

No. 13187

**UNITED STATES OF AMERICA
and
POLAND**

**Consular Convention (with protocols and exchanges of notes).
Signed at Warsaw on 31 May 1972**

Authentic texts: English and Polish.

Registered by the United States of America on 27 March 1974.

**ÉTATS-UNIS D'AMÉRIQUE
et
POLOGNE**

**Convention consulaire (avec protocoles et échanges de notes).
Signée à Varsovie le 31 mai 1972**

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Enregistrée par les Etats-Unis d'Amérique le 27 mars 1974.

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

The Government of the United States of America and the Government of the Polish People's Republic,

Desiring to regulate and develop consular relations between the two States,

Have decided to conclude a Consular Convention, and for that purpose the following Plenipotentiaries have been designated:

For the Government of the United States of America:

William P. Rogers, Secretary of State,

For the Government of the Polish People's Republic:

Stefan Olszowski, Minister of Foreign Affairs,

who have agreed as follows:

Part I. DEFINITIONS

Article 1. For the purposes of the present Convention, the following terms shall have the meanings hereunder assigned to them:

(a) "Consular establishment" means a consulate general, consulate, vice-consulate, or consular agency;

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

(c) "Head of a consular establishment" means a person directing a consular establishment with the rank of consul general, consul, vice-consul, or consular agent;

(d) "Consular officer" means any person, including the head of a consular establishment, to whom the exercise of consular functions has been entrusted;

(e) "Employee of a consular establishment" means any person performing administrative, technical or service duties at a consular establishment;

(f) "Member of a consular establishment" means any consular officer or employee of a consular establishment;

(g) "Premises of a consular establishment" means buildings or parts of buildings, as well as the grounds ancillary thereto, used exclusively for the purposes of a consular establishment;

(h) "Archives of a consular establishment" means official correspondence, documents, records, codes, and ciphers, as well as the office equipment assigned exclusively for their protection or safekeeping.

Part II. OPENING OF CONSULAR ESTABLISHMENTS AND APPOINTMENT OF OFFICERS AND EMPLOYEES OF THESE ESTABLISHMENTS

Article 2. 1. A consular establishment may be opened on the territory of the receiving State only with the consent of that State.

¹ Came into force on 6 July 1973, i. e. the thirtieth day following the date of the exchange of instruments of ratification, which took place at Washington on 6 June 1973, in accordance with article 38 (1).

2. The sending and receiving States shall determine by agreement the seat of the consular establishment as well as the limits of its consular district.

Article 3. 1. The head of a consular establishment appointed by the sending State may exercise consular functions after presentation of letters of commission or similar instrument and after the issuance to him of an exequatur or other appropriate document of recognition by the receiving State.

2. The receiving State may grant to the head of a consular establishment provisional recognition permitting him to exercise consular functions until such time as the exequatur or other document of recognition has been issued to him.

3. Immediately after the issuance to the head of a consular establishment of an exequatur or one of the documents described in paragraphs 1 and 2, the competent authorities of the receiving State shall take the necessary measures to enable him to exercise his consular functions and to enjoy the rights, privileges, and immunities to which he is entitled.

Article 4. 1. The sending State may, subject to the procedures established by articles 3, 6 and 7 assign one or more members of its diplomatic mission in the receiving State to the performance of consular functions. Except as provided in paragraph 5 of article 31, a member of a diplomatic mission who has been so assigned shall continue to enjoy the privileges and immunities to which he is entitled as a member of the diplomatic mission.

2. The sending State may establish within its diplomatic mission a consular section, which may have a consular district in accordance with subparagraph (b) of article 1 and paragraph 2 of article 2.

Article 5. 1. If the head of a consular establishment cannot carry out his functions or if the position of head of a consular establishment is vacant, an officer of the same consular establishment or another consular establishment, or a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State, may exercise his functions temporarily. In this case the fact that he has been entrusted with the functions of head of the consular establishment shall be communicated in advance in writing to the foreign affairs ministry of the receiving State.

2. The person designated in paragraph 1 shall enjoy during the period of temporary exercise of the functions of head of the consular establishment the rights, privileges, and immunities of head of the consular establishment. In the event that this person is a member of the diplomatic staff of the diplomatic mission, he shall also enjoy the additional privileges and immunities to which he is entitled as a member of the diplomatic mission, in accordance with paragraph 1 of article 4.

Article 6. 1. Only nationals of the sending State may be consular officers.

2. Consular officers may be appointed from among the nationals of the sending State admitted to permanent residence in the receiving State only with the consent of the latter.

Article 7. 1. The receiving State shall issue to each consular officer an appropriate document certifying his right to perform consular functions in the territory of the receiving State. For this purpose the sending State shall notify the receiving State in advance of the full name, function, and class of all consular officers.

2. The sending State shall also notify the receiving State of the full name and duties of the employees of a consular establishment.

3. A consular officer notified to the receiving State in accordance with paragraph 1 shall be entitled to perform his consular functions after the receiving State has issued to him an appropriate document certifying his right to perform his functions.

