

No. 17871

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**GREECE
and
POLAND**

**Consular Convention (with exchange of letters). Signed at
Warsaw on 30 August 1977**

Authentic texts: Greek, Polish and French.

Registered by Greece on 29 June 1979.

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Enregistrée par la Grèce le 29 juin 1979.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE HELLENIC REPUBLIC AND THE POLISH PEOPLE'S REPUBLIC

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

Animated by the desire to develop and strengthen the traditional friendly relations between the two countries,

Desiring to continue the development of co-operation and of consular relations,

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

The President of the Hellenic Republic: Mr. Dimitrios S. Bitsios, Minister for Foreign Affairs,

The Council of State of the Polish People's Republic: Mr. Emil Wojtaszek, Minister for Foreign Affairs,

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

CHAPTER I. DEFINITIONS

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

(a) "Consular post" means any consulate-general, consulate or vice-consulate and any 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 services, or a person assigned to the domestic service, of a consular post;

(f) "Member of the consular post" means consular officers and consular employees;

(g) "Member of the private staff" means a person employed exclusively in the private service of a member of the consular post;

¹ Came into force on 29 March 1979, i.e., the thirtieth day after the date of the exchange of the instruments of ratification, which took place at Athens on 29 March 1979, in accordance with article 59(1).

(h) "Member of the family" means the spouse, children and parents of a member of the consular post and the children and parents of the spouse, provided that they form part of his household and remain dependent on the member of the consular post;

(i) "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;

(j) "Consular archives" means all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with cipher and code material, the card-indexes and any article of furniture intended for their protection and safe keeping;

(k) "Official correspondence" means any correspondence relating to the consular post and its functions;

(l) "Vessel of the sending State" means any floating unit authorized to fly the flag of, or registered in, the sending State, with the exception of warships;

(m) "Aircraft of the sending State" means any air unit registered in the sending State and authorized to use the distinctive marks indicating its belonging to that State, with the exception of military aircraft.

2. The provisions of this Convention applicable to nationals of the sending State are likewise applicable to juridical persons, including commercial companies, which are founded in accordance with the laws and regulations in force in the sending State and have their headquarters in that State.

CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF CONSULAR OFFICERS AND EMPLOYEES

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

2. The Contracting States shall determine by agreement the seat of the consular post, its classification and its district. Subsequent changes may be made by the sending State only with the consent of the receiving State.

Article 3. 1. The head of a consular post shall be admitted to the exercise of his functions after presentation of his consular commission and the obtention of the exequatur granted by the receiving State.

2. Consular commissions shall be transmitted by the sending State to the Ministry of Foreign Affairs of the receiving State through the diplomatic channel.

3. Consular commissions shall attest the full name and class of the head of the consular post, as well as the consular district and the seat of the consular post.

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

Article 4. The receiving State may at any time, without having to communicate the reason for its refusal, notify the sending State through the diplomatic channel that the exequatur or other authorization granted to the head of the consular post has been withdrawn or that any other consular officer or employee is *persona non grata*. In that event, the sending State shall recall the person

concerned, if he has already taken up his duties. If the sending State fails to carry out this obligation within a reasonable time, the receiving State may cease to consider the person in question as a consular officer or employee.

Article 5. 1. If for any reason the head of the consular post is unable to carry out his functions or if his post is vacant, the sending State may designate a consular officer of one of its consular posts in the receiving State or a member of the diplomatic staff of its diplomatic mission to act as temporary head of the consular post; the name of the person concerned shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. The provisions of this Convention shall apply to the acting head of the consular post, who shall enjoy the same rights, privileges and immunities as the head of the consular post.

3. If the consular functions are entrusted in accordance with paragraph 1 of this article to a member of the diplomatic staff of the diplomatic mission of the sending State, he shall fully enjoy the diplomatic privileges and immunities to which he is entitled.

Article 6. As soon as a head of a consular post is admitted, even on a provisional basis, to the exercise of his functions, the receiving State must immediately inform the competent authorities of the consular district and take the necessary measures to enable him to carry out the duties of his office and to enjoy the treatment provided for under this Convention.

Article 7. Consular officers shall have the nationality of the sending State only.

Article 8. The Ministry of Foreign Affairs of the receiving State shall be notified of:

- (a) The appointment of the members of a consular post, their arrival following their appointment to the consular post, their final departure or the cessation of their functions, and all other changes pertaining to their status that may occur during their service at the consular post;
- (b) The arrival and final departure of a person belonging to the family of a member of the consular post and, where appropriate, the fact that a person becomes or ceases to be a member of the family;
- (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 residing in the receiving State, as members of the consular post or as members of the private staff.

