

No. 17197

**BELGIUM
and
HUNGARY**

**Consular Convention (with exchange of letters). Signed at
Budapest on 9 July 1976**

Authentic texts: French, Hungarian and Dutch.

Registered by Belgium on 21 November 1978.

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Enregistrée par la Belgique le 21 novembre 1978.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE KINGDOM OF
BELGIUM AND THE HUNGARIAN PEOPLE'S REPUBLIC

His Majesty the King of the Belgians and the Presidential Council of the Hungarian People's Republic,

Desiring to regulate consular relations between the two States and thus to contribute to the development of their friendly relations,

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

Mr. Renaat Van Elslande, Minister for Foreign Affairs of the Kingdom of Belgium, and

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

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

CHAPTER I. DEFINITIONS

Article 1. In this Convention, the following expressions have the meanings hereunder assigned to them:

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

2. "Head of the consular post" means the consular officer in charge of the consular post;

3. "Consular officer" means any person who has been entrusted with the exercise of consular functions in that capacity;

4. "Consular employee" means any person who is not a consular officer and is employed in the administrative or technical service of the consular post;

5. "Member of the service staff" means any person employed in the domestic service of the consular post;

6. "Members of the consular post" means all consular officers, consular employees and members of the service staff;

7. "Consular premises" means any buildings or parts of buildings and the land ancillary thereto, used exclusively for the purposes of the consular post;

8. "Consular archives" means the papers, documents, correspondence, books, films, recording tapes, registers and cipher and code materials related to the activities of the consular post, together with the articles, installations and furniture intended for their protection and safekeeping;

9. "Consular district" means the territory assigned to the consular post for the exercise of consular functions;

¹ Came into force on 18 October 1978, i.e., the thirtieth day after the date of the exchange of the instruments of ratification, which took place at Brussels on 18 September 1978, in accordance with article 49 (1).

10. "Vessel" means any water craft listed or registered in accordance with the legislation of the sending State, with the exception of warships.

CHAPTER II. ESTABLISHMENT OF THE CONSULAR POST

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 agreement between the sending State and the receiving State.

Article 3. 1. Before the appointment of the head of the consular post, the sending State shall, through the diplomatic channel, request the consent of the receiving State to the appointment.

2. After receiving the consent, the sending State shall transmit to the Ministry of Foreign Affairs of the receiving State the consular commission or other similar document relating to the appointment of the head of the consular post. The document shall state the full name of the head of the consular post, his rank, the consular district in which he will exercise his consular functions and the seat of the consular post.

3. The head of the consular post shall be admitted to the exercise of his functions after being recognized in that capacity by the receiving State. Recognition shall be accomplished by the granting of an exequatur or other authorization. The exequatur or other authorization shall be granted as soon as possible. Pending delivery of the exequatur or other authorization, the receiving State may permit the head of the consular post to exercise his functions on a provisional basis.

4. As soon as the head of the consular post has been admitted even provisionally to the exercise of his functions, the receiving State shall notify that fact to the competent authorities of the consular district; it shall also ensure that the necessary measures are taken to enable the head of the consular post to carry out the duties of his office and to enjoy the treatment provided for in this Convention.

5. If the receiving State refuses to grant the exequatur or other authorization, it shall not be obliged to inform the sending State of the reasons for such refusal.

Article 4. 1. The sending State shall notify the Ministry of Foreign Affairs of the receiving State of:

- (a) The appointment of the members of the consular post, their arrival at the consular post after their appointment, the beginning of the exercise of their official functions, and their final departure or the termination of their official functions;
- (b) The arrival and final departure of a member of the family of a member of the consular post residing with him and the fact that a person becomes or ceases to be a member of the family.

2. Notification concerning arrival and final departure shall, in so far as possible, be given in advance.

Article 5. Only a national of the sending State may be a consular officer, and he may not be a permanent resident of the receiving State.

Article 6. 1. The receiving State may at any time, without being obliged to give the reasons for its decision, notify the sending State through the diplomatic

channel that the head of the consular post or another consular officer is *persona non grata* or that any other member of the consular staff is unacceptable. The sending State shall then either recall the person concerned or terminate his employment at the consular post, as the case may be.

