

No. 15934

**AUSTRIA
and
HUNGARY**

**Consular Convention. Signed at Budapest on 25 February
1975**

Authentic texts: German and Hungarian.

Registered by Austria on 30 September 1977.

**AUTRICHE
et
HONGRIE**

Convention consulaire. Signée à Budapest le 25 février 1975

Textes authentiques : allemand et hongrois.

Enregistrée par l'Autriche le 30 septembre 1977.

[TRANSLATION — TRADUCTION]

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

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

Desiring to strengthen friendly relations between the two States and to regulate and promote consular relations between the two States;

Have decided to conclude a consular convention and have for that purpose appointed as their plenipotentiaries:

The Federal President of the Republic of Austria: Dr. Erich Bielka, Federal Minister for Foreign Affairs,

The Presidential Council of the Hungarian People's Republic: Mr. Frigyes Puja, Minister for Foreign Affairs,

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

Chapter I. DEFINITIONS

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

1. "Consular post" means any consulate-general, consulate, vice-consulate or consular agency.

2. "Consular district" means the area assigned to a consular post for the exercise of its functions.

3. "Head of the consular post" means the person charged with the duty of acting in that capacity. The head of a consular post may be a consul-general, consul, vice-consul or consular agent.

4. "Consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions.

5. "Consular employee" means any person employed in the administrative or technical service of a consular post.

6. "Member of the service staff" means any person employed in the domestic service of a consular post.

7. "Member of the private staff" means any person employed by a member of the consular post.

8. "Member of the consular post" means consular officers, consular employees, and the members of the service staff.

9. "Consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post.

¹ Came into force on 30 April 1977, i.e., the sixtieth day following the date of the exchange of instruments of ratification, which took place at Vienna on 1 March 1977, in accordance with article 50 (1) and (2).

10. "Consular archives" means all papers, documents, correspondence, books, films, electromagnetic data banks and registers of the consular post, together with ciphers and codes, devices, card-indexes and any furnishings intended for their protection or safekeeping.

11. "Vessel of the sending State" means any vessel employed in maritime or inland navigation which, in conformity with the laws of the sending State, is registered in that State. The term does not include naval vessels.

(2) The provisions of this Convention relating to nationals of the sending State shall apply *mutatis mutandis* to bodies corporate, including commercial companies, established pursuant to the laws of the sending State and having their head office in its territory.

Chapter II. ESTABLISHMENT OF A CONSULAR POST; APPOINTMENT OF CONSULAR OFFICERS

Article 2. (1) A consular post of the sending State may be established in the receiving State only with the latter's consent.

(2) The seat of the consular post, its classification and the consular district shall be determined by agreement between the Contracting Parties.

Article 3. (1) The sending State must ascertain through the diplomatic channel that the receiving State will permit the person whom the sending State intends to appoint as head of a consular post to exercise his functions.

(2) The sending State shall transmit through the diplomatic channel to the Ministry of Foreign Affairs of the receiving State the consular commission or other appropriate document of appointment of the head of the consular post. The commission or other document shall indicate the full name of the head of the consular post, his rank, the consular district and the seat of the consular post.

(3) After presentation of the consular commission or other appropriate document of appointment of the head of the consular post, the receiving State shall grant him the exequatur or other appropriate authorization.

(4) The head of the consular post may begin to exercise his functions after the receiving State has granted him the exequatur or other appropriate authorization.

(5) Pending delivery of the exequatur or other appropriate authorization, the receiving State may permit the head of the consular post to exercise his functions on a provisional basis.

(6) When the exequatur, other appropriate authorization, or permission to function on a provisional basis is granted, the authorities of the receiving State shall make the necessary arrangements to enable the head of the consular post to exercise his functions.

Article 4. (1) The sending State shall notify the Ministry of Foreign Affairs of the receiving State of the full name and rank of every consular officer who is not the head of a consular post.