Article 8. 1. The receiving State may at any time, and without having to explain its decision, notify the sending State through diplomatic channels that a consular officer is *persona non grata* or that an employee of a consular establishment is unacceptable. In such a case the sending State shall accordingly recall such officer or employee.

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1, the receiving State may refuse to recognize the officer or employee concerned as a member of the consular establishment.

Article 9. 1. The sending State, acting either in its own name or through one or more natural or juridical persons acting on its behalf, shall have the right to acquire under such tenure as may be authorized by the law of the receiving State, whether by purchase, lease, or otherwise, lands, buildings, parts of buildings, and appurtenances which the sending State considers necessary and appropriate for consular purposes, including residences for members of the consular establishment.

2. The sending State shall have the right:

- (a) to construct, reconstruct, or alter buildings and other appurtenances on land held in accordance with the provisions of paragraph 1, subject to compliance with the conditions prescribed by the regulations of the receiving State concerning construction, or concerning space, zoning, or town planning;
- (b) to employ, by contract or otherwise, its nationals, or entities organized under its laws, to design, construct, reconstruct, or alter such buildings. The employment of nationals of the receiving State by such entities shall be subject to the law of the receiving State.

Part III. RIGHTS, PRIVILEGES, AND IMMUNITIES

Article 10. 1. A shield with the coat-of-arms of the sending State, the name of the consular establishment in the English and Polish languages, and signs explaining the designation of the offices may be placed on buildings in which the offices of the consular establishment are located.

2. The flag of the sending State may be flown at the building in which a consular establishment is located. This flag may also be flown at the residence of the head of a consular establishment and on his means of transportation while being used by him for official purposes.

Article 11. 1. The premises as well as the archives of a consular establishment are inviolable.

2. Authorities of the receiving State shall not enter the premises of a consular establishment or the residences of consular officers without the consent of the head of the consular establishment, the chief of the diplomatic mission of the sending State, or a person duly authorized by one of them to give such consent. Such consent is presumed in the event of a fire or other disaster requiring immediate protective measures. In no case, however, are these authorities permitted to violate the principle of the inviolability of the archives of a consular establishment, and especially to examine or seize them.

3. The premises of a consular establishment and residences of members of the consular establishment located in the same building shall be appropriately set apart from each other.

Article 12. 1. A consular establishment shall have the right to free communication with the authorities of its State, including diplomatic missions or other

consular establishments of the sending State, regardless of their location, making use of all public means of communication.

2. A consular establishment may use diplomatic or consular couriers, diplomatic or consular pouches, and may use codes and ciphers.

3. The correspondence of a consular establishment, courier mail and sealed diplomatic or consular pouches bearing visible external marks of their official character, whether sent by the establishment or destined for it, shall be inviolable, and the authorities of the receiving State shall not examine or detain them. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that a pouch has contents other than correspondence, documents, or articles of an official character designated exclusively for official use, they may request that such pouch be opened in their presence by an authorized representative of the sending State. If this request is refused, the pouch shall be returned to its place of origin.

Article 13. 1. Consular officers and members of their families forming part of their households shall enjoy immunity from the jurisdiction of the judicial and administrative authorities of the receiving State.

2. Employees of a consular establishment shall enjoy immunity from the jurisdiction of the judicial and administrative authorities of the receiving State in respect of acts performed by them within the scope of their official duties.

3. The provisions of paragraphs 1 and 2 shall not, however, apply in respect of civil action:

- (a) arising out of a contract concluded by a consular officer or an employee of a consular establishment in which he did not contract expressly or impliedly as an agent of the sending State;
- (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft;
- (c) arising out of acts performed under article 31 as provided in paragraph 5 of that article.

4. Persons mentioned in paragraphs 1 and 2 shall not, however, abuse the immunities enjoyed by them, and are expected to respect the laws and regulations prevailing in the receiving State, including traffic regulations.

5. The sending State may waive the immunities described in this article. Such waiver shall always be expressed and transmitted in writing to the receiving State.

6. Waiver of immunity from jurisdiction in respect of civil and administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

Article 14. 1. Members of a consular establishment may be called upon to attend as witnesses in the course of judicial or administrative proceedings. In the event of the refusal of a consular officer to give evidence at such proceedings, no coercive measure or penalty may be applied to him. An employee of a consular establishment shall not, however, decline to give evidence, except in the cases mentioned in paragraph 3.

2. The respective provisions of paragraph 1 concerning consular officers and employees of a consular establishment shall apply also to members of their families forming part of their households.

3. Members of a consular establishment are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence or documents related thereto. They are also entitled

to decline to give evidence as expert witnesses with regard to the law of the sending State. These rights shall not be invoked if the interest of justice so requires and the interests of the sending State are not affected.

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

Article 15. 1. Members of a consular establishment and members of their families forming part of their households shall not be subject in the receiving State to military service, to the duty of appearing as a member of a jury or lay judge, or in any other capacity of a compulsory nature, including the obligation to pay any equivalent fees for the non-performance of such duties.

2. Members of a consular establishment, as well as members of their families forming part of their households shall not be subject to the regulations of the receiving State regarding registration, reports, permits for alien residence, or any such regulations normally relating to aliens.

