed pouches, bags and other containers referred to in paragraph (1) of this article shall, provided that they

bear visible external marks of their official character, be inviolable and the authorities of the receiving State shall not examine or detain them. They shall contain only official correspondence and objects intended exclusively for official use.

(4) Persons charged with the conveyance of consular pouches, bags and other containers shall be accorded the same rights, privileges and immunities as are accorded by the receiving State to the diplomatic couriers of the sending State. Any such person shall be provided with an official document indicating his status and the number of packages constituting the consular pouch, bag or other container.

Article 15. (1) A consular officer shall be immune from the jurisdiction of the receiving State except in the cases referred to in article 48 of this Convention and in paragraph (2) of this article.

(2) The immunity provided in paragraph (1) of this article shall not, however, apply in respect of civil actions:

- (a) 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 consulate;
- (b) relating to succession in which the consular officer is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) relating to any professional or commercial activity exercised by the consular officer in the receiving State outside his official functions;
- (d) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

(3) The provisions of paragraphs (1) and (2) of this article shall apply as well to members of the family of the consular officer, residing with him, provided in each case that the person concerned is not a national or permanent resident of the receiving State.

(4) (a) A consular employee, who is a national of the sending State and not a permanent resident of the receiving State and who has been notified under article 5 (1) as having administrative or technical functions, shall be immune from the criminal jurisdiction of the receiving State. He shall also be immune from the civil and administrative jurisdiction of that State in respect of any act performed in his official capacity, subject to the exception described in paragraph (2) (d) of this article.

(b) The provisions of the first sentence of subparagraph (a) of this paragraph shall apply as well to members of the family of such a consular employee who has been notified under article 5 (1), residing with him, provided in each case that the person concerned is not a national or permanent resident of the receiving State.

(5) A consular employee other than one described in paragraph (4) of this article, provided that he is not a national or permanent resident of the receiving State, shall be immune from the jurisdiction of that State in respect of any act performed in his official capacity, subject to the exception described in paragraph (2) (d) of this article.

Article 16. (1) In the event of the arrest or detention of, or the institution of criminal proceedings against, a consular employee described in article 15 (5), the receiving State shall immediately inform the head of the consulate accordingly.

(2) The provisions of paragraph (1) of this article shall apply as well to those members of the family of a consular officer to whom the benefits of article 15 (3) do not apply and to members of the families of a consular employee to whom the benefits of article 15 (4) (b) do not apply.

Article 17. (1) (a) A consular officer or consular employee may be called upon to attend as a witness in the course of judicial or administrative proceedings.

(b) In the event of the refusal of a consular officer or a consular employee described in article 15 (4) to give evidence at such proceedings, no coercive measure or penalty may be applied to him.

(c) A consular employee shall not, however, decline to give evidence, except in the cases mentioned in paragraph (3) of this article.

(2) The respective provisions of paragraph (1) of this article concerning consular officers and consular employees shall apply also to members of their families, residing with them, who are not nationals or permanent residents of the receiving State.

(3) Consular employees are under no obligation to give evidence concerning matters falling within the official work of the consulate. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

(4) The authorities of the receiving State shall not require the production of any official document or object.

(5) The authorities of the receiving State, in taking the testimony of a consular officer or a consular employee, shall take all appropriate measures to avoid hindering his performance of official duties. Upon the request of the head of a consulate, such testimony may, when possible, be given orally or in writing at the consular establishment or at the residence of the person concerned.

Article 18. (1) The sending State may waive any of the privileges and immunities provided for in articles 15 and 17.

(2) Without prejudice to the provisions of paragraph (3) of this article, the waiver shall in all cases be express and shall be communicated in writing to the receiving State.

(3) The initiation of proceedings by a person entitled to immunity from jurisdiction under article 15 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

(4) Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgment for which a separate waiver shall be required.

Article 19. Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all officers and employees of the consulate.

Article 20. (1) A consular officer, as well as, provided that he is not a national or a permanent resident of the receiving State, a consular employee, shall be exempt in the receiving State from service in the armed forces and from other compulsory public service of any kind, e. g., jury duty, and military obligations connected with requisitioning, military contributions and billeting.