(2) The sending State shall notify the Ministry of Foreign Affairs of the receiving State of:

1. the appointment of members of the consular post, their arrival after appointment, their entry upon their functions, their final departure or the termination of their functions;

2. the arrival and final departure of family members and the fact that a person has become or has ceased to be a family member, if the said person resides in the same household with a member of the consular post and is supported by him;
3. the engagement and discharge of persons domiciled in the receiving State as members of the consular post.

(3) Prior notification shall be given, in so far as possible, in the case of arrivals and final departures.

Article 5. The receiving State shall issue to every member of the consular post who is a national of the sending State a document, accompanied by a photograph, certifying his identity and his status as a member of the consular post.

Article 6. Consular officers must have the nationality of the sending State only and must not be domiciled in the receiving State.

Article 7. (1) The receiving State may notify the sending State through the diplomatic channel at any time, without having to explain the reason for its decision, that it intends to withdraw the exequatur or other appropriate authorization of the head of the consular post or that a member of the consular post is unacceptable. In that event, the sending State shall recall the consular officer or terminate the functions of the member of the consular post.

(2) If the sending State fails within a reasonable time to carry out its obligations under paragraph (1), the receiving State may, in the case of the head of the consular post, withdraw his exequatur through the diplomatic channel or, in the case of another member of the consular post, notify the sending State through the diplomatic channel that it ceases to regard the person concerned as having that status.

Chapter III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 8. (1) The receiving State shall provide for the protection of consular officers, the consular premises and the residence of the head of the consular post and shall take the necessary steps to enable consular officers to exercise their functions and to enjoy the facilities, privileges and immunities accorded by this Convention and the laws of the receiving State.

(2) The receiving State shall be obliged to accord consular officers due respect and shall take all necessary steps to prevent any injury to their person or infringement of their freedom or dignity.

Article 9. (1) If the head of the consular post is unable for any reason to carry out his functions or if his post is temporarily vacant, the sending State may authorize a consular officer belonging to the said consular post or to another of its consular posts in the receiving State or one of the members of its diplomatic staff in the receiving State to act as temporary head of the consular post. The Ministry of Foreign Affairs of the receiving State shall be notified in advance of the full name of the person in question.

(2) The person authorized to act as temporary head of the consular post shall exercise the functions of the head of the consular post. He shall have the same obligations and shall enjoy the same facilities, privileges and immunities as if he had been appointed pursuant to article 3.

(3) If a member of the diplomatic staff of the diplomatic mission of the sending State has been authorized to act as temporary head of the consular post in accord-

ance with paragraph (1), his diplomatic privileges and immunities shall not be affected by such authorization.

Article 10. (1) The provisions of this Convention concerning the rights and functions of consular officers shall also apply to members of the diplomatic staff of the diplomatic mission of the sending State who have been authorized to carry out consular functions in the receiving State.

(2) The consular activities of persons referred to in paragraph (1) shall not affect their diplomatic privileges and immunities.

Article 11. (1) The sending State may acquire, in the receiving State, in accordance with the laws of that State, the right to own or rent immovable property in order to establish consular premises or living quarters for members of the consular post.

(2) Where necessary, the receiving State shall assist the sending State to acquire the right to own or rent immovable property required for the above-mentioned purposes.

Article 12. (1) The coat of arms of the sending State and the designation of the consular post in the languages of the sending State and the receiving State may be affixed to the building in which the consular post is situated and to the residence of the head of the consular post.

(2) The flag of the sending State may be flown at the consular post and at the residence of the head of the consular post.

(3) The head of the consular post may, in carrying out his official functions, fly the flag of the sending State on his means of transport.

Article 13. (1) Consular premises shall be inviolable.

(2) The authorities of the receiving State shall not enter consular premises except with the consent of the head of the consular post, the head of the sending State's diplomatic mission in the receiving State or a person authorized by them.

(3) The consular premises, their furnishings and other property of the consular post, including its means of transport, shall be immune from any form of requisition for purposes of national defence or public utility.

(4) This article shall also apply to the living quarters of consular officers.

Article 14. Consular archives shall be inviolable at all times and wherever they may be.

Article 15. (1) The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means of communication, including diplomatic or consular couriers, diplomatic or consular bags and coded messages. However, the consular post may install or use a wireless transmitter only with the consent of the receiving State.