2. If the sending State fails to carry out within a reasonable time the obligation provided for in paragraph 1, the receiving State may withdraw the exequatur or other authorization granted to the head of the consular post or cease to consider the person concerned a member of the consular post.

Article 7. 1. If the head of the consular post is unable for any reason to carry out his functions or if his position is temporarily vacant, the sending State may appoint a consular officer of the consular post or of another consular post established in the receiving State, or a member of the diplomatic staff of the sending State's diplomatic mission in the receiving State, to act as temporary head of the consular post. The full name of the person concerned must be communicated in advance to the Ministry of Foreign Affairs of the receiving State.

2. The temporary head of the consular post shall exercise the functions of the head of the consular post. He shall have the same duties and enjoy the same rights, privileges and immunities as if he had been appointed pursuant to the provisions of article 3.

3. If a member of the diplomatic staff of the sending State is appointed to act as temporary head of the consular post in the receiving State in pursuance of paragraph 1, he shall continue to enjoy his diplomatic privileges and immunities.

Article 8. 1. The sending State may appoint a member of its diplomatic mission accredited to the receiving State to exercise consular functions in addition to his diplomatic functions. In such case, the provisions of articles 3 and 4 of this Convention shall be applicable.

2. The provisions of this Convention which relate to the rights and obligations of consular officers shall also apply to a member of the diplomatic mission who exercises consular functions.

The consular activities of the member of the diplomatic mission shall not affect his diplomatic privileges and immunities.

Article 9. Provided that they are not nationals or permanent residents of the receiving State, the receiving State shall issue to all the members of the consular post and to the members of their families who reside with them a special document attesting to their identity and to the fact that they are members of the consular post or members of their families.

CHAPTER III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 10. 1. (a) The receiving State shall ensure the protection of the consular officer and take all appropriate measures to enable him to exercise his functions and to enjoy the rights, privileges and immunities accorded by this Convention and the legislation of the receiving State.

(b) The receiving State shall take all necessary measures to ensure the protection of the consular premises and of the living quarters of the consular officers.

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

Article 11. 1. The sending State may, subject to the conditions and formalities provided for in the legislation of the receiving State:

- (a) Own or hold, or acquire ownership, possession or leasehold of, land, buildings, parts of buildings and appurtenances for the purpose of establishing or maintaining the consular post or living quarters for the members of the consular post;
- (b) Construct, for the same purposes, buildings, parts of buildings or appurtenances on the land which it has acquired, possesses or occupies.

2. Where necessary, the receiving State shall assist the sending State in the matters referred to in paragraph 1.

3. The provisions of this article shall not exempt the sending State from compliance with the building and town planning legislation applicable in the area in which the immovable property is situated.

Article 12. 1. The coat of arms of the sending State, together with an inscription designating the consular post in the official language or languages of that State and of the receiving State, may be affixed to the buildings occupied by the consular post.

2. The national flag of the sending State may be flown from the buildings of the consular post and from the residence of the head of the consular post.

3. The head of the consular post may fly the national flag of the sending State on his means of transport when he uses them in the exercise of his functions.

Article 13. 1. The consular premises and the residence of the head of the consular post shall be inviolable.

This provision shall also apply to the living quarters of any consular officer in so far as article 16, paragraphs 2 and 3, of this Convention is applicable to him.

2. The authorities of the receiving State shall not enter such premises without the consent of the head of the consular post, of the head of the sending State's diplomatic mission or of the persons designated by them.

3. The consular premises, their furnishings and the property of the consular post, as well as its means of transport, shall be immune from any form of requisition.

Article 14. The consular archives shall be inviolable at all times and wherever they may be. They may not contain any documents and property other than those intended for official use.

Article 15. 1. The receiving State shall permit and protect the 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. However, 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. The expression "official correspondence" means all correspondence relating to the consular post and its functions.

3. The consular bag may not be opened or detained.

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

5. The receiving State shall accord the same rights, privileges and immunities to the person entrusted with transporting the consular bag as to diplomatic couriers. The said person must be provided with an official document indicating his status as a consular courier and specifying the number of packages constituting the consular bag.

6. The consular bag may be entrusted to the master of a vessel or the captain of an aircraft. The said master or captain must be provided with an official document indicating the number of packages constituting the bag. However, he shall not be considered to be a consular courier. The consular post may send one of its members to take possession of the consular bag from the master or captain, or deliver it to him, directly and freely.