(2) The provisions of paragraph (1) of this article shall apply also to members of the family of the consular officer or consular employee, residing with him, provided in each case that the person concerned is not a national or a permanent resident of the receiving State.

Article 21. (1) A consular officer, as well as, provided that he is not a permanent resident of the receiving State, a consular employee, shall be exempt from all requirements under the laws and regulations of the receiving State relative to the registration of aliens and permission to reside and from compliance with any other similar requirements applicable to aliens.

(2) The provisions of paragraph (1) of this article shall apply also to members of the family of a consular officer or consular employee, residing with him, provided in each case that the person concerned is not a permanent resident of the receiving State.

Article 22. (1) No tax or other similar charge of any kind shall be imposed or collected by the receiving State or any state or municipal subdivision thereof in respect of:

(a) land, buildings or parts of buildings owned or leased by the sending State or by a natural or juridical person acting on behalf of that State and used exclusively for any of the purposes specified in article 9;

(b) transactions or instruments relative to the acquisition of such premises.

(2) The provisions of sub-paragraph (1) (a) of this article shall not apply with regard to payments due in respect of specific services rendered.

(3) The exemption accorded under paragraph (1) of this article shall not apply to taxes or other similar charges payable under the law of the receiving State by a person contracting with the sending State or with a person acting on its behalf.

Article 23. No tax or other similar charge of any kind for the payment of which the sending State would otherwise be legally liable shall be imposed or collected by the receiving State or any state or municipal subdivision thereof, in respect of the acquisition (with the exception of indirect taxes of a kind which are normally incorporated in the price of goods or services), ownership, possession or use of movable property by the sending State for consular purposes.

Article 24. No tax or other similar charge of any kind shall be imposed or collected in the receiving State or any state or municipal subdivision thereof in respect of fees received on behalf of the sending State as compensation for consular services or in respect of any receipt given in connection with such a fee.

Article 25. (1) A consular officer or consular employee or a member of his family forming part of his household shall, provided in either case that he is not a national or permanent resident of the receiving State, be exempt in the receiving State from all taxes, or similar charges of any kind imposed or collected by the receiving State or any state or municipal subdivision thereof, except:

- (a) on the acquisition, ownership, occupation or disposal of immovable property situated within the receiving State;
- (b) without prejudice to the provisions of paragraph (2) of this article, on income derived from private occupation for gain or from other sources, or on the appreciation of assets, within the receiving State;
- (c) on transactions, or instruments effecting transactions, including stamp duties;
- (d) without prejudice to the provisions of article 27, on the passing of property at death;
- (e) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (f) charges levied for specific services rendered.

(2) A consular officer or, provided that he is not a national or permanent resident of the receiving State, a consular employee, shall be exempt in that State from all taxes or other similar charges of any kind imposed or collected by the receiving State or any state or municipal subdivision thereof in respect of the official emoluments, salary, wages or allowances received by him as compensation for his official duties.

Article 26. (1) The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on:

- (a) articles including motor vehicles for the official use of the consulate;
- (b) articles including motor vehicles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment.

(2) Consular employees and members of their families shall enjoy the privileges and exemptions specified in paragraph (1) (b) of this article in respect of articles imported at the time of first installation.

(3) The personal baggage accompanying a consular officer, or a member of his family forming part of his household, shall be exempt from customs inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph (1) (b) of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the consular officer, the member of his family concerned, or of the authorized representative.

(4) The provisions of paragraphs (1) (b), (2) and (3) of this article shall not apply in the case of consular employees, or members of their families, or members of the families of consular officers when the person concerned is either a national or permanent resident of the receiving State or is engaged in the receiving State in private occupation for gain.

Article 27. If a consular officer, a consular employee or a member of his family, residing with him, dies and leaves movable property in the receiving State, no tax or other similar charge of any kind shall be imposed or collected by the receiving State or any state or municipal subdivision thereof in respect of that property and no limitation upon export shall be applied, provided:

- (a) that the deceased person was not a national or a permanent resident of the receiving State;
- (b) that the person entitled to receive the property as a consequence of the death is not a national or a permanent resident of the receiving State;
- (c) that the presence of the property in that State was due solely to the presence of the deceased in the capacity of a consular officer or consular employee or as a member of the family of a consular officer or consular employee.