(2) The official correspondence of the consular post shall be inviolable.

(3) Packages constituting the consular bag shall be sealed and shall bear visible external marks of their character. The consular bag may contain only official correspondence and documents or articles intended exclusively for official use.

(4) Consular bags which meet the requirements specified in paragraph (3) shall not be opened, examined or detained.

(5) The consular courier shall carry an official document indicating his status and the number of packages constituting the consular bag. He must be a national of the sending State and may not be domiciled in the territory of the receiving State. In the performance of his functions, the consular courier shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be arrested or detained or subjected to any other restriction of his personal freedom.

(6) The consular bag may be entrusted to the captain of a vessel or commercial aircraft. The captain shall be provided with an official document indicating the number of packages constituting the consular bag; he shall not, however, be considered to be a consular courier. A member of the consular post may directly and freely hand over the consular bag to the captain or receive it from him.

Article 16. (1) The head of the consular post shall enjoy immunity from criminal jurisdiction in the receiving State. He shall enjoy personal inviolability and therefore may not be arrested or detained or subjected to any other restriction of his personal freedom.

(2) The head of the consular post shall also enjoy immunity from the jurisdiction of the civil courts and administrative authorities of the receiving State; the following cases shall be exceptions:

1. civil actions relating to private immovable property situated in the receiving State, except where the head of the consular post uses it on behalf of the sending State for consular purposes;
2. actions relating to succession in which the head of the consular post is acting as executor, administrator, heir or legatee in a private capacity and not as a representative of the sending State;
3. actions relating to a professional or commercial activity in which the head of the consular post engages in addition to his official functions;
4. actions instituted by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

(3) Measures of execution may be taken against the head of the consular post only in the cases specified in paragraph (2), items 1 to 4, and only where they can be taken without infringing the inviolability of his person or his living quarters.

Article 17. (1) Consular officers other than the head of a consular post and consular employees shall not be amenable to the jurisdiction of the receiving State in respect of acts performed in the exercise of their official functions. The same shall apply in respect of members of the service staff for acts carried out by them in the exercise of their official duties. Consular officers other than the head of a consular post may not be arrested or detained or subjected to any other restriction of their personal freedom except in cases involving a deliberately committed offence which under the laws of the receiving State is punishable with imprisonment for five years or with a more severe penalty, or in the execution of a final judicial decision which has been taken with regard to such an offence.

(2) The provisions of paragraph (1) shall not, however, apply in respect of a civil action either:

1. arising out of a contract concluded by one of the persons referred to in paragraph (1) in which he did not contract expressly or tacitly as an agent of the sending State; or

2. instituted by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

(3) If criminal proceedings are instituted against a person referred to in paragraph (1) or if he is arrested, detained or subjected to any other restriction of his personal freedom, the authorities of the receiving State shall promptly notify the head of the consular post.

(4) If criminal proceedings are instituted against a consular officer other than the head of a consular post, such proceedings shall be conducted with the respect due him by reason of his official position and in a manner which will hamper the exercise of consular functions as little as possible.

Article 18. (1) The sending State may waive the immunity of a member of the consular post from the jurisdiction of the sending State. The waiver must always be expressly stated and must be communicated in writing to the receiving State.

(2) If any person who enjoys immunity from the jurisdiction of the receiving State under this Convention brings an action, he may not invoke immunity from jurisdiction in respect of a counter-action directly connected with the principal action.

(3) A waiver of immunity from jurisdiction in civil proceedings and administrative matters shall not signify a waiver of immunity in respect of the execution of a decision; for the latter a separate waiver shall be necessary.

Article 19. (1) Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. If a consular officer declines to comply with a summons or to give evidence, no coercive measure or penalty may be applied to him. A consular employee or a member of the service staff may not decline to give evidence except in the cases mentioned in paragraph (3).