Article 16. 1. The head of the consular post shall enjoy personal inviolability.

He shall be immune from the jurisdiction of the receiving State, except in the case of:

- (a) A real action relating to private immovable property situated in the territory of the receiving State, unless the head of the consular post holds the immovable property on behalf of the sending State and with a view to the exercise of consular functions;
- (b) An action relating to succession in which the head of the consular post is involved in the capacity of executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) An action relating to any professional or commercial activity engaged in by the head of the consular post in the receiving State outside his official functions.

No measure of execution may be taken in respect of the head of the consular post except in the cases referred to in subparagraphs *a*, *b* and *c*, where the measures concerned can be taken without infringing the inviolability of his person or of his residence.

2. Members of the consular post shall not be amenable to the jurisdiction of the receiving State in respect of acts performed in the exercise of their official functions. This provision shall not exempt them from liability for compensation in respect of damage caused by a means of transport and shall not protect a member of the consular post from a civil action in respect of any obligation which he has undertaken otherwise than as a representative of the sending State.

3. Subject to the provisions of paragraph 2, a consular officer other than the head of the consular post shall not be liable to arrest or to deprivation of freedom in any other manner unless he has been charged with a serious offence by the judicial authorities, or a judicial sentence has been imposed on him and has become final. The expression "serious offence" means any offence committed with intent and punishable under the legislation of the receiving State by deprivation of freedom for a term of not less than five years or by a more severe penalty.

4. If a consular officer or a consular employee, outside the exercise of his official functions, commits in the territory of the receiving State an act which is

punishable under the legislation of that State, the sending State shall be so informed as soon as possible through the diplomatic channel. The head of the consular post shall be so informed at the same time.

5. In so far as they are not nationals or permanent residents of the receiving State and do not engage in any private gainful activity there:

- (a) Members of the family of the head of the consular post who reside with him shall enjoy the immunity referred to in paragraph 1;
- (b) Members of the family of a consular officer other than the head of the consular post who reside with him shall enjoy the immunity referred to in paragraph 3;
- (c) Members of the families of members of the consular post who reside with them shall, if they are directly and actually affected by the acts referred to in paragraph 2, enjoy the immunity referred to in paragraph 2.

Article 17. 1. Members of the consular post may, at the invitation of the judicial or administrative authorities of the receiving State, be called upon to give evidence. However, no coercive measure may be applied to a consular officer or consular employee.

2. The judicial or administrative authorities of the receiving State which call upon a consular officer or consular employee to give evidence shall take all necessary steps to ensure that the functioning of the consular post is not hampered and in the case of a consular officer shall, where possible, take the evidence from him, orally or in writing, at the consular post or at his living quarters.

3. Members of the consular post and members of their families residing with them may decline to give evidence concerning matters connected with the official activities of the members of the consular post.

Article 18. 1. The sending State may, in respect of a member of the consular post or a member of his family residing with him, waive personal inviolability, immunity from jurisdiction and exemption from the obligation to give evidence.

2. Without prejudice to the provisions of paragraph 3, the waiver must always be express, and must be communicated in writing to the receiving State.

3. Where a member of the consular post or a member of his family residing with him initiates proceedings in a matter in which he would enjoy immunity from jurisdiction under article 16, paragraphs 1, 2 and 5, he may not invoke immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. A waiver of immunity from jurisdiction in respect of a civil or administrative proceeding shall not signify a waiver of immunity in respect of the execution of the decision taken, for which a separate waiver shall be necessary.

Article 19. Members of the consular post and members of their families residing with them shall, provided that they are not nationals of the receiving State, be exempt from military service in that State.

They shall also be exempt from any other public service obligation, provided that they are not nationals or permanent residents of the receiving State.

Article 20. Members of the consular post and members of their families residing with them shall, provided that they are not nationals or permanent

residents of the receiving State, be exempt from any obligation under the legislation of the receiving State in regard to the registration and residence of aliens.

Article 21. 1. Subject to the provisions of paragraph 3, members of the consular post, with respect to services rendered by them to the sending State, and members of their families residing with them shall be exempt from any social-security provisions which may be in force in the receiving State. Such exemption shall not, however, extend to nationals and permanent residents of the receiving State.