Article 16. 1. The sending State shall have the right to import into the receiving State materials or equipment for the construction, reconstruction, alteration, repair, maintenance, and operation of the premises, buildings, and appurtenances referred to in article 9.

2. All articles, including means of transportation, which are imported by the sending State for the use of a consular establishment or are necessary for the construction, reconstruction, alteration, repair, maintenance and operation of buildings or other structures held or occupied by a consular establishment in accordance with article 9, shall be exempt on the territory of the receiving State from all customs duties and taxes or other taxes imposed by reason of importation.

Article 17. 1. The baggage, effects, and other articles including means of transportation, imported exclusively for the personal use of a member of a consular establishment and members of his family forming part of his household, shall be exempt from all customs duties and taxes, or other taxes resulting from importation.

2. The exemptions defined in paragraph 1 shall be recognized with regard to property imported by a person authorized thereunder at his first entry and subsequent entries into the receiving State, as well as with regard to that property consigned to a member of a consular establishment while he is performing his consular functions or other defined duties at said establishment. However, this shall not apply to articles the importation of which is expressly forbidden by law. The receiving State may limit the number of automobiles imported free of duty by members of a consular establishment for their and their families' personal use.

3. It is understood, however, that

- (a) This article shall, except with respect to accompanying baggage at first entry, apply as to members of a consular establishment only when their names have been communicated to the foreign affairs ministry of the receiving State and they have been duly recognized in their official capacity; and
- (b) In the case of consignments, the receiving State may, as a condition to the granting of exemption, require that a notification of any such consignment be given in a prescribed manner.

Article 18. 1. The sending State shall be exempt from all taxes, assessments, or similar charges levied for public purposes, for the payment of which it would otherwise be legally liable in the territory of the receiving State, with respect to:

- (a) the acquisition, sale, construction, and maintenance of immovable property of which the sending State is the legal owner or which is owned by one or more natural or juridical persons acting on its behalf when such property is used for the consular purposes specified in paragraph 1 of article 9, or when such property has been acquired for such purposes and is not being used for other purposes;
- (b) the occupation of immovable property of which the sending State is the lessee;
- (c) the acquisition, sale and maintenance of movable property by the sending State which is used for consular purposes;
- (d) the performance of consular functions, including the collection of consular fees and charges in accordance with the provisions of article 37.

2. If the law of the receiving State does not authorize the sending State to acquire immovable property for consular purposes, including residences, as the legal owners in its own name or in the name of one or more natural or juridical persons acting on its behalf, the exemption provided in subparagraph (a) of paragraph 1 shall apply to immovable property transferred to the sending State for perpetual use, or leased or rented for a stated period of at least ten years.

3. The exemptions specified in subparagraph (a) of paragraph 1 and in paragraph 2 shall not apply to taxes, assessments, or similar charges levied for specific services or for local public improvements by which the property is specially benefited.

Article 19. Movable property left upon the death of a member of a consular establishment or member of his family forming part of his household shall be exempt from taxes of any kind, such as estate, inheritance, succession, or similar taxes, if the property was located in the receiving State exclusively in connection with the sojourn in that State of the deceased as a member of a consular establishment or member of his family forming part of his household. Any part of such movable property which does not exceed in value twice the total of all official income received from the sending State in the year immediately preceding the death shall be deemed conclusively to constitute property located in the receiving State exclusively in connection with the decedent's sojourn there as a member of the consular establishment or a member of his family forming part of his household.

Article 20. 1. The members of a consular establishment, as well as members of their families forming part of their households, shall, except as provided in paragraph 2, be exempt from the payment of all taxes or similar charges of any kind imposed by the receiving State or any local authorities thereof for the payment of which the officer or employee would otherwise be legally liable.

2. Exemption from taxes or similar charges may not be applied to taxes and charges imposed:

- (a) by reason of or incident to the acquisition as the result of death of rights to property located in the receiving State, such as estate, inheritance, or succession taxes, with the exception specified in article 19;
- (b) by reason of or incident to the transfer in the form of a gift of property located in the receiving State;
- (c) incident to the ownership or acquisition by purchase by members of a consular establishment or members of their families forming part of their households of real property situated in the receiving State, if they are acting in their own name and not in that of a consular establishment;
- (d) for specific services rendered;

(e) on income derived in the receiving State from sources other than emoluments, salaries, wages, or allowances received from the sending State in connection with the discharge of official functions or duties.

Article 21. The privileges and immunities recognized by paragraphs 1 and 2 of article 13, paragraphs 1, 2, and 4 of article 14, articles 15, 17, 19 and paragraph 1 of article 20 shall not be enjoyed by members of a consular establishment and members of their families forming part of their households if they are nationals of the receiving State or have the status in the receiving State of an alien admitted to permanent residence. However, all members of a consular establishment shall enjoy the rights described in the provisions of paragraph 3 of article 14.

Article 22. 1. All means of transportation belonging to the sending State, to members of a consular establishment, or to members of their families forming part of their households, and used for the needs of a consular establishment or of the persons mentioned above, shall be properly insured against civil claims by third parties.