(2) The authority calling upon a consular officer to attend as a witness may not interfere with the performance of his functions. It may, in so far as possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

(3) Members of a consular post shall be under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They shall be entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 20. Members of the consular post shall be exempt in the receiving State from all military service obligations and other requirements of a military nature, from public service obligations of all kinds and from any contribution required in lieu thereof.

Article 21. Members of the consular post shall be exempt from all those obligations under the laws of the receiving State which relate to the registration of aliens and to residence permits.

Article 22. (1) Members of the consular post shall be exempt from any social security provisions in force in the receiving State.

(2) Paragraph (1) shall also apply to members of the private staff who are in the sole employ of members of the consular post, on condition:

1. that they are not nationals of or domiciled in the receiving State, and

2. that they are covered by the social security provisions which are in force in the sending State or a third State.

(3) Members of the consular post who employ persons to whom paragraph (2) does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

Article 23. (1) The sending State shall be exempt from the assessment and levying in the receiving State of the following national, regional or municipal dues and taxes:

1. in respect of consular premises and accommodation of members of the consular post which are owned or rented by the sending State, and
2. in respect of all legal matters and documents relating to the premises and accommodation referred to in item 1,

provided that the said dues and taxes do not represent payment for specific services.

(2) Paragraph (1) shall apply *mutatis mutandis* to means of transport owned by the sending State and used exclusively for the purposes of the consular post.

(3) The exemption from taxation referred to in paragraphs (1) and (2) shall not apply to such dues and taxes as, under the laws of the receiving State, are payable by a person who contracted with the sending State.

Article 24. (1) Consular officers and consular employees shall be exempt from all national, regional or municipal dues and taxes.

(2) The following shall be exceptions:

1. indirect taxes of a kind normally incorporated in the price of goods or services;
2. dues and taxes on private immovable property situated in the territory of the receiving State;
3. estate, succession or inheritance duties, and duties on transfers of property, levied by the receiving State, subject to the provisions of article 27;
4. dues and taxes on private income having its source in the receiving State and on property situated in that State;
5. charges levied for specific services rendered;
6. registration, court or record fees, authentication fees, mortgage dues and stamp duties.

(3) Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

(4) Members of the consular post who employ persons whose salaries or wages are not exempt from income tax in the receiving State shall observe the obligations which the laws of that State impose upon employers concerning the levying of income tax.

Article 25. All articles, including motor vehicles, imported for the official use of the consular post shall be exempt from customs duties and taxes on the same basis as articles imported for the official use of the diplomatic mission of the sending State.

Article 26. (1) Consular officers shall be exempt from customs inspection and from import or export duties and taxes on the same basis as a member of the diplomatic staff of the diplomatic mission of the sending State.

(2) A consular employee shall, in respect of articles imported at the time of the first installation, enjoy the same exemptions as members of the administrative and technical staff of the diplomatic mission of the sending State.

Article 27. In the event of the death of a member of the consular post, the receiving State:

1. shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State, the export of which was prohibited at the time of his death; and
2. shall not levy national, regional or municipal estate, succession or inheritance duties, or duties on transfers of property, on movable property whose presence in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post.

Article 28. (1) All persons enjoying facilities, privileges and immunities under this Convention shall be under obligation to respect the laws of the receiving State, including traffic regulations.

(2) The consular premises may be used only for the exercise of consular functions.

(3) Vehicles, vessels and aircraft owned by the sending State and used by the consular post and those belonging to members of the consular post must be insured against third-party risks in accordance with the laws of the receiving State.

Article 29. Subject to its laws concerning zones entry into which is prohibited or subject to special regulations for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

Article 30. (1) Members of the family of members of the consular post who reside with them and are supported by them shall enjoy the privileges and immunities accorded to members of the consular post, provided that they are not nationals of the receiving State and are not domiciled in the receiving State and are not carrying on any gainful occupation in the receiving State.

(2) Article 5, article 17, paragraph (3), article 18, article 27 and article 28, paragraph (3), shall apply *mutatis mutandis* to the family members referred to in paragraph (1).

Article 31. Members of the consular post who are nationals of the receiving State or domiciled in that State or are carrying on a gainful occupation in the receiving State in addition to their official activities shall enjoy only the privileges and immunities relating to the obligation to give evidence concerning matters connected with the exercise of their functions or to the submission of correspondence relating thereto.