2. The exemption provided for in 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 that:

- (a) They are not nationals or permanent residents of the receiving State; and
- (b) 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 the exemption provided for in paragraph 2 does not apply must observe the obligations which the social-security provisions of the receiving State impose upon employers.

Article 22. 1. The sending State shall be exempt from dues and taxes of any kind imposed or collected in the receiving State in respect of:

- (a) The acquisition of ownership, possession or use of land, buildings or parts of buildings, the ownership, possession, use or leasehold thereof or the construction of buildings intended or used exclusively for the official purposes of the consular post, or for the living quarters of a consular officer or consular employee who is not a national or a permanent resident of the receiving State and who does not engage in any private gainful activity there;
- (b) The acquisition, ownership, possession or use of all movable property, including means of transport, intended or used exclusively for the official purposes of the consular post.

2. The exemption referred to in paragraph 1 shall not apply to taxes and charges imposed or collected for specific services rendered.

3. The exemption referred to in paragraph 1 shall not apply to taxes and charges imposed by the legislation of the receiving State on persons who have contracted with the sending State.

Article 23. 1. Consular officers and consular employees and members of their families residing with them shall be exempt from taxes and charges of any kind imposed or collected in the receiving State, except:

- (a) Indirect taxes of a kind normally incorporated in the price of goods or services;
- (b) Taxes and charges on private immovable property situated in the territory of the receiving State;
- (c) Registration or court fees, mortgage dues and stamp duties, succession and property-transfer taxes and charges or other similar duties, subject to the provisions of article 25;
- (d) Taxes and charges on private income which has its source in the receiving State;
- (e) Fees, and charges collected for specific services rendered.

2. Members of the service staff shall be exempt from taxes and charges of any kind imposed or collected in the receiving State in respect of the income, salaries, wages or allowances received from the sending State in payment for their official functions.

3. The exemptions provided for in this article shall not apply to nationals and permanent residents of the receiving State or to persons who engage there in a private gainful activity.

4. The exemptions provided for in this article shall not apply to the taxes and charges imposed by the legislation of the receiving State on persons who have contracted with the persons referred to in paragraphs 1 and 2.

5. Members of the consular post who employ persons whose salaries or wages are not exempt from income tax in the receiving State must comply with the obligations imposed by the legislation of that State on employers with regard to the collection of income tax.

Article 24. 1. In accordance with its laws and regulations in force, the receiving State shall permit the import and export of the following, granting in connection therewith exemption from all customs duties, charges and related fees other than those intended to cover the cost of storage, cartage and similar services:

(a) Goods, including means of transport, for the official use of the consular post;

(b) Goods, including means of transport, for the personal use of consular officers.

2. Consular officers shall be exempt from customs inspection to the same extent as members of the diplomatic staff of the diplomatic mission of the sending State.

3. Consular employees and members of the service staff shall enjoy the privileges and exemptions specified in paragraph 1 (b) in respect of goods imported at the time of their first installation and in respect of the export of the said goods.

4. The privileges and exemptions specified in paragraphs 1 (b), 2 and 3 shall also apply to those members of the families of consular officers, consular employees and members of the service staff who reside with them.

5. The privileges and exemptions specified in paragraphs 1 (b), 2, 3 and 4 shall not apply to nationals or permanent residents of the receiving State.

Article 25. In the event of the death of a member of the consular post or of a member of his family who resides with him, the movable property forming part of the estate and situated in the receiving State shall be exempt in that State from inheritance duties and from all similar taxes and charges if the deceased was not a national or a permanent resident of the receiving State and if the presence there of the said property was due solely to the presence in the receiving State of the deceased as a member of the consular post or as a member of his family. The receiving State shall permit the export of the movable property of the deceased, with the exception of property which was acquired in that State and whose export is prohibited or restricted.

Article 26. All persons who enjoy the facilities, privileges and immunities provided for in this Convention must, without prejudice to their facilities, privileges and immunities, comply with the laws and regulations of the receiving State,

including the regulations relating to road traffic and to insurance against civil liability arising from the use of any means of transport.

Article 27. Subject to the laws and regulations of the receiving State concerning zones entry into which is prohibited or regulated for reasons of national security, all members of the consular post shall be authorized to travel freely in the receiving State for the exercise of their functions.

