

No. 16848

**POLAND
and
AUSTRIA**

Consular Convention. Signed at Vienna on 2 October 1974

Authentic texts: Polish and German.

Registered by Poland on 13 July 1978.

**POLOGNE
et
AUTRICHE**

Convention consulaire. Signée à Vienne le 2 octobre 1974

Textes authentiques: polonais et allemand.

Enregistrée par la Pologne le 13 juillet 1978.

[TRANSLATION — TRADUCTION]

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

The Council of State of the Polish People's Republic and the Federal President of the Republic of Austria,

Animated by the desire to regulate and develop consular relations between the two States in a spirit of friendship and co-operation,

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

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

Mr. Józef Czyrek, Under-Secretary of State in the Ministry of Foreign Affairs,

The Federal President of the Republic of Austria:

Dr. Heinrich Haymerle, Ambassador Extraordinary and Plenipotentiary, General Secretary for Foreign Affairs,

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

PART I. DEFINITIONS

Article 1. 1. For the purposes of this Convention, the following expressions 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 the consular post" means any person entrusted with the duty of acting in that capacity;

(d) "Consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions. The term also includes persons assigned to a consular post for training purposes;

(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;

(g) "Members of the consular post" means consular officers, consular employees and 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 spouse of a member of the consular post and the children and parents of a member of the consular post or of the latter's

¹ Came into force on 22 July 1975, i.e., the sixtieth day after the date of exchange of the instruments of ratification, which took place at Warsaw, in accordance with article 56.

spouse, where such persons live with and are supported by the member of the consular post;

(j) “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, including the residence of the head of the consular post;

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

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

(m) “Vessel of the sending State” means any vessel entitled to fly the flag of the sending State or registered in that State, with the exception of warships.

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 and regulations of the sending State and having their head office in that State.

PART II. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF MEMBERS OF SUCH POSTS

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

2. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the receiving State’s approval.

3. Subsequent changes in the seat of the consular post, its classification or the consular district shall be made by agreement between the sending State and the receiving State.

Article 3. 1. The head of the consular post shall be admitted to the exercise of his functions after the consular commission has been presented and he has been granted an authorization called an exequatur by the receiving State.

2. The sending State shall transmit the consular commission through the diplomatic channel to the Ministry of Foreign Affairs of the receiving State.

3. The consular commission shall include the full name and class of the head of the consular post and the designation of the consular district and of the seat of the consular post.

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

Article 4. 1. The receiving State may at any time notify the sending State through the diplomatic channel that a consular officer is *persona non grata* or that another member of the consular post is not acceptable, without being obliged to give the reasons for its decision. In that event, the sending State shall either recall the person concerned or terminate his functions at the consular post.

2. If the sending State refuses to carry out its obligations under paragraph 1 or fails to carry them out within a reasonable time, the receiving State may withdraw the exequatur from the person concerned or cease to consider him a member of the consular post.

Article 5. 1. If the head of the consular post is unable to perform his functions or if the position of head of the consular post is vacant, the sending State may provisionally appoint a consular officer of one of its consular posts in the receiving State or a member of the diplomatic staff of its diplomatic mission in that State to perform the functions of head of the consular post. The full name of the person performing the functions of head of the consular post shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

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

3. The transfer of consular functions in accordance with paragraph 1 to a member of the diplomatic staff of the diplomatic mission of the sending State shall not affect his diplomatic privileges and immunities.

Article 6. As soon as the head of the consular post is admitted even provisionally to the exercise of his functions, the receiving State shall so notify the competent authorities of the consular district immediately. It shall also ensure that the necessary measures are taken to enable him to perform his official functions and enjoy the benefit of the provisions of this Convention.

Article 7. 1. Only persons who are nationals solely of the sending State may be consular officers.

2. Consular officers may not pursue in the receiving State any gainful employment in addition to their official activities.

