

No. 16853

**POLAND
and
ROMANIA**

**Consular Convention. Signed at Bucharest on 24 March
1973**

*Authentic texts: Polish and Romanian.
Registered by Poland on 13 July 1978.*

**POLOGNE
et
ROUMANIE**

Convention consulaire. Signée à Bucarest le 24 mars 1973

*Textes authentiques : polonais et roumain.
Enregistrée par la Pologne le 13 juillet 1978.*

[TRANSLATION—TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE SOCIALIST REPUBLIC OF ROMANIA

The Council of State of the Polish People's Republic and the State Council of the Socialist Republic of Romania,

Desiring further to develop friendly relations between the two States in accordance with the Treaty of friendship, co-operation and mutual assistance between the Polish People's Republic and the Socialist Republic of Romania, signed at Bucharest on 12 November 1970,²

In the interests of the further development of consular relations between the Polish People's Republic and the Socialist Republic of Romania,

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

The Council of State of the Polish People's Republic:

Władysław Wojtasik, Director of the Consular Department of the Ministry of Foreign Affairs,

The State Council of the Socialist Republic of Romania:

Gheorghe Bădescu, Director of the Consular Department of the Ministry of Foreign Affairs,

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

CHAPTER I. DEFINITIONS

Article 1

For the purposes of this Convention, the following terms shall have the meanings hereunder assigned to them:

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

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

(c) "Head of consular post" means the person charged with the duty of acting in that capacity;

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

(e) "Consular employee" means any person employed in the administrative or technical service of a consular post;

(f) "Member of the service staff" means any person employed in the domestic service of a consular post;

¹ Came into force on 18 April 1974, i.e., 30 days after the date of the exchange of the instruments of ratification, which took place at Warsaw, in accordance with article 50(1).

² United Nations, *Treaty Series*, vol. 789, p. 157.

(g) “Members of the consular post” means consular officers, consular employees or members of the service staff;

(h) “Member of the private staff” means any person employed exclusively in the private service of a member of the consular post;

(i) “Family members” means the wife (husband), children and parents of a member of the consular post, belonging to the latter’s household;

(j) “Consular premises” means the buildings or parts of buildings, including the residence of the head of a consular post, and the land ancillary thereto, irrespective of ownership used exclusively for consular activities;

(k) “Consular archives” means all the documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safe keeping;

(l) “Official correspondence” means any correspondence pertaining to the consular post and to its functions;

(m) “Vessel” means any floating structure flying the flag of the sending State, with the exception of military vessels.

CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF THE MEMBERS OF THE CONSULAR POST

Article 2. ESTABLISHMENT OF CONSULAR POSTS

1. Each State may establish consular posts in the territory of the other 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.

3. Any subsequent change in the seat of the consular post, its classification or the consular district may be made only by agreement between the Contracting Parties.

Article 3. APPOINTMENT AND ADMISSION OF THE HEAD OF A CONSULAR POST

1. Prior to the appointment of the head of a consular post, the sending State shall obtain, through the diplomatic channel, the consent of the receiving State for such person.

2. The sending State shall transmit, through its diplomatic mission, to the Ministry of Foreign Affairs of the receiving State the consular commission or a similar document concerning the appointment of the head of the consular post. The consular commission or similar document shall specify the full name of the head of the consular post, his class, the consular district in which he will perform his duties and the seat of the consular post.

3. On presentation of the consular commission or similar document, the receiving State shall grant the head of the consular post the exequatur or other authorization as soon as possible.

4. The head of a consular post may take up his duties as soon as he has obtained the exequatur or other authorization.

5. Pending delivery of the exequatur or other authorization, the receiving State may grant the head of a consular post a provisional authorization for the exercise of his functions. In that case the provisions of this Convention shall apply.

6. As soon as the head of a consular post has been authorized, even provisionally, to exercise his functions, the receiving State shall immediately notify the competent authorities of the consular district and shall take the necessary measures to enable the head of the consular post to carry out his functions.