CHAPTER IV. CONSULAR FUNCTIONS

Article 28. The consular officer shall be entitled in his consular district to:

1. Protect the rights and interests of the sending State and of its nationals, including bodies corporate;
2. Further the development of commercial, economic, scientific, cultural and tourist-trade relations between the sending State and the receiving State;
3. Promote in every other way the development of friendly relations between the sending State and the receiving State.

Article 29. 1. The consular officer shall be entitled to exercise his functions within the consular district. In the exercise of his functions, he may apply freely, orally or in writing, to the competent local authorities of his consular district. He may also apply to the central authorities of the receiving State if such action is not prohibited by the legislation of that State.

2. The consular officer may, with the consent of the receiving State, exercise consular functions outside the consular district.

Article 30. 1. The consular officer may:

- (a) Keep a register of nationals of the sending State;
- (b) Receive notification of the births and deaths of nationals of the sending State and register them;
- (c) Solemnize marriages, provided that both future spouses are nationals of the sending State, and carry out the formalities connected with the marriage;
- (d) Perform other functions in connection with the registration and drawing up of civil-status documents relating to nationals of the sending State.

2. In so far as the laws and regulations of the receiving State so require, the consular officer shall inform the competent authorities of the receiving State of the civil-status entries made at the consular post in pursuance of paragraph 1 (b) and the marriages which he has solemnized in accordance with paragraph 1 (c).

3. The provisions of paragraph 1 (b) and (c) shall not exempt the persons concerned from making the declarations and complying with the formalities prescribed by the legislation of the receiving State.

Article 31. The consular officer shall be entitled to:

1. Issue, renew, make the necessary amendments to, or revoke the passports of nationals of the sending State;
2. Issue travel documents authorizing entry into the sending State and make the necessary amendments thereto;
3. Issue entry, exit and transit visas.

Article 32. 1. The consular officer shall be entitled to:

- (a) Receive for safekeeping the wills of nationals of the sending State;
- (b) Issue certificates of origin or provenance in respect of goods;
- (c) Issue extracts from and copies of any document which he has drawn up within the limits of his competence;
- (d) Legalize the signatures on any documents emanating from the authorities or public agents of the sending State and of the receiving State.

2. The consular officer shall be entitled, provided that such action is not contrary to the legislation of the receiving State, to:

- (a) Receive, draw up and certify declarations made by nationals of the sending State;
- (b) Certify the signatures of nationals of the sending State on documents;
- (c) Accept for safekeeping securities, documents and articles received from or intended for nationals of the sending State;
- (d) Translate documents and certify the translation thereof;
- (e) Certify the accuracy of copies of documents.

3. The consular officer shall, provided that such action is not contrary to the legislation of the receiving State, be entitled in the receiving State or on board vessels of the sending State to draw up in notarized form and authenticate:

- (a) Instruments and contracts concluded between nationals of the sending State and unilateral instruments of such nationals, provided that such instruments and contracts do not relate to the establishment, transfer or nullification of rights to immovable property situated in the receiving State;
- (b) Wills of nationals of the sending State;
- (c) Instruments and contracts which relate solely to property situated in or business to be transacted in the sending State, irrespective of the nationality of the parties.

Article 33. Instruments and documents drawn up, certified or authenticated by the consular officer, in accordance with article 32, and translations of such instruments and documents made or certified by the consular officer shall have in the receiving State the same legal effect and evidentiary value as if the said instruments, documents and translations had been drawn up, certified, authenticated or made by the competent authorities of the receiving State, provided that any formalities which apply to the matter in that State have been complied with.

Article 34. In order to protect a minor or other person lacking full capacity for legal action who is a national of the sending State, or to safeguard such a person's property when it has been left unguarded, the consular officer may, where necessary, propose to the competent court or other authority of the receiving State a person to be appointed to serve as trustee or guardian.

Article 35. 1. Where a national of the sending State dies in the receiving State, the competent authority shall notify the consular officer of the sending State without delay and transmit to him free of charge the death certificate or any other document attesting the death.

2. Where the authority of the receiving State learns of the existence in that State of an estate left to a national of the sending State, the said authority shall notify the consular officer of the sending State without delay.