Article 28. (1) Without prejudice to the provisions of paragraph (4) of this article, a consular officer, as well as, provided that he is not a national or a permanent resident of the receiving State, a consular employee, shall, with respect to services rendered by him for the sending State, be exempt from the social security provisions of the receiving State.

(2) The exemption provided for in paragraph (1) of this article shall apply also to members of the family of the consular officer or consular employee, residing with him, provided in each case that the person concerned is not a national or a permanent resident of the receiving State.

(3) In addition, the exemption provided for in paragraph (1) of this article shall apply to a person in the private service of the consular officer or consular employee, provided in each case that the person concerned:

- (a) is not a national or a permanent resident of the receiving State; and

(b) is covered by the social security provisions of the sending State or of a third State.

(4) Any such consular officer or consular employee who employs a person to whom the provisions of paragraph (3) of this article do not apply shall observe any obligations imposed upon employers under the social security provisions of the receiving State.

(5) The exemption provided for in paragraphs (1), (2) and (3) of this article shall not preclude voluntary participation, insofar as such participation may be permissible, in the social security system of the receiving State.

Article 29. (1) A consular officer or consular employee shall receive the immunities and privileges due to him under this Convention as from the moment of crossing the frontier of the receiving State to take up his post or, if he is already present in that State, as from the moment of entering upon his duties.

(2) Members of the family of a person to whom paragraph (1) of this article applies, residing with him, shall receive the immunities and privileges accorded to them under this Convention:

- (a) as from the moment that the consular officer or consular employee becomes entitled to receive immunities and privileges in accordance with paragraph (1) of this article;
- (b) if they entered the receiving State after that date, as from the moment of crossing the frontier; or
- (c) as from the moment of becoming members of the family of the person concerned, as the case may be.

(3) When the appointment of a consular officer or consular employee comes to an end, his immunities and privileges, as well as the immunities and privileges of members of his family, residing with him, shall cease as from the moment of his departure from the receiving State or upon the expiry of a reasonable period after termination of his appointment.

(4) In the case of a consular employee who is a national or a permanent resident of the receiving State immunities and privileges shall cease upon the termination of his appointment.

(5) Insofar as concerns any act performed in his official capacity by a consular officer or consular employee, immunity from jurisdiction shall continue to subsist without limitation of time.

(6) The immunities and privileges of members of the family shall likewise cease as from the moment when they cease to be members of the family of the consular officer or consular employee in question. However, if the person concerned undertakes to depart from the territory of the receiving State within a reasonable period thereafter the immunities and privileges shall continue to be accorded until that date.

(7) In the event of the death of a consular officer or consular employee, members of his family shall continue to receive the immunities and privileges accorded to them under this Convention until the moment of their departure from the receiving State or until the expiry of a reasonable period granted for this purpose.

PART IV. CONSULAR FUNCTIONS

Article 30. The receiving State shall accord full facilities for the performance of the functions of the consulate.

Article 31. (1) In addition to the functions otherwise specified in this Convention, a consular officer may perform any other — functions with which he is entrusted by the sending State, provided they are not prohibited by the laws and regulations of the receiving State.

(2) A consular officer shall be entitled to perform consular duties only within his own consular district. The performance by him of consular duties outside that district shall be subject to the consent of the receiving State.

(3) Upon notification to the receiving State, a consular officer shall be entitled to perform duties on behalf of a third State, provided that the receiving State does not raise objection.

(4) A consular officer may, on notification to the receiving State, act as representative of the sending State to an international organization. In this capacity, he shall be entitled to receive any facilities, privileges and immunities accorded to such a representative by international law; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

Article 32. A consular officer shall be entitled:

- (a) to protect and promote the rights and interests of the sending State and those of its nationals including juridical persons;
- (b) to advance the interests of the sending State with regard to commercial, economic, scientific and cultural matters and tourism and to further the expansion of contacts and the development of friendly relations between the sending State and the receiving State in these and other fields;
- (c) to ascertain by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, to report thereon to the Government of the sending State and give information to persons interested.

Article 33. In connection with the performance of his duties, a consular officer shall be entitled to address:

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

Article 34. A consulate shall be entitled to levy in the receiving State the fees and charges prescribed under the laws and regulations of the sending State for the performance of consular services.