Chapter IV. CONSULAR FUNCTIONS

Article 32. (1) Consular officers may perform within the consular district the functions specified in this chapter. They may also perform other consular functions, provided that such performance is not contrary to the laws of the receiving State and that the receiving State consents thereto.

(2) In the performance of their functions, consular officers may apply directly, in writing or orally, to the authorities of the consular district or the central

authorities of the receiving State, where and to the extent that such application is permissible according to the laws and practice of the receiving State or to relevant international agreements.

(3) Consular officers may also, subject to the consent of the receiving State, perform their functions outside the consular district.

(4) Consular officers shall have the right to collect fees and charges for consular actions in accordance with the laws of the sending State. The amounts collected shall be exempt from all taxes and duties in the receiving State.

Article 33. Consular officers shall have the right:

1. to defend the rights and interests of the sending State and of its nationals;
2. to co-operate in promoting commercial, economic, cultural and scientific relations and tourism between the Contracting Parties and otherwise further the development of the friendly relations existing between them.

Article 34. (1) Consular officers shall have the right:

1. to keep a register of nationals of the sending State who are domiciled or resident or which have their head office in the consular district;
2. to receive notifications concerning births, marriages and deaths of nationals of the sending State and record them in the books provided for that purpose;
3. to solemnize marriages, provided that both of the persons contracting the marriage are nationals of the sending State and that the laws of the receiving State expressly permit the solemnization of marriages by consular officers.

(2) Consular officers shall, where the laws of the receiving State so require, notify the authorities of the receiving State of entries made in accordance with paragraph (1), items 2 and 3.

(3) Paragraph (1), items 2 and 3, shall not exempt the persons concerned from their obligation under the laws of the receiving State.

Article 35. Consular officers shall have the right:

1. to issue, renew, cancel or withdraw passports or other travel documents of nationals of the sending State;
2. to issue travel documents for entry into the sending State and to make any necessary changes in them;
3. to issue visas.

Article 36. Consular officers shall have the right to perform the following acts at the consular post, or elsewhere when necessary, provided that they are not contrary to the laws of the receiving State:

1. to accept, draw up or authenticate declarations made by nationals of the sending State;
2. to accept, draw up or authenticate testamentary dispositions of nationals of the sending State or other declarations relating to the estates of such nationals;
3. to accept, draw up or authenticate documents concerning legal transactions between nationals of the sending State, provided that such transactions do not relate to immovable property situated in the territory of the receiving State or to rights *in rem* in respect of such property;
4. to authenticate documents from the authorities or officials of the sending State or the receiving State and copies, extracts or translations of such documents;

5. to prepare copies or extracts of documents or their translations from the language of one of the Contracting Parties into the language of the other at the request of nationals of the sending State and to certify their agreement with the original documents;
6. to authenticate the signature of nationals of the sending State on documents;
7. to accept for safekeeping movable property or documents received from or intended for nationals of the sending State.

Article 37. Documents drawn up, authenticated or translated by a consular officer in accordance with article 36 and signatures authenticated by him shall have in the receiving State the same legal effect and evidential value as if they had been drawn up, authenticated or translated by the authorities or other officials of the receiving State.

Article 38. (1) Consular officers shall have the right to intercede with the judicial or administrative authorities of the receiving State for the purpose of protecting the rights of minors or other persons requiring trusteeship, or of absent persons, who are nationals of the sending State.

(2) Where the need arises to appoint officially a guardian, trustee or other representative for a national of the sending State, the authorities of the receiving State shall so inform the consular officer. The consular officer shall have the right to submit appropriate proposals in respect of the person to be appointed.

Article 39. (1) If a national of the sending State dies in the receiving State, the authorities of the receiving State shall promptly notify the consular officer of the sending State and transmit to him free of charge the death certificate or other document certifying death.

(2) The authorities of the receiving State shall promptly notify the consular officer of the sending State if it is found in a succession opened in the territory of the receiving State that an heir, legatee or person entitled to a statutory portion of the estate is a national of the sending State.