Article 9. 1. The competent services of the receiving State shall issue free of charge to each consular officer a document attesting his identity and stating the functions which he performs.

2. The provisions of paragraph 1 of this article shall equally apply to consular employees and members of the private staff, provided that such persons are neither nationals nor residents of the receiving State.

3. The provisions of this article are applicable to members of the families.

CHAPTER III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 10. 1. The receiving State shall accord to the consular post all facilities for the performance of consular functions and shall take the necessary steps to ensure that the members of the consular post are able to exercise their official activity and to enjoy the privileges and immunities specified in this Convention.

2. The receiving State shall treat consular officers with the respect which is due to them and shall take all the appropriate measures for preventing any attack on their persons, their freedom and their dignity.

Article 11. 1. The emblem of the sending State bearing an appropriate inscription designating the consular post may be affixed to the consular building or to the residence of the head of the consular post.

2. The national flag of the sending State may be flown on the building occupied by the consular post, on the residence of the head of the consular post and on his means of transport when used on official business.

Article 12. The receiving State shall assist the sending State, within the framework of its laws and regulations, in procuring the requisite premises for the consular post and, if necessary, suitable dwellings for the members of the consular post.

Article 13. 1. The sending State shall have the right, in accordance with the laws and regulations of the receiving State:

- (a) To acquire, hold or use plots of land, buildings or parts of buildings intended for the offices of the consular post, for the residence of the head of the consular post or for dwellings for other members of the consular post;
- (b) To erect or arrange, for the same purposes, the buildings situated on plots of land purchased;
- (c) To transfer the ownership of plots of land, buildings or parts of buildings thus acquired or erected.

2. The provisions of paragraph 1 of this article shall not exempt the sending State from the obligation to comply with the regulations and restrictions of real estate law and town planning which apply in the area where the plots of land, buildings or parts of buildings intended for consular premises are situated.

Article 14. 1. The consular premises and the residence of the head of the consular post shall be inviolable. The authorities of the receiving State may not enter such premises without 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.

2. The receiving State shall have the special obligation to take all appropriate steps for preventing the consular premises from being invaded or damaged and for preventing the peace of the consular post from being disturbed or its dignity lessened.

Article 15. The consular premises, the residence of the head of the consular post, their furnishings, the property of the consular post and means of transport shall be immune from any requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all appropriate measures shall be taken to avoid any obstacle to the performance of consular functions,

and corresponding effective compensation shall be paid without any delay to the sending State immediately after the conclusion of the expropriation procedure.

Article 16. 1. Consular premises and the residence of the head of the consular post shall, if the sending State is the owner or lessee thereof, be exempt from all national, regional or municipal taxes and charges whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this article shall not apply to taxes and charges which, under the laws and regulations of the receiving State, are payable by the person who contracted with the sending State.

3. The provisions of paragraphs 1 and 2 of this article shall likewise apply to means of transport owned by the sending State and used exclusively for the needs of the consular post.

Article 17. Consular archives and documents shall be inviolable at all times and wherever they may be.

Article 18. 1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate communication means as well as diplomatic or consular couriers and messages in code or cipher. However, the consular bag may be used only for the communication of the consular post with the Government, the diplomatic mission and the consular posts of the sending State in the receiving State. 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 consular bag must bear visible external signs of its character and shall not contain anything other than official correspondence and documents and objects intended to be used for official needs.

4. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the consular bag contains objects other than those mentioned above, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is not complied with, the bag shall be returned to its place of origin.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Only a national of the sending State not residing in the receiving State may be a consular courier. During the performance of his functions, the consular courier shall be under the protection of the receiving State and shall enjoy personal inviolability, not being liable to arrest, detention or limitation of his personal freedom in any form whatsoever.

6. A consular bag may be entrusted to the captain of a ship or aircraft. He shall be provided with an official document indicating the number of packages constituting the consular bag, but he shall not be considered a consular courier. A member of the consular post may freely take possession of the consular bag

directly from the captain of the ship or of the aircraft or deliver it to him in the same manner.

Article 19. 1. The head of the consular post shall enjoy immunity from criminal, civil and administrative jurisdiction in the receiving State. He shall enjoy personal inviolability and shall therefore not be arrested, detained or deprived of his liberty in any form whatsoever.