Article 35. Subject to the practices and procedures obtaining in the receiving State, a consular officer shall be entitled to represent or arrange appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of requesting, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals where, because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests.

Article 36. A consular officer shall be entitled to serve judicial documents and execute letters rogatory in accordance with international agreements in force or otherwise not inconsistent with the laws and regulations of the receiving State.

Article 37. (1) A consular officer shall be entitled:

- (a) to keep a register of nationals of the sending State;
- (b) to register or receive notification of the birth or death of a national of the sending State;
- (c) to record a marriage solemnized under the law of the receiving State, or a divorce granted under that law, provided that at least one of the parties to such marriage or divorce is a national of the sending State;
- (d) 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 not prohibited under the law of the receiving State.

(2) Nothing in the provisions of paragraph (1) of this article shall exempt any private person from any obligation imposed by the law of the receiving State with regard to the notification to, or registration with, the competent authorities of any matter dealt with in those provisions.

Article 38. A consular officer shall be entitled to issue, revoke, renew, amend and extend the validity of passports, entry, exit and transit visas and other similar documents.

Article 39. (1) A consular officer shall be entitled, provided that there is nothing contrary thereto in the laws and regulations of the receiving State,

(a) to draw up, attest, certify, authenticate, legalize or otherwise validate documents of a juridical character or copies thereof, whenever such services are requested,

- (i) by a person of any nationality for use in the sending State or under the law of that State; or
- (ii) by a national of the sending State or of the receiving State for use in a third State;

(b) to translate documents and to certify the accuracy of the translation.

(2) In any case where a document referred to in paragraph (1) of this article is required for use in the receiving State, the authorities of that State shall be obliged to give it the same force and effect as though it had been drawn up or certified or translated by the competent authorities or officials of the receiving State; provided that such documents shall have been drawn and executed in conformity with the laws and regulations of the receiving State.

Article 40. (1) A consular officer shall be entitled to safeguard, within the limits imposed by the laws and regulations of the receiving State, the interests of minors, other persons lacking full capacity, and persons absent from the receiving State, who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons. He may propose to the competent authorities of the receiving State the names of appropriate persons to act as guardians or trustees.

(2) If it comes to the knowledge of the competent authorities of the receiving State that measures are required to be taken for the appointment of a guardian or trustee of a national of the sending State, they shall promptly so inform the consular officer.

Article 41. (1) In any case where a national of the sending State has been placed under detention pending trial or subjected to any other deprivation of personal liberty, the competent authorities of the receiving State shall notify the appropriate consulate of the sending State accordingly. Notification shall be made without delay and in any event within three days.

(2) The consular officer shall be entitled to receive correspondence or other communications from a national who has been so placed under detention pending trial or subjected to any other form of deprivation of personal liberty and to take the necessary steps to provide him with legal assistance and representation.

(3) The consular officer shall likewise be entitled to visit, to converse with and to communicate with the national. Visits shall be permitted at latest after the expiry of four days from the date on which the national was placed under detention pending trial or subjected to any other deprivation of liberty.

(4) In any case where a national of the sending State has been subjected to detention pending trial, or any other deprivation of personal liberty, or has been convicted and is serving a sentence of imprisonment, the consular officer shall have the right to visit, to converse with and to communicate with him. Visits may be made on a recurrent basis and at intervals of not more than one month.

(5) The rights referred to in paragraphs (2), (3) and (4) of this article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must not nullify these rights.

(6) A national to whom the provisions of this article apply may receive from the consular officer parcels containing food, clothes, medicament and

reading and writing materials to the extent that the applicable regulations of the institution in which he is detained so permit.

(7) The competent authorities of the receiving State shall, without delay, inform the national concerned of the rights of visit and communication granted under this article.

Article 42. Where it comes to the knowledge of the competent authorities of the receiving State that a national of the sending State has died in the former State they shall, without delay, inform the appropriate consular officer accordingly and shall transmit to him a copy of the death certificate or other document recording the death.