2. The provisions of paragraph 1 shall not apply to members of a consular establishment and members of their families forming part of their households who are nationals of the receiving State or have the status in the receiving State of an alien admitted to permanent residence, who will be subject to the obligation of insuring their private means of transportation in accordance with the regulations of that State.

Part IV. CONSULAR FUNCTIONS

Article 23. 1. To the extent that it is permitted by international law, a consular officer shall be entitled within his consular district, in accordance with the laws and regulations of the receiving State, to protect the rights and interests of the sending State and of its nationals, both individuals and bodies corporate. To this end, he may address himself to the courts and other authorities of the receiving State in the consular district, and, if the receiving State does not object, to its central authorities.

2. A consular officer may, subject to the practice and procedures obtaining in the receiving State, represent or arrange appropriate representation for nationals of the sending State before the courts and other authorities or official persons of the receiving State for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, the protection of the rights and interests of these nationals, if because of absence or any other reason they are not in a position at the proper time to assume the defense of their rights and interests.

Article 24. A consular officer shall be permitted to cooperate in the development of economic, commercial, cultural, and scientific relations between both States as well as in furthering by other means friendly relations between them.

Article 25. A consular officer shall have the right to carry out the following functions within his consular district in accordance with the laws of the sending State:

- (a) to register nationals of the sending State, to issue or amend their passports and other travel documents, and also to issue visas to persons desiring to travel to the sending State;
- (b) to receive declarations from nationals of the sending State and to issue them appropriate certificates and documents based thereon;

- (c) to prepare documents of vital statistics pertaining to births and deaths of nationals of the sending State, as well as receive statements concerning marriages in cases where both persons to marry are nationals of the sending State; however, this does not relieve the nationals of the sending State of the obligation to observe the laws and regulations of the receiving State concerning reporting or registering of births and deaths, and the performance of marriage;
- (d) to authenticate the official signature and seal which appear on any legal act or other official documents drawn up before a notary or other officer of the receiving State or which appear on a copy or extract taken from any vital records books or other official records of the receiving State, with a view to making the document, when presented for any purpose, acceptable in administrative or judicial proceedings in the sending State;
- (e) to prepare acts or documents of a legal nature, including commercial documents, wills and contracts, as well as to certify and authenticate signatures on them, to receive acknowledgements, and in general to take such action as may be necessary to render them valid, when a national of the sending State requests the performance of these activities and when these acts and documents are to be used outside of the territory of the receiving State, or when requested by any other person when these documents are to be used in the territory of the sending State, provided that these activities are not contrary to the law of the receiving State;
- (f) to issue certified copies of documents and extracts thereof from the archives and registers of the consular establishment;
- (g) to translate any acts and documents and to certify to the accuracy of such translation;
- (h) to receive from nationals of the sending State on a voluntary basis testimony or statements requested by courts and other authorities of that State, as well as receive from such nationals oaths or affirmations in accordance with the applicable law of the sending State;
- (i) to deliver to nationals of the sending State any official documents from authorities of the sending State.

Article 26. 1. Copies of the acts and documents mentioned under subparagraphs (d) and (e) of article 25, duly authenticated or certified by the consular officer under official seal, shall be admitted in judicial and administrative proceedings in both the sending and receiving State, equally with the originals, and shall have the same force and effect as though they had been prepared or issued by or executed before a notary public or other public official of the receiving State.

2. All acts and documents prepared by courts and other authorities or officials of the receiving State properly authenticated in the territory of that State by a consular officer of the sending State shall have, in judicial and administrative proceedings in the sending State, the same force and effect as acts and documents prepared by the courts and other authorities or officials of the sending State provided such acts and documents have been drawn and executed in a manner not inconsistent with the laws and regulations of the sending State.

Article 27. 1. A consular officer is authorized to transmit, upon request by a court of the sending State, letters rogatory to the authorities of the receiving State competent to act thereon.

2. A consular officer is authorized to receive voluntary testimony of citizens of the sending State, for use in that State.

Article 28. A consular officer, acting *ex officio* or on behalf of persons having a legitimate interest in the matter, may propose to the courts or other competent

authorities of the receiving State appropriate persons to act as guardians or trustees for nationals of the sending State or to act as custodians of the property of such nationals when it is left without supervision.

Article 29. 1. A consular officer shall have the right within his consular district to confer with any national of the sending State, to give him assistance or advice, and where necessary to arrange for legal assistance for him. If a national of the sending State desires to visit or communicate with his consular officer, the receiving State shall in no way restrict the access of the national to the consular establishments of the sending State or object to visits to such national by a consular officer of the sending State.

2. The appropriate authorities of the receiving State shall immediately inform a consular officer of the sending State of the detention or arrest of any national of the sending State who has not been admitted to permanent residence in the receiving State. In the case of the detention or arrest of a national of the sending State who has been admitted to permanent residence in the receiving State, the appropriate authorities of the receiving State, on the request of such national, shall immediately inform a consular officer of the sending State of such detention or arrest.