3. In order to safeguard the estate referred to in paragraph 2, the competent authority of the receiving State shall, in accordance with the legislation of that State, take the necessary steps and inform the consular officer of the existence of a will, the identity of the heirs and the nature and value of the estate and shall advise him of the date of the opening of the succession and the status of the proceedings.

4. The consular officer shall be entitled to co-operate with the competent authorities of the receiving State in connection with the safeguarding of the estate referred to in paragraph 2, and in particular:

- (a) In taking the necessary steps to prevent damage to the estate, including the sale of movable property;
- (b) In appointing a curator for the estate and settling other questions relating to its administration.

5. Where a national of the sending State has an interest in an estate left in the territory of the receiving State and is neither a resident of that State nor represented there, the consular officer shall be entitled, in conformity with the legislation of the receiving State, to represent him directly or through his representative before the courts or other authorities of the receiving State.

6. If, after the completion of the succession proceedings in the territory of the receiving State, the movable property forming part of the estate or the proceeds of the sale of the movable and immovable property fall to an heir or legatee who is a national of the sending State, who does not reside in the territory of the receiving State and who has not designated a representative, the said property or proceeds shall be delivered to the consular post of the sending State, provided that:

- (a) The heir or legatee has been certified to be such;
- (b) The competent authorities have, where necessary, authorized the delivery of the estate property or the proceeds of its sale;
- (c) All debt-claims presented within the period prescribed by the legislation of the receiving State have been paid or secured;
- (d) The inheritance taxes have been paid or secured.

Article 36. 1. Where a national of the sending State who has no habitual residence in the receiving State dies during a stay in the territory of the latter State, his personal effects, movable property and securities which have not been claimed by an heir who is present or a representative of the persons entitled to share in the estate shall be delivered without any special procedure to the consular officer of the sending State, provided that the claims of the creditors of the deceased in the receiving State have been satisfied or secured.

2. The consular officer shall be entitled, subject to the laws and regulations of the receiving State, to export the estate property referred to in paragraph 1 and in article 35, paragraph 6.

Article 37. The consular officer shall be entitled to take, in conformity with the legislation of the receiving State, steps to ensure the appropriate representa-

tion of nationals of the sending State, including bodies corporate, before the courts and other authorities of the receiving State, where such persons, by reason of absence or for any other valid reason, are unable to defend their rights and interests at the proper time. Such representation shall cease when the persons represented appoint their own representative or themselves assume responsibility for the defence of their rights and interests.

Article 38. 1. In the consular district, a consular officer shall be entitled to meet with any national of the sending State, to communicate with him orally or in writing, and to advise him and render any kind of aid to him, including the necessary arrangements for providing him with any legal assistance. The receiving State shall do nothing to prevent nationals of the sending State from making contact with or visiting the consular post.

2. The competent authorities of the receiving State shall notify to the competent consular officer of the sending State within a period of three days, the arrest, or any other form of restriction of the personal freedom, of a national of the sending State.

Any communication addressed to the consular post by the person arrested or subjected to any other form of restriction of his personal freedom must also be transmitted as soon as possible.

3. The consular officer shall be entitled to visit and converse with a national of the sending State who has been arrested or subjected to any other form of restriction of his personal freedom, or who is serving a term of deprivation of freedom within four days from the date of the measures taken against him. The consular officer may make periodic visits to a national of the sending State who is serving a term of deprivation of freedom, at intervals of not more than one month.

4. The competent authorities of the receiving State shall without delay inform a national of the sending State who has been arrested or whose personal freedom has been restricted in any other way, or who is serving a term of deprivation of freedom, of the provisions of paragraphs 1 to 3.

5. The rights referred to in this article must be exercised in conformity with the laws and regulations of the receiving State, it being understood, that such laws and regulations shall not invalidate the said rights.

Article 39. 1. The consular officer shall be entitled to extend any kind of assistance to vessels of the sending State in the ports, territorial sea and inland waters of the receiving State.

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

3. The consular officer may request assistance from the competent authorities of the receiving State in any matter relating to his functions with respect to a vessel of the sending State, the master and the members of the crew, and the said authorities shall grant such assistance.

4. The master and the members of the crew may visit the consular post in conformity with the legislation of the receiving State concerning the entry, stay and exit of foreign nationals.