*Article 4. TEMPORARY EXERCISE OF THE FUNCTIONS OF THE HEAD OF
A CONSULAR POST*

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, the sending State may designate for the temporary exercise of the functions of head of the consular post a consular officer belonging to one of its consular posts in the receiving State or a member of the diplomatic staff of its diplomatic mission in that State; the full name of the person concerned shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

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

3. The exercise of the functions of head of a consular post by a member of the diplomatic staff of the diplomatic mission of the sending State in accordance with paragraph 1 shall not affect the privileges and immunities enjoyed by the latter by virtue of his diplomatic status.

Article 5. NATIONALITY OF CONSULAR OFFICERS

Consular officers may only be nationals of the sending State who are not domiciled in the territory of the receiving State.

Article 6. NOTIFICATION OF APPOINTMENTS, ARRIVALS AND DEPARTURES

The Ministry of Foreign Affairs of the receiving State shall be notified, in writing, of:

- (a) The appointment of members of a consular post, with the exception of the head of the consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their activities at the consular post;
- (b) The arrival and final departure of a family member and, where appropriate, the fact that a person becomes or ceases to be a family member;
- (c) The arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;
- (d) The engagement of persons domiciled in the receiving State as consular employees, members of the service staff or members of the private staff, and the termination of their employment.

Article 7. IDENTITY DOCUMENTS

1. The competent authorities of the receiving State shall issue, free of charge, to every consular officer a document certifying his identity and status.

2. The provisions of paragraph 1 shall also apply to consular employees and members of the service staff, provided that they are not nationals of or domiciled in the receiving State.

3. The provisions of paragraph 1 shall also apply to family members, provided that they are not nationals of or domiciled in the receiving State.

Article 8. NOTIFICATION THAT A MEMBER OF THE CONSULAR POST IS UNACCEPTABLE

The receiving State may at any time, and without having to explain the reason for its decision, notify the sending State, through the diplomatic channel, that the exequatur or other authorization granted to the head of a consular post has been withdrawn or that any other member of the consular post is unacceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions. If it fails to carry out this obligation within a reasonable time, the receiving State may cease to recognize the person concerned as a member of the consular post.

CHAPTER III. CONSULAR FUNCTIONS

Article 9. PURPOSE OF CONSULAR FUNCTIONS

The functions of a consular post, shall, in particular, be:

- (a) To promote friendly relations between the sending State and the receiving State;
- (b) To further the development of economic, commercial, cultural, scientific and tourist relations between the sending State and the receiving State;
- (c) To protect the rights and interests of the sending State and of nationals of that State;
- (d) To help and assist nationals of the sending State.

Article 10. COMMUNICATION WITH THE AUTHORITIES OF THE RECEIVING STATE

In the performance of their duties, consular officers may apply to:

- (a) The competent local authorities within their consular district;
- (b) The competent central authorities of the receiving State, if the laws, regulations and usage of the receiving State so permit.

Article 11. REPRESENTATION BEFORE THE AUTHORITIES OF THE RECEIVING STATE

1. A consular officer shall be entitled to represent or arrange for representation of nationals of the sending State before the authorities of the receiving State and to take measures to ensure that they are represented before the courts, where they are unable, owing to absence or for other valid reasons, to protect their own rights and interests within the appropriate time-limit.

2. The representation provided for in paragraph 1 shall cease when the persons represented appoint their own agents or themselves assume the protection of their rights and interests.

Article 12. FUNCTIONS IN RESPECT OF NATIONALITY, PASSPORTS AND VISAS

1. A consular officer shall be entitled:

- (a) To keep a register of nationals of the sending State;
- (b) To receive applications and declarations relating to nationality and to issue appropriate documents, in accordance with the laws and regulations of the sending State;
- (c) To issue, renew or cancel passports and other similar documents of nationals of that State and make the entries prescribed in the laws and regulations of the sending State;
- (d) To issue visas.

2. The provisions of paragraph 1(a) shall not exempt nationals of the sending State from the obligation to comply with the laws and regulations of the receiving State with regard to registration of aliens.