3. The receiving State shall forward without delay any correspondence from a national of the sending State detained or arrested in the receiving State addressed to a consular officer of the sending State. A consular officer shall upon his request be informed of the reasons for the detention or arrest of any national of the sending State. A consular officer may visit such national at any time and may communicate in writing with him in the language of the sending State or of the receiving State for the purpose of safeguarding his interests, with the observance, however, of the laws and regulations of the receiving State.

4. In case of a trial of a national of the sending State in the receiving State, the appropriate authorities of the receiving State shall, at the request of the consular officer, inform such officer of the charges against such national, and shall permit the consular officer to be present during the trial of such national, with the observance, however, of the laws and regulations of the receiving State.

5. A consular officer of the sending State shall have the right, subject to local prison regulations, to visit and communicate with a national of the sending State who is serving a sentence of imprisonment in the receiving State.

6. The rights of visiting and communicating provided in paragraphs 2, 3 and 5 shall be exercised in conformity with the laws and regulations of the receiving State, including prison regulations; provided, however, that the application of those laws and regulations shall not prevent a consular officer from visiting his national without delay, communicating freely with him, and obtaining information of the charges against him.

7. The provisions of paragraphs 1, 2 and 3 have appropriate application also to any person employed on a vessel or aircraft of the sending State who is not a national of, or who has not been admitted to permanent residence in, the receiving State.

Article 30. Whenever the appropriate local authorities of the receiving State learn of the death in the receiving State of a national of the sending State, they shall without delay so inform a consular officer of the sending State. The consular officer shall be entitled, upon his request and for consular purposes, to receive from the appropriate authorities of the receiving State a copy of the certificate of death of such national.

Article 31. 1. Whenever the appropriate local authorities of the receiving State learn of the opening of an estate resulting from death in the receiving State of a national of the sending State who leaves in the receiving State no known heir or testamentary executor, they shall as promptly as possible so inform a consular officer of the sending State.

2. Whenever the appropriate local authorities of the receiving State learn of the death of a person, regardless of nationality, who has left in the receiving State an estate in which a national of the sending State residing outside the receiving State may have an interest under the will of the decedent or otherwise in accordance with the laws of the receiving State, they shall as promptly as possible so inform a consular officer of the sending State.

3. A consular officer of the sending State shall have the right, directly or through his representative, to protect the interests of a national of the sending State who is not a resident of the receiving State and who is not otherwise represented. In such circumstances the consular officer shall be permitted, in accordance with applicable laws and regulations, to request local authorities to supply information concerning holdings or interests of any such national especially shares in estates, pensions rights, insurance or employees' compensation benefits.

4. A consular officer of the sending State shall be entitled to receive for transmission to a national of the sending State who is not a resident of the receiving State any money or other property to which such national is entitled as a consequence of the death of another person, including shares in an estate, payments made pursuant to employees' compensation laws, pension and social benefits systems in general, and proceeds of insurance policies, unless the court, agency, or person making distribution directs that transmission be effected in a different manner. The court, agency, or person making distribution may require that a consular officer comply with conditions laid down with regard to:

- (a) presenting a power of attorney or other authorization from such national residing outside the receiving State;
- (b) furnishing reasonable evidence of the receipt of such money or other property by such national; and
- (c) returning the money or other property in the event he is unable to furnish such evidence.

5. Whenever a consular officer receives any money or other property for transmission to a national of the sending State pursuant to paragraph 4, he shall be subject, with respect to such function, to the laws and to the civil jurisdiction of the authorities of the receiving State in the same manner and the same extent as a national of the receiving State.

Article 32. 1. A consular officer shall be entitled to give assistance to vessels under the flag of the sending State, as well as to their crews, and he may address himself for this purpose to the authorities of the receiving State. A consular officer may, where stipulated by the laws of the sending State, enjoy the right of supervision and inspection of vessels under the flag of that State and their crews, and he may take all measures to assure observance of the laws of the sending State with regard to navigation. For this purpose he may visit vessels and be visited by the masters and crews of vessels of the sending State.

2. Without prejudice to the right of the courts or other authorities of the receiving State to assume jurisdiction over crimes or offenses which disturb the peace or security of the port and to enforce the laws of the receiving State, all measures taken by a consular officer in accordance with the laws of the sending State concern-

ing vessels under the flag of that State and their crews, including the signing on and discharge of the master and members of the crew, as well as the settlement of disputes of all kinds between the master and members of the crew, shall be respected by the authorities of the receiving State. For the execution of such functions, the consular officer may request assistance from competent authorities of the receiving State.

Article 33. 1. If it is the intention of the authorities of the receiving State to arrest or otherwise detain in custody any person on board a vessel under the flag of the sending State who is not a national of the receiving State, including the master or crew member thereof, or to seize any property aboard such a vessel, these authorities, except in cases where it is impossible in practice because of urgency, shall inform a consular officer in time to accord him an opportunity to visit the vessel before these measures are carried out. If it shall be impossible in practice to inform a consular officer in advance, the authorities of the receiving State shall inform him as soon as possible, according him full opportunity to visit and communicate with the arrested or detained person and to take appropriate steps to safeguard the interests of such person or vessel.