Article 40. The consular Officer shall be entitled to:

1. Examine any incident involving a vessel of the sending State or occurring on board such a vessel during its voyage or in a port of the receiving State, question the master or any member of the crew of the vessel of the sending State, inspect the ship's papers, take statements regarding the voyage and destination of the vessel and facilitate the arrival of the vessel at the port, its stay and its departure therefrom, without derogating from the rights of the authorities of the receiving State;
2. Settle disputes of any kind between the master and members of the crew, including disputes relating to wages and contracts of service in general, where the laws and regulations of the sending State so permit;
3. Make all arrangements for the treatment in hospital and the repatriation of the master or any member of the crew;
4. Receive, draw up or legalize in accordance with the legislation of the sending State any document or declaration concerning vessels;
5. Make all arrangements for the engagement and discharge of the master or any member of the crew, where the legislation of the sending State authorizes him to do so;
6. Receive any certificate drawn up by the master concerning a birth or death on board the vessel, any birth or death certificate drawn up by the master or received by him for safekeeping, and any will received by him;
7. Render aid and assistance to the master and to members of the crew in their relations with the judicial and administrative authorities of the receiving State and, to that end, provide them with the assistance of any competent person, act as an interpreter for them or designate an interpreter to assist them;
8. Make all arrangements to ensure the maintenance of order and discipline on board the vessel;
9. Ensure the application on board vessels of the sending State of the legislation of that State concerning maritime navigation.

Article 41. 1. Where a court or other competent authority of the receiving State intends to take any coercive measures or institute any inquiry with regard to or on board a vessel of the sending State, the competent authorities of the receiving State shall so notify the consular post. Such notification must be given before the measures in question are initiated, so as to enable the consular officer or his representative to be present at the proceedings.

In case of emergency, or if the consular officer or his representative has not been present, the consular post must be notified as soon as possible of the measures taken.

2. The provisions of paragraph 1 shall also apply if the master or a member of the crew is questioned on shore.

3. The provisions of this article shall not apply to any routine examination with regard to customs, passports, public health, the safeguarding of human life at sea and water pollution.

Article 42. 1. The competent authorities of the receiving State shall not exercise their jurisdiction either on land or on board a vessel of the sending State

in respect of offences committed on board such a vessel except in the case of the following:

- (a) Offences committed by or against a national of the receiving State or by or against any person other than the master or a member of the crew;
- (b) Offences jeopardizing the tranquillity or safety of the port or concerning State security, public health, immigration, the safeguarding of human life at sea or water pollution;
- (c) Offences punishable under the legislation of the receiving State by a penalty of deprivation of freedom for a minimum of five years or a more severe penalty.

2. In other cases, the said authorities shall act only at the request or with the consent of the consular officer.

Article 43. If a member of the crew who is not a national of the receiving State leaves a vessel of the sending State in the receiving State without the authorization of the master, the competent authorities of the latter State shall render assistance, at the request of the consular officer, in searching for the person in question and shall take all necessary measures to have him taken on board the vessel of the sending State.

Article 44. 1. The competent authorities of the receiving State shall notify the consular officer as soon as possible when a vessel of the sending State is wrecked, runs aground or is damaged in the receiving State or when any article forming part of the cargo of a vessel of the sending State or an article belonging to a national of the sending State and forming part of the cargo of a vessel of a third State is found on or near the coast of the receiving State or is brought into a port of that State. The competent authorities of the receiving State shall likewise notify the consular officer of measures already taken to save human lives, the vessel, the cargo of the vessel and other articles on board the vessel or belonging to the vessel or to its cargo but separated from the vessel.

2. The consular officer may extend all possible assistance to the damaged vessel, its passengers and the members of the crew. For that purpose, he may apply for assistance to the competent authorities of the receiving State, and such assistance shall be granted to him. The consular officer may take the measures referred to in paragraph 1 and the measures necessary for the repair of the vessel or may request the competent authorities to take or continue such measures themselves.