Article 13. FUNCTIONS IN RESPECT OF CIVIL REGISTRATION

1. A consular officer shall be entitled, in accordance with the laws and regulations of the sending State, to solemnize marriages where the future spouses are nationals of that State.

2. A consular officer shall be entitled to register births, marriages and deaths of nationals of the sending State and to issue appropriate documents. This provision shall not exempt nationals of the sending State from the obligation to comply with the laws and regulations of the receiving State concerning such registrations.

3. The consular officer shall inform the competent authorities of the receiving State of registrations made in accordance with the provisions of paragraph 2, where the laws and regulations of that State so require.

Article 14. NOTARIAL FUNCTIONS

1. Without prejudice to the laws and regulations of the receiving State, a consular officer shall be entitled:

- (a) To accept, draw up and authenticate declarations of nationals of the sending State and to issue appropriate documents to them;
- (b) To draw up, authenticate and receive for safe keeping the wills of nationals of the sending State;
- (c) To certify signatures of nationals of the sending State;
- (d) To translate documents and to certify the accuracy of the translation;
- (e) To accept, draw up and authenticate documents concerning other legal acts of nationals of the sending State, provided that they do not relate to immovable property situated in the territory of the receiving State or to rights *in rem* in respect of such property.

2. The instruments and documents referred to in paragraph 1, drawn up, authenticated or certified by a consular officer of the sending State, shall have the same legal effect and evidentiary value in the receiving State as instruments and documents drawn up, authenticated or certified by the competent authorities of the receiving State.

Article 15. ACCEPTANCE FOR SAFE KEEPING

A consular officer shall be entitled to accept for safe keeping from nationals of the sending State or for them, documents, articles, money and other valuables, provided that such action is not contrary to the laws and regulations of the receiving State.

Article 16. FUNCTIONS IN RESPECT OF GUARDIANSHIP AND TRUSTEESHIP

A consular officer shall be entitled, in accordance with the Treaty concerning legal assistance and legal relations in civil, family and criminal cases¹ in force between the Contracting Parties, to apply to the competent authorities of the receiving State for the adoption of the necessary measures in cases of guardianship and trusteeship and, in particular, to propose a guardian or trustee.

Article 17. CONSULAR PROTECTION AND ASSISTANCE

A consular officer shall be entitled to meet and communicate with any national of the sending State, to advise him and assist him, *inter alia*, by taking measures to ensure that he has legal assistance where necessary. The receiving State shall do nothing to restrict communication between nationals of the sending State and the consular officer or their access to the consular post.

Article 18. COMMUNICATION WITH NATIONALS OF THE SENDING STATE WHO ARE SUBJECTED TO MEASURES PRIVATIVE OF LIBERTY

1. The competent authorities of the receiving State shall, without delay and within three days at the latest, inform the consular post of the sending State of the fact that a national of that State has been arrested or that his personal freedom has been restricted in any other way.

2. Consular officers shall be entitled to visit and communicate with a national of the sending State who has been arrested or subjected to other forms of restriction of his personal freedom or who is serving a sentence involving deprivation of liberty and, as appropriate, to assist him in arranging for his defence. The rights of visiting and communicating shall be granted on a recurrent basis and may be exercised as soon as possible; such exercise may not be delayed beyond a period of four days from the date on which the measures involving deprivation or restriction of personal freedom were taken.

3. The competent authorities of the receiving State shall inform the persons concerned of the possibility of communicating with a consular officer.

4. The rights provided for in this article shall be exercised in accordance with the laws and regulations of the receiving State, provided, however, that such laws and regulations permit the full achievement of the purposes for which those rights are accorded.

¹ United Nations, *Treaty Series*, vol. 468, p. 3.

Article 19. FUNCTIONS IN RESPECT OF SUCCESSION

1. The functions of consular officers in respect of succession shall be governed by the Treaty concerning legal assistance and legal relations in civil, family and criminal cases in force between the Contracting Parties.

2. The competent authorities of the receiving State shall notify a consular officer as soon as possible of the death of a national of the sending State and shall convey to him information concerning the estate, the heirs and legatees and the existence of a will.