2. The provisions of paragraph 1 shall not apply to passport, customs, and health inspection, nor to measures taken by the authorities of the receiving State at the request of the master or with his permission.

Article 34. 1. If a vessel under the flag of the sending State is wrecked or damaged in the territory of the receiving State, or if the continuation of its voyage shall in any way be rendered impossible, the authorities of the receiving State shall inform a consular officer immediately and shall take all practicable measures for the preservation and protection of the vessel as well as the persons, cargo and property on board.

2. If the person who represents the interests of a vessel described in paragraph 1 is unable to make necessary arrangements in connection with the vessel or its cargo, a consular officer may make arrangements on his behalf. A consular officer may under similar circumstances take appropriate steps with regard to cargo and other property owned by the sending State or the nationals thereof, which belongs to a wrecked or damaged vessel of other registry, except when the vessel is under the flag of the receiving State.

3. No customs duties shall be levied against a damaged vessel under the flag of the sending State or its cargo or stores unless they are delivered for use in the receiving State.

Article 35. 1. The term "vessel" as used in articles 32, 33, and 34 means all types of vessels authorized to fly the flag of the sending State, with the exception of warships.

2. The provisions of articles 32, 33, and 34 shall also apply in relation to civil aircraft and civil aviation to the extent that they are capable of such application.

Article 36. A consular officer shall be permitted to perform all other consular functions entrusted to him by the sending State, as long as their performance is not contrary to the laws of the receiving State.

Article 37. A consular establishment may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

Part V. FINAL PROVISIONS

Article 38. 1. The present Convention shall be ratified and shall enter into force on the thirtieth day following the date of the exchange of instruments of ratification, which shall take place at Washington as soon as possible.

2. The present Convention shall remain in force until six months from the date on which one of the Contracting Parties gives notice of termination of the Convention in writing to the other Contracting Party.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

DONE in Warsaw on May 31, 1972, in two copies, each in the English and Polish languages, both texts having the same force.

For the Government
of the United States of America:
[Signed — *Signé*¹]

For the Government
of the Polish People's Republic:
[Signed — *Signé*²]

FIRST PROTOCOL

TO THE CONSULAR CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC

At the time of signing of the Consular Convention of this day between the Government of the United States of America and the Government of the Polish People's Republic, the undersigned Plenipotentiaries, duly authorized, have further agreed on the following provisions:

Without derogation of such additional rights and benefits as the sending State may be entitled with respect to its diplomatic and other official property on the territory of the receiving State, the provisions of articles 9, 16, and 18 of the Consular Convention shall apply likewise with respect to movable and immovable property, including residences, owned or otherwise held by the sending State and used for:

- (a) diplomatic purposes, including those of permanent missions to international organizations; and
- (b) for information and cultural activities not conducted within diplomatic missions or consular establishments.

The present Protocol constitutes an integral part of the aforesaid Consular Convention between the Government of the United States of America and the Government of the Polish People's Republic.

DONE in Warsaw on May 31, 1972, in two copies, each in the English and Polish languages, both texts being equally authentic.

For the Government
of the United States of America:
[Signed — *Signé*¹]

For the Government
of the Polish People's Republic:
[Signed — *Signé*²]

¹ Signed by William P. Rogers — Signé par William P. Rogers.

² Signed by Stefan Olszowski — Signé par Stefan Olszowski.

SECOND PROTOCOL

TO THE CONSULAR CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC

At the time of signing of the Consular Convention of this day between the Government of the United States of America and the Government of the Polish People's Republic, the undersigned Plenipotentiaries, duly authorized, have further agreed on the following provisions:

1. It is agreed between the Contracting Parties that the notification to a consular officer of the detention or arrest of a national of the sending State not admitted to permanent residence in the receiving State, specified in paragraph 2 of article 29 of the Consular Convention, shall take place within three days from the time of detention or arrest.

2. It is agreed between the Contracting Parties that the notification to a consular officer of the detention or arrest of a national of the sending State admitted to permanent residence in the receiving State, specified in paragraph 2 of article 29 of the Consular Convention, shall take place within three days from the time of the request of such national that the consular officer be notified.

3. It is agreed between the Contracting Parties that the right to visit, specified in paragraph 3 of article 29 of the Consular Convention, shall be accorded to the consular officer within four days from the time of detention or arrest of any national of the sending State.

The present Protocol constitutes an integral part of the aforesaid Consular Convention between the Government of the United States of America and the Government of the Polish People's Republic.

DONE in Warsaw on May 31, 1972, in two copies, each in the English and Polish languages, both texts being equally authentic.

For the Government
of the United States of America:
[Signed — Signé]¹

For the Government
of the Polish People's Republic:
[Signed — Signé]²

¹ Signed by William P. Rogers — Signé par William P. Rogers.

² Signed by Stefan Olszowski — Signé par Stefan Olszowski.