Article 8. 1. The sending State shall notify the Ministry of Foreign Affairs of the receiving State of:

- (a) The appointment of members of the consular post, their arrival at the consular post after appointment, their final departure or the termination of their official functions and any other changes affecting their status that may occur in the course of their service at the consular post;
- (b) The arrival and final departure of a family member and 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 the termination of their service as such;
- (d) The engagement and discharge of persons domiciled in the receiving State as members of the consular post entitled to privileges and immunities.

2. Where possible, prior notification of arrival and final departure shall also be given.

Article 9. 1. The competent authorities of the receiving State shall issue to every member of the consular post who is not a national of the receiving State a document bearing a photograph and certifying his identity and his status as a member of the consular post.

2. Paragraph 1 shall be also applicable *mutatis mutandis* to family members.

PART III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 10. 1. The receiving State shall afford the consular post all possible facilities in the performance of its functions and shall take all appropriate steps to enable the members of the consular post to carry out their activities and to enjoy the privileges and immunities provided for in this Convention.

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

Article 11. 1. The coat of arms of the sending State and an appropriate inscription designating the consular post in the official language of that State and of the receiving State may be affixed to the building occupied by the consular post or the residence of the head of the post and also to their entrance.

2. The flag of the sending State may be flown on the building of the consular post, on the residence of the head of the consular post and also on his means of transport when used for official purposes.

Article 12. The receiving State shall, in accordance with its laws and regulations, facilitate the acquisition in its territory by the sending State of premises necessary for the consular post and, where necessary, provide assistance in obtaining suitable accommodation for the members of the consular post.

Article 13. 1. Subject to the conditions laid down by the laws and regulations of the receiving State, the sending State shall have the right:

- (a) To acquire, hold or use and to dispose of land, buildings or parts of buildings intended to serve as the seat of the consular post, the residence of the head of the consular post or the residence of other members of the consular post;
- (b) To construct or adapt buildings on the acquired land for the purposes indicated in subparagraph a).

2. When exercising the rights referred to in paragraph 1, the sending State shall, in particular, comply with town-planning and monument-protection laws and regulations of the receiving State.

Article 14. 1. The consular premises and the residences of the consular officers shall be inviolable. The judicial and administrative authorities of the receiving State shall not enter such premises without 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 designated by one of them.

2. The receiving State shall be under a special obligation to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

Article 15. The consular premises, their furnishings, 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.

Article 16. 1. The consular premises and accommodation of members of the consular post which are owned or rented by the sending State shall be exempt

from all national, regional or municipal taxes and charges except those which represent payment for specific services rendered.

2. The exemption referred to in paragraph 1 shall not apply to such taxes and charges if, under the laws and regulations of the receiving State, they are payable by a person who contracted with the sending State.

3. Paragraphs 1 and 2 shall apply *mutatis mutandis* to means of transport which are owned by the sending State and used exclusively for the purposes of the consular post.

Article 17. The consular archives shall be inviolable at all times and wherever they may be.

Article 18. 1. The receiving State shall permit and protect and consular post's freedom of communication 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, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. The consular post may install and use a wireless transmitter only with the consent of the receiving State.

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

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

4. A consular bag which fulfils the conditions of paragraph 3 shall not be opened, examined or detained.

5. The consular courier shall be provided with 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 therefore shall not be liable to arrest, detention or any restriction of his personal freedom.

6. The consular bag may be entrusted to the captain of a vessel or of a commercial aircraft. He shall be provided with an official document indicating the number of packages constituting the consular bag, but he shall not be considered to be a consular courier. A member of the consular post may directly and freely deliver the bag to the captain of a vessel or of a commercial aircraft or take possession of it from him.

Article 19. 1. The head of the consular post shall not be subject to the jurisdiction of the judicial or administrative authorities of the receiving State. He shall enjoy personal inviolability and therefore shall not be liable to arrest, detention or any restriction of his personal freedom.