3. The competent authorities of the receiving State shall notify a consular officer as soon as possible of the opening of a succession in the receiving State where an heir or legatee is a national of the sending State. This shall apply also in cases where the competent authorities of the receiving State learn of the opening of a succession in favour of a national of the sending State in the territory of a third State.

Article 20. GENERAL FUNCTIONS IN RESPECT OF NAVIGATION

1. Consular officers shall be entitled, within their consular district, to extend assistance to vessels entering or being in the ports or the internal waters or in the territorial sea of the receiving State, and to their crews.

2. A consular officer shall be entitled to proceed on board the vessel as soon as it has received pratique, and the master and members of the crew of the vessel may communicate with a consular officer.

3. A consular officer shall exercise on the vessel and with respect to its crew the rights of inspection and supervision provided for in the laws and regulations of the sending State.

4. A consular officer shall be entitled:

- (a) Without prejudice to the rights of the authorities of the receiving State, to question the master or any member of the crew of the vessel, to examine, receive and stamp the ship's papers, to take statements with regard to the voyage of the vessel and, in general, to facilitate the vessel's entry, departure and stay in the port;
- (b) Without prejudice to the rights of the authorities of the receiving State to settle any disputes between the master and a member of the crew of the vessel, and particularly disputes relating to contracts of service and conditions of work, where the laws and regulations of the sending State so provide;
- (c) To make arrangements for the engagement and discharge of the master or any member of the crew;
- (d) To make arrangements for the treatment in hospital and the repatriation of the master or any member of the crew of the vessel;
- (e) To receive, draw up or authenticate any declarations or documents respecting the vessel, prescribed by the laws and regulations of the sending State.

5. In the exercise of their functions consular officers may apply to the competent authorities of the receiving State for assistance.

Article 21. PROTECTION OF THE VESSEL AND CREW

1. Where the courts or other competent authorities of the receiving State intend to take any coercive measures or to institute any criminal investigation proceedings on board a vessel of the sending State, the competent authorities of the receiving State shall so notify a consular officer. Such notification shall be made before such action is initiated so as to enable the consular officer to be present at the proceedings. If the consular officer was not present he shall, upon request, be provided by the competent authorities with a full report of the occurrence. The consular officer shall be notified in advance, *inter alia*, in the event that the master or any member of the crew of the vessel is to be questioned ashore by the competent authorities of the receiving State.

2. The provisions of this article shall not apply to customs, health or passport control or to any action taken at the request or with the consent of the master of the vessel.

Article 22. FUNCTIONS IN CASES OF DAMAGE AND OTHER ACCIDENTS

1. If a vessel of the sending State is wrecked or stranded or runs aground or is otherwise damaged in the territorial sea or internal waters of the receiving State, including its ports, or if any article belonging to the vessel or forming a part of its cargo, or an article forming part of the cargo of any other damaged vessel, being the property of the sending State or a national of that State, is found in the receiving State, the competent authorities of that State shall notify a consular officer as soon as possible, informing him of the measures taken to save the vessel, crew, passengers and cargo.

2. A consular officer may extend assistance to a damaged vessel, to the members of its crew and to its passengers; for this purpose he may apply to the competent authorities of the receiving State, who shall provide the necessary assistance.

3. In the absence of the owner of the vessel or of the cargo, or of the operator or underwriter or their agent, the consular officer shall be considered authorized to make such arrangements as any of them could have made with respect to:

- (a) The vessel of the sending State, its cargo, any article belonging to the vessel or forming part of the cargo but which has become separated from the vessel;
- (b) The cargo or any article forming part of the cargo of any damaged vessel, belonging to the sending State or to a national of that State, if found in the territorial sea or internal waters of the receiving State, including its ports, or if brought into such ports.

4. No customs duty of any kind shall be charged with respect to a wrecked vessel or its cargo or supplies, provided that they do not remain in the territory of the receiving State.

Article 23. FUNCTIONS IN RESPECT OF CIVIL AIR NAVIGATION

Without prejudice to other existing arrangements between the Contracting Parties, the provisions of articles 20, 21 and 22 of this Convention shall also apply, *mutatis mutandis*, to civil air navigation.