EXCHANGES OF NOTES

I a

The American Embassy to the Polish Ministry of Foreign Affairs

No. 37

The Embassy of the United States of America refers to the talks held between representatives of the Embassy and representatives of the Ministry of Foreign Affairs of the Polish People's Republic on the subject of reducing the possibilities of misunderstanding in the application of the citizenship laws of both countries, and has the honor to request that factual data related to the basic provisions of the citizenship law be conveyed and that points of procedural practice be explained.

1. In particular, the Embassy requests information concerning the formalities related to obtaining Polish recognition of loss of the citizenship of the Polish People's Republic by persons who have been naturalized abroad. The basic elements of this explanation of the Polish practice should contain information on the procedure to be followed by naturalized United States citizens to renounce nationality of the Polish People's Republic or obtain recognition of United States citizenship at Polish consular posts abroad, on the period normally required to complete these procedures, and the time at which loss of the citizenship of the Polish People's Republic or recognition of the United States citizenship takes legal effect in Poland.

2. The Embassy also requests information concerning Polish interpretation of citizenship status during the temporary or permanent residence in Poland of persons mentioned in paragraph 1. It would also be helpful to have information about the types of identification documents issued to aliens residing in Poland who possess foreign passports and to aliens residing in Poland who do not possess foreign documentation, as distinguished from the documentation issued to citizens of the Polish People's Republic.

The Embassy also requests confirmation of its understanding that naturalized United States citizens whose United States citizenship has been legally recognized by the Polish authorities may reacquire the citizenship of the Polish People's Republic only through application for citizenship and official acceptance of this application by the appropriate Polish authorities.

The Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its high consideration.

Warsaw, May 31, 1972.

II a

[POLISH TEXT — TEXTE POLONAIS]

Nr D. Kons.II.213/16/72

Ministerstwo Spraw Zagranicznych Polskiej Rzeczypospolitej Ludowej przesyła wyrazy szacunku Ambasadzie Stanów Zjednoczonych Ameryki i w odpowiedzi na notę Nr 37 z dnia 31 maja 1972 roku ma zaszczyt przekazać następujące informacje:

Ministerstwo Spraw Zagranicznych korzysta z okazji, by ponowić Ambasadzie Stanów Zjednoczonych Ameryki wyrazy swego wysokiego poważania.

Warszawa, dnia 31 maja 1972 roku.

[TRANSLATION¹ — TRADUCTION²]

The Polish Ministry of Foreign Affairs to the American Embassy

Nr D. Kons. II.213/16/72

The Ministry of Foreign Affairs of the Polish People's Republic presents its compliments to the Embassy of the United States of America and in reply to note No. 37, of May 31, 1972, has the honor to convey the following information:

1. According to article 13 of the law of February 15, 1962 concerning Polish citizenship (*Dziennik Ustaw* No. 10, poz. 49) a Polish citizen may acquire foreign citizenship only by obtaining permission to change citizenship, issued by the appropriate Polish authorities. According to paragraph 1, article 16, of that law the appropriate authority is the Council of State. However, in regard to persons who reside abroad, the Council of State, on the basis of paragraph 3 of the cited article, authorized the Minister of Foreign Affairs to grant permission to change citizenship, and also concurred in the transfer of this authorization by the Minister of Foreign Affairs to some Heads of Consular Posts, including the Head of the Consular Division of the Embassy of the Polish People's Republic in Washington, D. C., as well as the Consul General of the Polish People's Republic in Chicago, in regard to persons who already acquired foreign citizenship.

In these circumstances, the Polish citizen residing in the United States and holding citizenship of that State acquired through naturalization, may apply for permission to change Polish citizenship to United States citizenship by submitting appropriate application to the Head of the territorially proper Consular Post of the Polish People's Republic in the United States of America. Such application should be personally signed by the person in question, should contain the main elements of his curriculum vitae, and should give reasons for changing citizenship.

Practically, in a substantial majority of the cases involving persons who besides their Polish citizenship hold also United States citizenship, this procedure is simplified and the decision is taken by the Head of a Consular Post within the period of two to three weeks. In the remaining cases, which are not numerous, this procedure may last longer due to the necessity to submit the matter to the Minister of Foreign Affairs. In any case the loss of citizenship of the Polish People's Republic in regard to the above-mentioned persons takes place on the day of issuance of the decision on permission to change citizenship of the Polish People's Republic to citizenship of the United States of America. From that date the Polish authorities consider the person in question as a foreign citizen only.

Polish citizens who acquired a foreign citizenship during the period of validity of the law on citizenship of the Polish State of January 20, 1920, that is to say, until January 18, 1951, automatically lost Polish citizenship upon acquisition of the foreign citizenship except in the circumstances described in that law and other provisions related to it.