2. Consular officers other than the head of the consular post and consular employees shall not be subject to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of their official functions. The same shall apply to members of the service staff in respect of acts performed in the course of their service duties. Consular officers other than the head of the consular post shall not be liable to arrest, detention or any restriction of their personal freedom, save in the case of an offence

punishable under the law of the receiving State by deprivation of freedom for a period of five years or by a heavier penalty, or in the case of the execution of a judicial order which has become final.

3. If criminal proceedings are instituted against a member of the consular post or if he is arrested, detained or deprived of personal freedom, the competent judicial and administrative authorities of the receiving State shall notify the head of the consular post without delay.

4. If criminal proceedings are instituted against a consular officer, they shall be conducted with the respect due him by reason of his official position and in a manner which will hamper the performance of consular functions as little as possible.

5. The provisions of paragraphs 1 and 2 shall not apply to a civil action:

- (a) Arising out of a contract concluded by a consular officer or consular employee in which he did not contract, expressly or impliedly, on behalf of the sending State;
- (b) Brought by a third party in respect of damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

6. Members of the consular post shall, subject to the condition of reciprocity, enjoy in the receiving State all the privileges and immunities which are or will be accorded to a member of a consular post of the same rank of the State most favoured in the sphere of privileges and immunities.

Article 20. 1. Members of a consular post may be summoned to appear as witnesses in a judicial or administrative proceeding of the receiving State. If a consular officer should decline to appear or to give evidence, no coercive measure or penalty may be applied to him. A consular employee or a member of the service staff of the consular post may not, except in the cases mentioned in paragraph 3, decline to give evidence.

2. The authority summoning a consular officer to give evidence may not interfere with the performance of his functions. It may, where 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 performance of their functions or to produce official correspondence and documents relating thereto. They shall also be entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 21. 1. The sending State may waive the privileges and immunities listed in articles 19 and 20. The waiver shall in all cases be express and shall be communicated to the receiving State in writing.

2. The initiation of proceedings by a consular officer or a consular employee in a matter in which he would enjoy immunity from jurisdiction shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

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

Article 22. The receiving State shall exempt members of the consular post from all personal services, from all public service of any kind and from military obligations such as those connected with requisitioning, contributions and billeting.

Article 23. Members of the consular post shall be exempt from all obligations under the laws and regulations of the receiving State relating to the registration of aliens and to residence permits.

Article 24. 1. Consular officers and consular employees shall be exempt from all charges and taxes, personal or real, national, regional or municipal, except:

- (a) Indirect taxes of a kind normally incorporated in the price of goods or services;
- (b) Charges and taxes on private immovable property situated in the territory of the receiving State;
- (c) Inheritance taxes and taxes on the transfer of property levied by the receiving State, subject to the provisions of article 26;
- (d) Charges and taxes on private income having its source in the receiving State and on property situated in that State;
- (e) Charges and taxes levied for specific services rendered;
- (f) Registration, court or record fees, mortgage dues and stamp duties.

2. Members of the service staff of the consular post shall be exempt from charges and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages are not exempt from income tax in the receiving State shall fulfil the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

Article 25. 1. All articles, including motor vehicles, imported for the official use of the consular post shall be exempt in the receiving State from customs duties and other charges to the same extent as articles imported for the official use of the diplomatic mission of the sending State.

2. Consular officers shall be accorded the same exemption from customs inspection and customs duties and other charges in connection with import or export as members of the diplomatic staff of the diplomatic mission of the sending State.

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

Article 26. In the event of the death of a member of the consular post, the receiving State:

- (a) Shall permit the export of the movable property of the deceased, with the exception of property which was acquired in the receiving State and whose export was prohibited at the time [of] his death;
- (b) Shall not levy national, regional or municipal inheritance taxes and taxes on transfers, in respect of 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 27. Subject to its laws and regulations concerning zones entry into which is prohibited or restricted or reasons of national security, the receiving State shall guarantee to members of the consular post complete freedom of movement and travel in its territory.

Article 28. 1. Members of the consular post shall be exempt from any laws and regulations in force in the receiving State in respect of social security.