Article 24. PERFORMANCE OF OTHER CONSULAR FUNCTIONS

In addition to the functions specified in this Convention, consular officers may perform any other consular functions entrusted to them by the sending State which are not prohibited by the laws and regulations of the receiving State or to which it makes no objection or which are provided for in the treaties in force between the Contracting Parties.

CHAPTER IV. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 25. FACILITIES ACCORDED TO THE CONSULAR POST

The receiving State shall accord to the consular post all necessary facilities for the performance of its functions and shall take all appropriate steps to enable the members of the consular post to conduct their official activities and to enjoy the privileges and immunities accorded under this Convention.

Article 26. USE OF THE STATE COAT OF ARMS AND FLAG

1. The coat of arms of the sending State together with an inscription designating the consular post, written in the language of that State and of the receiving State, may be displayed at the seat of the consular post.

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

3. The head of the consular post may fly the flag of the sending State on his means of transport.

Article 27. PREMISES

1. The sending State may, under the conditions stipulated in the rules and regulations of the receiving State:

- (a) Acquire for purposes of ownership, possession or use, the land, buildings or parts of buildings necessary for the seat of the consular post, for the residence of the head of the consular post or for living quarters for members of the consular post;
- (b) Build on the land acquired or adapt buildings in its possession for the purposes specified in subparagraph (a);
- (c) Surrender land, buildings or parts of buildings acquired or erected.

2. The provisions of paragraph 1 shall not exempt the sending State from the obligation to comply with the building and town-planning laws and regulations of the receiving State applicable to the area in which the land, buildings or parts of buildings concerned are situated.

3. The receiving State shall facilitate, in accordance with its rules and regulations, the acquisition for purposes of ownership or procurement in any other manner by the sending State of the premises necessary for its consular post and, where necessary, shall assist the members of the consular post in obtaining suitable accommodation.

Article 28. INVIOIABILITY OF THE CONSULAR PREMISES

- 1. The consular premises shall be inviolable.
- 2. The authorities of the receiving State may not enter such premises except

with the consent of the head of the consular post, the head of the diplomatic mission of the sending State or a person designated by one of them.

3. The provisions of paragraphs 1 and 2 shall also apply to the living quarters of consular officers and consular employees.

4. The receiving State shall be under a special duty to take all necessary steps to protect the consular premises, to prevent forcible entry into or damage to the consular premises and any action that would disturb the peace of the consular post or impair its dignity.

5. The consular premises, their furnishings and the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions and prompt, adequate and effective compensation shall be paid to the sending State.

Article 29. EXEMPTION FROM DUES AND TAXES

1. Consular premises and the living quarters of the members of the consular post, belonging to the sending State or rented by it, shall be exempt from all national, regional or local dues and taxes, other than such as represent payment for services rendered.

2. Deeds and documents necessary for the acquisition of the consular premises and of the living quarters of the members of the consular post shall be exempt in the receiving State from any dues and taxes.

3. The exemptions referred to in paragraphs 1 and 2 shall not apply to dues and taxes which, under the laws and regulations of the receiving State, are payable by the person who contracted with the sending State.

4. The exemptions referred to in paragraph 1 shall also apply to means of transport belonging to the sending State and intended for use in connection with consular activities.

Article 30. INVIOABILITY OF THE CONSULAR ARCHIVES

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

Article 31. FREEDOM OF COMMUNICATION

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. The consular post may employ all appropriate means of communication, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher in order to communicate with its Government, with diplomatic missions and other consular posts, wherever situated, of the sending State. The same rates shall apply to a consular post in the use of ordinary means of communication as to a diplomatic mission. A consular post may install or use radio transmitters only with the consent of the receiving State.

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

3. The consular bag may be neither inspected nor detained.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. The consular courier may only be a national of the sending State domiciled in that 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 liable to any form of restriction on or deprivation of his personal freedom.