(3) The authorities of the receiving State shall, in conformity with the laws of the receiving State, take the necessary measures to protect the estate. They shall transmit to the consular officer copies of any existing testamentary dispositions and shall communicate whatever information is available concerning the property of the estate, the heirs, legatees or persons entitled to a statutory portion of the estate and their domicile or residence. They shall also provide information concerning the opening and status of the succession proceedings.

(4) The consular officer shall have the following rights in respect of the estate of a national of the sending State or a succession in which an heir, legatee or person entitled to a statutory portion of the estate is a national of the sending State:

1. the right to assist in drawing up an inventory of the estate;
2. the right to communicate with the authorities of the receiving State with a view to taking measures to protect the estate and prevent it from being damaged or destroyed, or, where appropriate, with a view to selling property forming a part of the estate. Such functions of the consular officer may also be exercised by a person authorized by him for that purpose.

(5) If, after the completion of succession proceedings, movable property belonging to the estate or the proceeds of the sale of movable or immovable property are to descend to an heir, legatee or person entitled to a statutory portion of the estate

who is a national of the sending State, is not domiciled in the territory of the receiving State and has not appointed a representative, the estate property or the proceeds referred to shall be delivered to the consular post of the sending State for transmittal to the heir, legatee or person entitled to a statutory portion of the estate, provided that:

1. claims presented within the period prescribed by the law of the receiving State have been paid or security has been provided for them;
2. any inheritance taxes or dues have been paid or security has been provided for them;
3. any required foreign exchange authorization has been granted.

Article 40. If a national of the sending State not domiciled in the receiving State dies while travelling in the receiving State, movable property which he has left behind shall be delivered without special proceedings to the consular officer of the sending State, provided that claims of creditors of the deceased in the receiving State have been satisfied or secured.

Article 41. Subject to the export restrictions and foreign exchange regulations in the receiving State, the consular officer shall have the right to transmit from the receiving State to the sending State the estate property delivered to him under articles 39 and 40.

Article 42. (1) Subject to the laws of the receiving State, consular officers shall have the right to represent the interests of nationals of the sending State before the authorities of the receiving State, where such nationals, owing to absence or for other valid reasons, are unable to protect their interests and rights at the appropriate time.

(2) Consular officers shall have the right to recommend the authorities of the receiving State to postpone consideration of a matter until the sending State's national concerned receives notification of it and is afforded a reasonable opportunity to appear or to designate a representative.

Article 43. (1) Consular officers shall have the right to communicate with, to visit and to advise nationals of the sending State. Nationals of the sending State shall be entitled to communicate with and to visit the consular officer. They shall in no way be prevented by the receiving State from exercising that right.

(2) The authorities of the receiving State shall notify a consular officer of the sending State promptly, or at the latest within three days, of the arrest, detention or other restriction of the personal freedom of a national of the sending State, in order that the consular officer may take the necessary measures to protect the rights and interests of the person concerned and that the person concerned may avail himself of the protection of the consular officer. The said authorities must promptly transmit communications addressed by the person concerned to the consular officer.

(3) Consular officers shall have the right to receive correspondence or other communications from nationals of the sending State who have been detained, who are serving a term of imprisonment or who are subjected to any other form of deprivation of freedom, to visit them and to communicate with them; he shall also have the right to assist the persons concerned on appointing a legal representative. The authorities of the receiving State must accord the said rights to the consular officer, at the latest, four days after the date of arrest, detention or other deprivation of personal freedom and thereafter at appropriate intervals. Without prejudice to his

other rights under this Convention, the consular officer must, however, refrain from intervening in accordance with this paragraph if the person concerned expressly objects thereto in the presence of the consular officer and of a representative of the authorities of the receiving State.

(4) The authorities of the receiving State must inform the sending State's nationals concerned of all rights to which they are entitled under this article.

(5) The rights referred to in this article shall be exercised in accordance with the laws of the receiving State, subject to the condition that such laws shall not annul the said rights.