2. The exemption provided for in paragraph 1 shall also apply to members of the private staff who are employed exclusively by members of the consular post, on condition:

- (a) That they are not nationals of or domiciled in the receiving State; and
- (b) That they are covered by the social-security regulations in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the provisions of paragraph 2 do not apply shall fulfil the obligations which the receiving State's laws and regulations in respect of social security impose upon employers.

Article 29. Means of transport owned by the sending State and used officially by the consular post and those owned by members of the consular post or by family members must be insured against third-party risks.

Article 30. The privileges and immunities accorded to members of the consular post under this Convention shall also be accorded to family members provided that they are not nationals of the receiving State, are not domiciled there and do not engage there in any gainful occupation.

Article 31. Members of the consular post who are nationals of the receiving State or domiciled there or who engage there in a gainful occupation apart from their official duties shall enjoy only those privileges and immunities which relate to the giving of evidence concerning matters connected with the performance of their functions or to the production of correspondence.

Article 32. 1. Members of the consular post shall enjoy the privileges and immunities provided for in this Convention from the moment when they enter the territory of the receiving State to take up their duties or, if they are already in that territory, from the moment when they begin their official activities at the consular post.

2. Members of the families of the persons referred to in paragraph 1 and members of the private staff shall enjoy the privileges and immunities provided for in this Convention:

- (a) From the moment when the member of the consular post begins to enjoy privileges and immunities in accordance with paragraph 1;
- (b) From the moment when they enter the territory of the receiving State, if they do so after the member of the consular post enters it;
- (c) From the moment when they become family members or members of the private staff, if that occurs after the date referred to in subparagraph b).

3. When the official functions of a member of the consular post are terminated, his privileges and immunities and those of members of his family and of members of his private staff shall cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period enabling him to do so. The privileges and immunities of the persons referred to in paragraph 2 shall cease at the moment when the person concerned ceases to be a family member or a member of the private staff of a member of the consular post; however, if such persons intend to leave the territory of the receiving State within a reasonable period, their privileges and immunities shall continue until the time of their departure.

4. In respect of acts performed by a member of the consular post in the exercise of his official functions, immunity from jurisdiction shall continue indefinitely.

5. In the event of the death of a member of the consular post, the members of his family shall continue to enjoy the privileges and immunities accorded to them under this Convention until they leave the territory of the receiving State or until the expiry of a reasonable period enabling them to do so.

PART IV. CONSULAR FUNCTIONS

Article 33. The functions of consular officers shall be to foster the development of friendly relations and to further the development of economic, commercial, cultural and scientific relations between the Contracting Parties, to protect the rights and interests of the sending State and of its nationals, and to facilitate tourism.

Article 34. The consular officer shall perform consular functions within his consular district. With the consent of the receiving State, he may also perform consular functions outside his consular district.

Article 35. In the performance of his functions, a consular officer may address:

- (a) The competent local authorities of his consular district; and
- (b) The competent central authorities of the receiving State if that is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

Article 36. The consular officer shall be entitled to arrange, pursuant to the laws and regulations of the receiving State, for appropriate representation for nationals of the sending State before the judicial and other authorities of the receiving State in order to take provisional measures to safeguard the rights and interests of such nationals if, because of absence or for any other reason, they are unable to defend their rights and interests at the proper time.

Article 37. The consular officer shall be entitled:

- (a) To keep a register of nationals of the sending State who are domiciled or resident in his consular district;
- (b) To issue passports and other travel documents to nationals of the sending State and to extend, alter or revoke them;
- (c) To issue visas.

Article 38. 1. The consular officer shall be entitled to solemnize a marriage, provided that both parties thereto are nationals of the sending State and that the solemnization of such a marriage is in keeping with the relevant laws and regulations of the sending State and is not contrary to the laws and regulations of the receiving State.

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

3. The consular officer shall notify the competent authorities of the receiving State of any registrations undertaken in accordance with paragraph 2 if the laws and regulations of the receiving State require such notification.