6. A consular bag may be entrusted to the captain of a vessel or aircraft. The captain shall be provided with an official document indicating the number of packages constituting the consular bag but shall not be considered a consular courier. A consular officer may receive the consular bag from the captain of a vessel or aircraft or deliver it to him without hindrance.

Article 32. CONSULAR FEES AND CHARGES

1. The consular post may levy in the territory of the receiving State the fees and other charges provided by the laws and regulations of the sending State for consular services rendered.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 shall be exempt from all dues and taxes in the receiving State.

Article 33. PERSONAL INVIOLABILITY

1. Consular officers and consular employees shall enjoy personal inviolability. They shall not be subject to arrest or detention in any form.

2. The receiving State shall treat consular officers, consular employees and members of their families with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity.

Article 34. IMMUNITY OF CONSULAR OFFICERS FROM JURISDICTION

1. Consular officers shall be immune from the criminal jurisdiction of the receiving State. They shall also be immune from the civil and administrative jurisdiction of that State, except in the case of:

- (a) Actions relating to private immovable property situated in the territory of the receiving State, unless the consular officer holds it on behalf of the sending State for consular purposes;
- (b) Actions relating to succession, in which the consular officer is involved as executor, administrator, heir or legatee in a private capacity and not on behalf of the sending State;
- (c) Actions arising out of a contract concluded by the consular officer in which he did not contract expressly or impliedly as an agent of the sending State;
- (d) Actions instituted by a third party for damage arising in the receiving State from an accident caused by a vehicle.

2. No measures of execution may be taken in respect of consular officers, except in the cases coming under subparagraphs (a), (b), (c) and (d) of paragraph 1 and provided that the measures concerned can be taken without infringing the inviolability of their persons or living quarters.

Article 35. IMMUNITY OF CONSULAR EMPLOYEES FROM JURISDICTION

Consular employees shall be immune from the criminal jurisdiction of the receiving State; they shall also be immune from civil and administrative jurisdiction in accordance with article 34, paragraph 1, but only in respect of actions performed in connection with the exercise of their official functions.

Article 36. IMMUNITY OF MEMBERS OF THE SERVICE STAFF FROM JURISDICTION

Members of the service staff shall be immune from the criminal, civil and administrative jurisdiction of the receiving State only in respect of actions performed in connection with the exercise of their official functions.

Article 37. IMMUNITY OF FAMILY MEMBERS

The immunities provided for in article 33, paragraph 1, and articles 34, 35 and 36 in respect of consular officers, consular employees and members of the service staff shall be extended, *mutatis mutandis*, to the members of their families.

Article 38. EXEMPTION FROM THE LIABILITY TO GIVE EVIDENCE

1. A consular officer shall not be required to give evidence before the courts or other competent authorities of the receiving State.

2. A consular employee or member of the service staff of a consular post may be summoned to give evidence before the courts or other competent authorities of the receiving State. He may refuse to give evidence concerning matters connected with official duties or to produce official correspondence and documents relating to official duties.

3. The provisions of this article shall also apply, *mutatis mutandis*, to family members.

Article 39. WAIVER OF PRIVILEGES AND IMMUNITIES

1. The sending State may waive the privileges and immunities provided for in articles 33, 34, 35, 36, 37 and 38.

2. The waiver shall in all cases be express, except as provided in paragraph 3, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a member of the consular post in a matter where he might enjoy immunity from jurisdiction shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such immunity, a separate waiver shall be necessary.

Article 40. EXEMPTION FROM PERSONAL SERVICES

The receiving State shall exempt members of the consular post and members of their families from all personal services, from all public service of any kind

whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 41. EXEMPTION FROM REGISTRATION OF ALIENS AND RESIDENCE PERMITS

Members of the consular post and members of their families shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits and from other similar formalities prescribed for aliens.