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

2. Persons who were permitted to change the citizenship of the Polish People's Republic to the citizenship of the United States of America, in accordance with the procedure described in paragraph 1, are considered as aliens holding exclusively the citizenship of the United States of America during their temporary or permanent residence in Poland. The Polish authorities issue to such persons having permanent residence in Poland special documents called "cards of permanent residence". Naturalized United States citizens who were permitted to change the citizenship of the Polish People's Republic to the citizenship of the United States of America may reacquire the citizenship of the Polish People's Republic only and exclusively by submitting to the Council of State of the Polish People's Republic individual applications for granting citizenship of the Polish People's Republic as provided by article 8 of the law of February 15, 1962 concerning Polish citizenship (*Dziennik Ustaw* No. 10, poz. 49). Such applications should be sent through the intermediary of the praesidia of people's councils on the county (*powiat*) level.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its high consideration.
Warsaw, May 31, 1972.

I b

The American Ambassador to the Polish Vice Minister of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

Warsaw, May 31, 1972

Note No. 38

Excellency:

With reference to the signature today of the Consular Convention between the Government of the United States of America and the Government of the Polish People's Republic, I have the honor to confirm that both Parties have agreed to the following provisions:

1. Persons entering the Polish People's Republic for temporary visits on the basis of United States passports containing Polish entry visas will, in the period for which temporary visitor status has been accorded (in conformity with the visa's validity), be considered United States citizens by the appropriate Polish authorities for the purpose of ensuring the consular protection provided for in article 29 of the Convention and the right of departure without further documentation, regardless of whether they may possess the citizenship of the Polish People's Republic.

2. Persons entering the United States of America for temporary visits on the passports of the Polish People's Republic containing United States entry visas will, in the period for which temporary visitor status has been accorded, be considered Polish citizens by the appropriate authorities of the United States of America for the purpose of ensuring the consular protection provided for in article 29 of the Convention and the right of departure without further documentation, regardless of whether they may possess the citizenship of the United States of America.

3. Persons mentioned in paragraphs 1 and 2 do not lose the right to consular protection and the right of departure without further documentation if the period for which temporary visitor status has been accorded to these persons ex-

pired during judicial or administrative proceedings which prevented their voluntary departure.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

WALTER J. STOESEL, JR.

His Excellency Romuald Spasowski
Vice-Minister of Foreign Affairs
Warsaw

II b

[POLISH TEXT — TEXTE POLONAIS]

Warszawa, dnia 31 maja 1972 roku

Nr D. Kons.II.213/15/72

Ekscelencjo,

W związku z podpisaniem w dniu dzisiejszym Konwencji konsularnej między Rządem Polskiej Rzeczypospolitej Ludowej a Rządem Stanów Zjednoczonych Ameryki, mam zaszczyt potwierdzić, że obie Strony zgodziły się na następujące postanowienia:

1. Osoby przybywające do Polskiej Rzeczypospolitej Ludowej na pobyt czasowy na podstawie paszportów Stanów Zjednoczonych Ameryki, zawierających polskie wizy wjazdowe, będą—w okresie na który został im przyznany status osoby na pobycie czasowym (zgodnie z ważnością wizy)—traktowane jako obywatele Stanów Zjednoczonych Ameryki przez właściwe władze polskie dla celów zapewnienia opieki konsularnej przewidzianej w artykule 29 Konwencji, oraz odnośnie prawa wyjazdu bez dalszych formalności, bez względu na to, czy ewentualnie posiadają obywatelstwo Polskiej Rzeczypospolitej Ludowej.

2. Osoby przybywające do Stanów Zjednoczonych Ameryki na pobyt czasowy na podstawie paszportów Polskiej Rzeczypospolitej Ludowej, zawierających wizy wjazdowe Stanów Zjednoczonych Ameryki, będą—w okresie na który został im przyznany status osoby na pobycie czasowym—traktowane jako obywatele polscy przez właściwe władze Stanów Zjednoczonych Ameryki dla celów zapewnienia opieki konsularnej, przewidzianej w artykule 29 Konwencji oraz odnośnie prawa wyjazdu bez dalszych formalności, bez względu na to, czy ewentualnie posiadają obywatelstwo Stanów Zjednoczonych Ameryki.

3. Osoby wymienione w ustępach 1 i 2 nie tracą prawa do opieki konsularnej i prawa wyjazdu bez dalszych formalności, jeżeli okres na który został im przyznany status osoby na pobycie czasowym zakończył się podczas sądowego lub administracyjnego postępowania, które przeszkodziło w ich dobrowolnym wyjeździe.

Korzystam z okazji, aby ponowić Waszej Ekscelencji wyrazy mego wysokiego poważania.

[Signed—Signé]¹

J. E. Pan Walter J. Stoessel, Jr.
Ambasador Nadzwyczajny i Pełnomocny
Stanów Zjednoczonych Ameryki
Warszawa

¹ Signed by R. Spasowski—Signé par R. Spasowski.

[TRANSLATION¹ — TRADUCTION²]

The Polish Vice-Minister of Foreign Affairs to the American Ambassador

Warsaw, May 31, 1972

Nr D. Kons. II/213/15/72

Excellency:

With reference to the signature today of the Consular Convention between the Government of the Polish People's Republic and the Government of the United States of America, I have the honor to confirm that both Parties have agreed to the following provisions:

[See note I b]

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

R. SPASOWSKI

His Excellency Walter J. Stoessel, Jr.
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Warsaw

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des États-Unis d'Amérique.