Article 39. 1. The consular officer shall be entitled:

- (a) To accept, draw up and authenticate declarations made by nationals of the sending State;
- (b) To register, draw up, authenticate and accept for safekeeping testamentary dispositions and other documents relating to unilateral legal acts of nationals of the sending State;
- (c) To authenticate documents of nationals of the sending State, as well as signatures and seals on such documents;
- (d) To authenticate all legal documents issued by the authorities of the sending State or the receiving State, as well as copies and extracts of such documents;
- (e) To translate legal documents from the language of one of the Contracting Parties into the language of the other Party and to certify such translations;
- (f) To draw up and authenticate contracts between nationals of the sending State, provided that such contracts do not relate to the establishment, transfer or extinction of rights to immovable property situated in the territory of the receiving State;
- (g) To draw up and authenticate contracts without regard to the nationality of the parties thereto, provided that such contracts relate exclusively to properties or rights in the sending State or are to be executed solely in that State.

2. The documents referred to in paragraph 1, when drawn up, attested or authenticated by a consular officer of the sending State, shall be regarded as public or publicly attested documents and shall have the same legal effect and evidential value as if they had been drawn up or attested by the competent authorities of the receiving State, provided that they are not contrary to the laws and regulations of the receiving State.

Article 40. The consular officer shall be entitled to accept for safekeeping documents, money and valuables from nationals of the sending State.

Article 41. The consular officer shall be entitled, at the request of the competent authorities of the sending State, to interview persons and to deliver documents to them, on condition that such persons are not nationals of the receiving State or of a third State and that the procedure is in keeping with international agreements between the Contracting Parties and is not contrary to the laws and regulations of the receiving State. The threat or use of coercive measures in connection with such activities shall not be permitted.

Article 42. The consular officer shall be entitled to intercede with the judicial and administrative authorities of the receiving State if it becomes necessary to establish guardianship, trusteeship or other official representation for a national of the sending State who is resident in the territory of the receiving State or has property there; he shall be entitled in particular to recommend an appropriate person to act as guardian, trustee or other official representative.

Article 43. The consular officer shall be entitled to communicate with, aid and advise any national of the sending State and, where necessary, provide him with legal counsel. The receiving State shall not in any way restrict the possibility of such communication or access to the consular post.

Article 44. 1. The courts and administrative authorities of the receiving State shall without delay, at the latest within three days, notify the sending State's consular officer of each case of arrest, detention or any other deprivation of personal freedom of any national of the sending State, in order that the consular officer may take the necessary measures to safeguard the rights and interests of that national and that that national may avail himself of the consular officer's protection. The authorities in question shall forward without delay any messages from the person concerned addressed to the consular officer.

2. The consular officer shall have the right to communicate with a national of the sending State who has been arrested, detained or otherwise deprived of his personal freedom, and in particular to visit him and converse with him; the consular officer shall also have the right to provide the said national with assistance in obtaining legal counsel. The courts and administrative authorities of the receiving State shall grant the said right to the consular officer not later than the fourth day after the date of arrest, detention or other deprivation of personal freedom, and thereafter at reasonable intervals of time. Without prejudice to his other rights under this Convention, the consular officer shall refrain from any of those actions in behalf of the national of the sending State which are provided for in this paragraph if the national objects thereto expressly in the presence of the consular officer and of a representative of the competent authorities of the receiving State.

3. The competent authorities of the receiving State shall inform the nationals of the sending State who are concerned of the rights to which they are entitled under this article.

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

Article 45. 1. The rights of the consular officer in matters of succession are specified in the Treaty between the Republic of Austria and the Polish People's Republic on mutual relations in civil matters and on documents, of 11 December 1963.¹

2. Where the competent authorities of the receiving State learn of the existence of an estate in the receiving State, they shall without delay inform the consular officer if a national of the sending State comes into consideration as heir, heir to a statutory portion or legatee. Where the competent authorities of the receiving State in the course of their activities learn of the opening in a third State

¹ United Nations, *Treaty Series*, vol. 1060, p. 183.

of a succession in which a national of the sending State is named as heir, heir to a statutory portion or legatee, they shall, in so far as possible, notify the consular officer.