Article 42. EXEMPTION OF MEMBERS OF THE CONSULAR POST FROM TAXES AND DUES

1. Consular officers and consular employees, and members of their families, shall be exempt in the receiving State from all dues and taxes, personal or real, national, regional or local except:

- (a) Indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) Dues or taxes on private immovable property situated in the territory of the receiving State;
- (c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, except in the cases provided for in article 44;
- (d) Dues and taxes on private income of any kind having its source in the receiving State;
- (e) Dues and taxes on transactions and on instruments relating to those transactions, including duties of any kind collected in connection therewith;
- (f) Charges levied for specific services rendered.

2. Members of the service staff shall be exempt from the payment of any dues and taxes on the wages which they receive for their official services.

3. Members of the consular post who employ staff whose salaries are not exempt from income tax in the receiving State shall comply with the requirements of the laws and regulations of the receiving State concerning the payment of income tax by such persons.

Article 43. EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION

1. The same exemption from customs duties as is accorded in respect of articles intended for the official use of a diplomatic mission shall be accorded in respect of all articles, including motor vehicles, intended for the official use of a consular post.

2. Consular officers and members of their families shall be accorded the same exemption from customs inspection as is accorded to members of the diplomatic staff of a diplomatic mission.

3. Members of the consular post and members of their families shall be accorded the same exemption from customs duties as is accorded to members of the corresponding categories of personnel of a diplomatic mission.

4. The term “corresponding categories of personnel of a diplomatic mission”, used in paragraph 3, refers to members of the diplomatic staff, in the case of consular officers and to members of the administrative and technical staff, in the case of consular employees.

Article 44. ESTATE OF A MEMBER OF THE CONSULAR POST
OR OF A MEMBER OF HIS FAMILY

In the event of the death of a member of the consular post or of a member of his family, the receiving State:

- (a) 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;
- (b) Shall not levy estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 45. FREEDOM OF MOVEMENT

Subject to the laws and regulations of the receiving State concerning areas entry into which is prohibited or restricted for reasons of national security, members of the consular post and members of their families shall be permitted to travel freely in the territory of the State.

Article 46. EXCLUSION FROM PRIVILEGES AND IMMUNITIES

Consular employees and members of the service staff and members of their families who are nationals of the receiving State or domiciled in that State shall not enjoy the privileges and immunities provided for in this Convention, except for those specified in article 38, paragraph 2, and article 45.

CHAPTER V. GENERAL AND FINAL PROVISIONS

Article 47. RESPECT FOR THE LAWS AND REGULATIONS
OF THE RECEIVING STATE

Without prejudice to the privileges and immunities accorded under this Convention, persons enjoying such privileges and immunities shall be under an obligation to respect the laws and regulations of the receiving State.

Article 48. BODIES CORPORATE

The provisions of this Convention concerning nationals of the sending State shall also apply, *mutatis mutandis*, to bodies corporate of the sending State established in accordance with the laws and regulations of that State.

Article 49. EXERCISE OF CONSULAR FUNCTIONS BY MEMBERS OF THE
DIPLOMATIC STAFF

1. Members of the diplomatic staff of a diplomatic mission of the sending State in the receiving State who are entrusted with the performance of consular functions of that mission shall be accorded the same rights and subject to the

same obligations as are provided for by this Convention in the case of consular officers.

2. The performance of consular functions by the persons referred to in paragraph 1 shall not affect the privileges and immunities to which they are entitled by virtue of their diplomatic status.

Article 50. RATIFICATION AND ENTRY INTO FORCE

1. This Convention shall be ratified and shall enter into force 30 days after the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

2. This Convention shall remain in force until the expiry of six months from the date on which one Contracting Party gives notice in writing to the other Contracting Party of its intention to denounce the Convention.

3. The Consular Convention between the Polish People's Republic and the Romanian People's Republic signed at Bucharest on 5 October 1962¹ shall cease to have effect upon the entry into force of this Convention.

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

DONE at Bucharest on 24 March 1973, in duplicate in the Polish and Romanian languages, both texts being equally authentic.

For the Council of State
of the Polish People's Republic:
[WŁADYSŁAW WOJTASIK]

For the State Council
of the Socialist Republic of Romania:
[GHEORGHE BĂDESCU]

¹ United Nations, *Treaty Series*, vol. 521, p. 3.