Article 43. (1) Where it is brought to the knowledge of the competent authorities of the receiving State that there is in that State an estate:

(a) of a national of the sending State; or

(b) of a deceased person of any nationality in respect of which a national of the sending State has an interest,

the said authorities shall, without delay, inform the appropriate consular officer accordingly.

(2) The provisions of this article shall apply whatever the place of the death of the deceased person.

Article 44. (1) In all those cases in which an estate is left in the receiving State by a national of the sending State, or by any person when a national of the sending State has an interest in the estate, the consular officer shall be entitled to take steps, in accordance with the laws and regulations obtaining in the receiving State, personally or through his authorized representative,

(a) for the protection and preservation of the estate;

(b) for the administration (including the distribution) of the estate.

(2) In all those cases in which an estate is left in the receiving State by a national of the sending State or by any person when a national of the sending State has an interest in the estate, the consular officer within whose consular district the estate is being administered, or if no administration is instituted, within whose consular district the property included in the estate is situated, shall be entitled to represent the interests of the national of the sending State concerned.

(3) The provisions of paragraphs (1) (b) and (2) of this article shall not entitle the consular officer to act as an attorney at law, but he is entitled in such cases to give a power of attorney to an attorney at law.

(4) The provisions of this article shall apply whatever the place of the death of the deceased person.

Article 45. The right of the consular officer described in article 44 shall cease as from the time when a person who has received a power of attorney from the national concerned appears before the competent authority.

Article 46. (1) The consular officer shall be entitled, in accordance with the provisions of the laws and regulations obtaining in the receiving State, and in behalf of a national of the sending State:

- (a) to take provisional custody of the personal property left by a deceased national of the sending State;
- (b) to administer the property of a deceased national of the sending State who at the time of his death was not present in the receiving State, or has not appointed an executor of the estate in the receiving State, provided that the consular officer shall relinquish such administration upon the appointment of another administrator by the competent court;
- (c) to receive such money and property to which the national of the sending State is entitled upon the death of a person of any nationality, including shares in an estate, payments made pursuant to pensions and social benefits systems in general, and proceeds of insurance policies;
- (d) to deliver the monies and properties mentioned in paragraph (1) (c) of this article. The receiving State may require that the liabilities of the estate, declared within the period prescribed by law shall first be paid or guaranteed.

(2) In the cases included in paragraphs (1) (c) and (d), the court, or other competent authority or the person distributing the estate, may require that the consular officer comply with the following conditions:

- (a) present a power of attorney from the national mentioned in paragraph (1) (c) of this article; or
- (b) present within a reasonable time appropriate evidence which verifies the receipt of the money and property by the national concerned; or
- (c) return the money and property if he is unable to present such evidence.

Article 47. (1) In any case where a national of the sending State who is not domiciled in the receiving State dies while temporarily present in that State, money and personal effects in his possession, provided that they are not claimed by a person who is present and entitled to claim them, shall be turned over without delay on a provisional basis and for conservatory purposes to the appropriate consular officer of the sending State. This provision shall be without prejudice to the right of the competent authorities of the receiving State to take charge of them in the interests of justice.

(2) If an authority of the receiving State is charged with the administration of the estate of the deceased person, the consulate shall hand over the money and personal effects to the said authority.

(3) The exportation of the money and personal effects shall be subject to the laws and regulations of the receiving State.

(4) The provisions of this article shall be without prejudice to the provisions of article 43 to 46.

Article 48. The consular officer in exercising the rights described in articles 44 to 47, notwithstanding the provisions of article 15 (1), is subject to the laws of the receiving State and to the jurisdiction of the judicial and administrative authorities of the receiving State in the same manner and to the same extent as a national of the receiving State.

Article 49. (1) A consular officer shall be entitled to render every assistance and aid to a vessel of the sending State which has come to a port or other place of anchorage within the consular district.

(2) A consular officer may communicate with the vessel and proceed on board, accompanied, if he desires, by other consular officers or by consular employees, as soon as she has been given permission to establish contact with the shore.

(3) The master and members of the crew shall be permitted to communicate with the consular officer and for this purpose they may also, subject to the laws and regulations of the receiving State with regard to the port area and the admission of foreigners, proceed to the consulate or to some other appropriate place designated by the consular officer.