Article 46. The consular officer shall be entitled:

- (a) To provide aid of any kind to a vessel of the sending State and its crew during their stay in the territorial or inland waters of the receiving State. The competent authorities of the receiving State shall, upon his request, provide him with any assistance required;
- (b) To communicate with the master and members of the crew of the vessel of the sending State, to visit them on board the vessel after it has received the customary clearance, to receive visits from them and to assist them in their relations with the competent authorities of the receiving State;
- (c) To receive, draw up or sign any declaration or other document prescribed by the laws and regulations of the sending State in connection with vessels;
- (d) To ensure the application on board vessels of the sending State of that State's laws and regulations concerning vessels and their crews.

Article 47. 1. Where a vessel of the sending State is wrecked, stranded or otherwise damaged in the territorial or inland waters of the receiving State, the competent authorities of the receiving State shall notify the consular officer without delay and take all necessary measures to save the vessel, passengers, crew, cargo and articles forming part of the vessel or its cargo which have become separated from the vessel. The competent authorities of the receiving State shall without delay notify the consular officer of the measures taken and provide him with the necessary assistance in taking any further measures required as a result of the damage sustained by the vessel.

2. In the circumstances described in paragraph 1, the consular officer shall be entitled, in the absence of the owner or other authorized person, to take measures on the owner's or other authorized person's behalf for the protection of the vessel and its cargo. Where the cargo of any vessel is owned by a national of the sending State, the consular officer shall also be entitled to take such measures on behalf of the owner or other authorized person if the owner or other authorized person is absent.

Article 48. 1. Where the courts or administrative authorities of the receiving State intend to take any coercive measures or to institute any formal inquiry on board a vessel of the sending State, they shall so notify the consular officer. Such notification shall be made before the action is initiated, so as to enable the consular officer to be present at the proceedings. If, owing to the urgency of the case, the consular officer cannot be notified before the measures are carried out, or if the consular officer has not been present at the proceedings, the courts or administrative authorities of the receiving State shall immediately inform the consular officer of the measures which have been taken.

2. The provisions of paragraph 1 shall also apply where the master or any member of the crew of a vessel of the sending State is questioned ashore.

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

Article 49. The provisions of articles 46, 47 and 48 shall also apply, *mutatis mutandis*, to aircraft registered in the sending State, with the exception of military aircraft.

Article 50. The consular officer may perform any other consular function entrusted to him by the sending State in respect of which the receiving State has expressed no objection.

Article 51. 1. The consular post may levy in the territory of the receiving State the fees and charges provided for by the laws and other regulations of the sending State for official acts.

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.

PART V. GENERAL AND FINAL PROVISIONS

Article 52. 1. Without prejudice to their privileges and immunities, all persons enjoying privileges and immunities under this Convention shall be under an obligation to respect the laws and other regulations of the receiving State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

Article 53. When consular functions are performed by members of the diplomatic staff of the sending State's diplomatic mission in the receiving State, the provisions of this Convention shall apply without prejudice to the privileges and immunities to which members of the diplomatic staff of the diplomatic mission are entitled by virtue of their diplomatic status in the receiving State.

Article 54. The provisions of this Convention shall not affect other international agreements in force between the Contracting Parties.

Article 55. This Convention is subject to ratification. The exchange of the instruments of ratification shall take place at Warsaw.

Article 56. This Convention shall enter into force on the sixtieth day after the date of the exchange of the instruments of ratification. It shall remain in force until denounced by one of the Contracting Parties. Denunciation shall become effective 12 months after the date of notification.

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

DONE at Vienna on 2 October 1974, in duplicate in the Polish and German languages, both texts being equally authentic.

For the Polish People's Republic:
[JÓZEF CZYREK]

For the Republic of Austria:
[HEINRICH HAYMERLE]