Article 44. (1) Consular officers shall have the right to provide support and assistance of any kind to vessels of the sending State in the ports and anchorages of the receiving State.

(2) Consular officers shall have the right to board a vessel, and the master of the vessel and members of the crew may communicate with the consular officer, as soon as the vessel has received *pratique*.

(3) Consular officers shall have the right to request assistance from the authorities of the receiving State in all matters relating to vessels of the sending State and members of the crew of such vessels.

Article 45. Consular officers shall have the right:

1. to investigate any incident in connection with a vessel of the sending State occurring during its voyage, in port or anchorage, question the master of the vessel and the members of its crew, examine the vessel's papers, receive information concerning the destination of the vessel, and provide assistance in connection with the vessel's entry into the port or anchorage, its stay in port or at the anchorage and its departure from port or anchorage;
2. to settle disputes between the master of a vessel of the sending State and the members of the crew, including disputes relating to working conditions, if such settlement is not contrary to the laws of the Contracting Parties;
3. to make arrangements for the medical treatment or repatriation of the master or any member of the crew of a vessel of the sending State;
4. to receive, draw up or authenticate any declaration or other document prescribed by the sending State in connection with vessels.

Article 46. (1) Where an authority of the receiving State intends to take any coercive measures or institute an investigation on board a vessel of the sending State, the authorities of the receiving State shall so notify the consular officer. Such notification shall be made before the measure is begun, in order that the consular officer may be present when the measure is carried out. If, in urgent cases, the consular officer cannot be notified and he is not present when the measure is carried out, the authorities of the receiving State shall inform the consular officer of the measures which have been taken.

(2) Paragraph (1) shall also apply to the interrogation on shore of the master or a member of the crew of a vessel of the sending State.

(3) This article shall not apply to customs, passport or sanitary inspection or to actions taken at the request or with the consent of the master of the vessel.

Article 47. (1) Where a vessel of the sending State is wrecked, runs aground or is otherwise damaged in the receiving State or where any article which is the prop-

erty of a national of the sending State, including part of the cargo of a damaged vessel of a third State, is found on or near the coast of the receiving State, the authorities of the receiving State shall promptly notify the consular officer. The authorities of the receiving State shall also inform the consular officer of the measures they have taken for the preservation of human lives, of the vessel, of the cargo and other property on board and of articles belonging to the vessel or forming part of its cargo, which have become separated from the vessel.

(2) The consular officer may render every assistance to the damaged vessel referred to in paragraph (1), its passengers and members of its crew; for that purpose he may request assistance from the authorities of the receiving State.

(3) In the cases referred to in paragraph (1), the consular officer shall, in the absence of the owner or other authorized person, have the right to take measures on behalf of the owner or other authorized person for the protection and administration of the vessel and its supplies. He shall also have the right to take such measures on behalf of the absent owner or other authorized person in cases in which the cargo of a vessel belongs to a national of the sending State.

(4) Where any article which forms part of the cargo of a damaged vessel of a third State but is the property of a national of the sending State is found on or near the coast of the receiving State or in a port of that State, the consular officer shall have the right to take appropriate measures on behalf of the owner for the protection and administration of the cargo, provided that neither the master of the vessel, nor the owner of the article nor any other authorized person is in a position to make arrangements for the custody or disposal of the article.

Article 48. Articles 44 to 47 shall also apply *mutatis mutandis* to civil aircraft of the sending State.

Article 49. This Convention shall not affect other international agreements in force between the Contracting Parties.

Chapter V. FINAL PROVISIONS

Article 50. (1) This Convention shall be ratified. The exchange of the instruments of ratification shall take place at Vienna.

(2) This Convention shall enter into force on the sixtieth day after the date of the exchange of the instruments of ratification.

(3) This Convention may be denounced by either of the Contracting Parties on one year's written notice through the diplomatic channel.

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

DONE at Budapest on 25 February 1975, in duplicate in the German and Hungarian languages, both texts being equally authentic.

For the Republic of Austria:

E. BIELKA

For the Hungarian People's Republic:

FRIGYES PUJA