(4) A consular officer may invoke the aid of the competent authorities of the receiving State in any matter relating to the performance of his duties with respect to a vessel of the sending State or to the master and members of the crew of such a vessel.

Article 50. (1) A consular officer shall be entitled:

- (a) to investigate any incident occurring on board a vessel of the sending State during her voyage, question the master and any member of the crew, examine and confirm the vessel's papers, take statements with regard to her voyage and destination and generally facilitate the entry into, stay in and departure from, a port of the vessel;
- (b) to arrange, provided this is not contrary to the law of the receiving State, for the engagement and discharge of the master or any member of the crew or for his return to the vessel;
- (c) without prejudice to the powers of the receiving State, to settle disputes of any kind between the master and any member of the crew, including disputes as to wages and contracts of service, to the extent that this is permitted under the law of the sending State;
- (d) to make arrangements for the medical treatment and for the repatriation of the master or any member of the crew of the vessel;
- (e) to receive, draw up, notarize, and deliver any declaration or other document prescribed by the law of the sending State in connection with vessels.

(2) A consular officer may, to the extent that the law of the receiving State permits him to do so, appear with the master or any member of the crew of the vessel before the courts and authorities of the receiving State, render them every assistance (including the making of arrangements for legal aid) and act as or arrange for an interpreter in matters between them and these courts and authorities.

Article 51. (1) Where it is the intention of the courts or other competent authorities of the receiving State to take any coercive action or to institute any formal enquiry on board a vessel of the sending State, they shall so inform the appropriate consular officer. Except where this is impossible on account of the urgency of the matter, such notification shall be made in time to enable the consular officer or his representative to be present. If the consular officer has not been present or represented, he shall, upon request, be provided by the authorities concerned with full information with regard to what has taken place.

(2) The provisions of paragraph (1) of this article shall apply also in any case where it is the intention of the competent authorities of the port area to question the master or any member of the crew ashore.

(3) The provisions of this article shall not, however, apply to any routine examination by the authorities in regard to customs, immigration, public health, the safety of life at sea, oil pollution, wireless telegraphy or any similar matter, or with the consent of the master of the vessel.

Article 52. In any case where a vessel of the sending State is wrecked, runs aground or otherwise sustains damage in the national or territorial waters of the receiving State, the competent authorities of that State shall, without delay, so notify the appropriate consulate of the sending State. The said authorities shall, likewise, notify the consulate of measures taken, or intended to be taken, for the purpose of safeguarding and preserving the lives of persons on board the vessel and her cargo.

Article 53. The provisions of articles 49 to 52 shall apply also in relation to civil aircraft to the extent that such an application is feasible.

PART V. GENERAL PROVISIONS

Article 54. (1) All persons to whom privileges and immunities are accorded 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 those relative to the control of traffic.

(2) Vehicles owned by the sending State and used by the consulate, and those of consular officers, consular employees, or members of their families, must be covered by insurance against third party risks.

Article 55. (1) Members of the diplomatic staff of the diplomatic mission of the sending State in the receiving State may be appointed to perform consular, in addition to diplomatic, duties. The name of any person so appointed shall be notified to the Ministry of Foreign Affairs of the receiving State.

(2) A member of the diplomatic mission to whom paragraph (1) of this article applies shall be accorded the same rights as a consular officer under this Convention. Without prejudice to the provisions of article 48, he shall continue to receive the privileges and immunities accorded to him by virtue of his diplomatic status.

Article 56. (1) This Convention shall be ratified and shall enter into force thirty days after the exchange of instruments of ratification, which shall take place at Washington as soon as possible.

(2) The Convention shall remain in force for a period of five years. In case neither High Contracting Party shall have given to the other, twelve months before the expiry of the said period of five years, notice of intention to terminate the Convention, it shall continue to remain in force until the expiry of twelve months from the date on which notice of such intention is given by one High Contracting Party to the other.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Convention and affixed thereto their seals.

DONE in duplicate at Budapest this seventh day of July 1972, in the Hungarian and English languages, both texts being equally authoritative.

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

[Signed — Signé] ¹

For the President
of the United States of America:

[Signed — Signé] ²

¹ Signed by János Péter — Signé par János Péter.

² Signed by William P. Rogers — Signé par William P. Rogers.