3. If a damaged vessel of the sending State or any article forming part of the cargo of the vessel is found on or near the coast of the receiving State and neither the master of the vessel, nor the owner or his agent, nor the underwriter of the vessel is in a position to make the necessary arrangements for the custody or disposal of the said vessel or article, the consular officer shall be considered authorized to make such necessary arrangements as the owner himself would have made for such purposes. The provisions of this paragraph shall also apply to any article forming part of the cargo of the vessel and belonging to individual or body corporate of the sending State.

4. If any article which forms part of the cargo of a damaged vessel of a third State but is the property of an individual or body corporate of the sending State is found on or near the coast or in a port of the receiving State and neither the master of the vessel nor the owner of the article or his agent, nor the underwriters

concerned are in a position to make arrangements for the custody or disposal of the article, the consular officer shall be considered authorized to make, on behalf of the owner, such arrangements as the owner himself would have made for such purposes.

Article 45. The provisions of articles 39 to 44 shall also apply *mutatis mutandis*, to civil aviation, provided that they are not contrary to the provisions of other conventions in force.

Article 46. In addition to the functions specified in this chapter, the consular officer may perform other consular functions if they are not contrary to the laws and regulations of the receiving State.

Article 47. In the exercise of his official functions, the consular officer shall be entitled to collect the fees and charges prescribed by the legislative provisions of the sending State.

The said fees and charges shall be exempt from all dues and taxes imposed or collected in the receiving State.

CHAPTER V. FINAL PROVISIONS

Article 48. 1. The consular officer may also exercise consular functions in the receiving State on behalf of a third State if the sending State so notifies the receiving State in advance and if the latter agrees thereto.

2. The consular officer may also represent the interests of the sending State and of its nationals in a third State if the sending State so notifies the receiving State in advance and if the latter agrees thereto.

Article 49. 1. This Convention is subject to ratification and the instruments of ratification shall be exchanged at Brussels as soon as possible. It shall enter into force on the thirtieth day after the date of the exchange of the instruments of ratification.

2. The Convention shall continue in force until six months after the date on which either Contracting Party denounces it. Denunciation must be made in writing 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 9 July 1976, in duplicate, in the French, Hungarian and Dutch languages, all versions in the different languages mentioned being equally authentic.

For His Majesty
the King of the Belgians:

[Signed]

R. VAN ELSLANDE

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

[Signed]

PUJA FRIGYES

EXCHANGE OF LETTERS

I

MINISTRY OF FOREIGN AFFAIRS, FOREIGN TRADE
AND CO-OPERATION FOR DEVELOPMENT

The Minister

Budapest, 9 July 1976

Sir,

On the occasion of the signing of the Consular Convention between our two countries, I have the honour, on behalf of my Government, to inform you that Belgium and the Grand Duchy of Luxembourg signed at Brussels on 30 September 1965 a Convention concerning co-operation in consular matters.¹

Accordingly, I venture to propose to you that, on the basis of article 48 of the Consular Convention between our two countries, the Government of the Hungarian People's Republic should accord to Belgian consular officers the right to protect Luxembourg interests in conformity with chapter IV of the Convention.

At the same time, I draw to your attention the fact that the Grand Duchy of Luxembourg accords to the Hungarian consular officer who has been admitted to the Grand Duchy for the exercise of his functions the right to defend Hungarian interests in conformity with chapter IV of the Consular Convention.

If the Government of the Hungarian People's Republic is in a position to signify its agreement to this proposal, this letter and your reply shall constitute an integral part of the Convention between our two countries.

Accept, Sir, etc.

[Signed]

R. VAN ELSLANDE

His Excellency Mr. Frigyes Puja
Minister for Foreign Affairs
of the Hungarian People's Republic

¹ United Nations, *Treaty Series*, vol. 590, p. 35.

II

MINISTER FOR FOREIGN AFFAIRS
OF THE HUNGARIAN PEOPLE'S REPUBLIC

Budapest, 9 July 1976

Sir,

I have the honour to acknowledge receipt of your letter of 9 July 1976 reading as follows:

[See letter I]

I have the honour to inform you that the Government of the Hungarian People's Republic signifies its agreement to this proposal and takes note of the content of your letter. Your letter and my reply constitute an agreement which will form an integral part of the Convention between our two countries.

Accept, Sir, etc.

[Signed]

PUJA FRIGYES

His Excellency Mr. Renaat Van Elslande
Minister for Foreign Affairs
of the Kingdom of Belgium