2. Consular officers other than the head of the consular post and consular employees shall enjoy immunity from criminal, civil and administrative jurisdiction in the receiving State for acts performed in the exercise of their functions. They may not be arrested, detained or deprived of their liberty in any form whatsoever for acts performed outside of the exercise of their functions, except in the case of a serious offence punishable under the legislation of the receiving State by a penalty of deprivation of liberty, the minimum of which is at least five years, or by a more severe penalty, on the basis of a decision issuing from an authority of that State who is competent in criminal matters.

Except in such cases, they shall not be committed to prison or be liable to any other form of restriction of their personal liberty save in execution of a final judicial decision in criminal proceedings.

3. In the event of prosecution, arrest, detention or deprivation of liberty, in any form whatsoever, of a member of the consular post, the competent authorities of the receiving State must notify the head of the consular post thereof without delay.

4. If criminal proceedings are instituted against a member of a consular post, they shall be conducted rapidly and in a manner which will hamper the exercise of his functions in the consular post as little as possible.

5. The provision of paragraph 1 of this article shall not apply where one of the following is involved:

- (a) A real action concerning a private property situated within the territory of the receiving State, unless it is held by the head of the consular post for the account of the sending State for the purposes of the post;
- (b) An action concerning a succession, in which the head of the consular post is involved as executor, administrator, heir or legatee, privately and not on behalf of the sending State;
- (c) An action concerning any professional, occupational or commercial activity whatsoever, carried on by the head of the consular post in the receiving State outside of his official functions.

6. The provisions of paragraphs 1 and 2 shall not apply in respect of a civil action:

- (a) Arising out of obligations under a contract which a member of the consular post has not concluded expressly or impliedly as an agent of the sending State;
- (b) Brought by a third party citing damage caused in the receiving State by a vehicle, vessel or aircraft.

Article 20. 1. Members of a consular post may be called on to attend as witnesses at the request of the judicial or administrative authorities of the receiving State. However, no coercive measure or other penalty may be applied to such persons.

2. The authority requesting such testimony shall avoid impeding the consular officer or employee in the discharge of his functions, and may, whenever possible, take his testimony at his residence or at the consular post, or accept a written statement by him.

3. The members of a consular post may decline to give evidence as witnesses concerning matters connected with the exercise of their functions and to produce official documents and correspondence relating thereto. They shall also have the right to decline to give evidence as experts concerning the national law of the sending State.

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

2. If a consular officer or a consular employee institutes proceedings in the event that he would enjoy immunity from jurisdiction, he shall not be permitted to plead immunity from jurisdiction with respect to any cross-action directly related to the principal action.

3. A waiver of immunity from jurisdiction for a civil or administrative action shall not be considered a waiver of immunity from the measures of execution resulting from the judicial decision. For such measures of execution, a separate waiver shall be necessary.

Article 22. The receiving State shall exempt the members of the consular post from any military obligation (requisitions, contributions, billeting, etc.) or other personal performances of public interest.

Article 23. Members of the consular post shall be exempt from all obligations prescribed by the laws and regulations of the receiving State pertaining to the registration of foreigners, permits of residence, work permits and other formalities concerning foreigners.

Article 24. 1. Members of the consular post shall be exempt from all national, regional and municipal taxes and charges, except:

- (a) Indirect taxes as normally included in the price of goods and services;
- (b) Taxes and charges on private immovable property situated in the territory of the receiving State;
- (c) Estate, succession, inheritance and transfer duties levied by the receiving State, subject to the provisions of article 26;
- (d) Taxes on all types of private income having its source in the receiving State;
- (e) Charges levied for services rendered;
- (f) Registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 16.

2. Members of the consular post who employ persons whose salaries and wages are not exempt from income tax in the receiving State shall comply with the obligations imposed by the laws and regulations of the said State in respect of the levy of income tax.

Article 25. 1. In accordance with its laws and regulations, the receiving State shall permit entry and exit and grant exemption from all customs duties,

taxes and other related charges, except warehouse and transportation costs and costs pertaining to analogous services, on:

- (a) Articles intended for the official use of the consular post;
- (b) Articles intended for the personal use of a consular officer, including articles intended for his establishment.

2. Consular employees shall enjoy the exemptions specified in subparagraph *b* of paragraph 1 of this article in respect of articles imported at the time, when they first install themselves.

3. Also included in the term “articles” are means of transport.

4. Consular officers and members of their families shall be exempt from inspection of their personal baggage unless there exists serious reason to believe that it contains articles not covered by the exemptions mentioned in paragraph 1 (*b*) of this article, or articles the import or export of which is prohibited by the legislation or subject to the quarantine regulations of the receiving State. In such a case, the inspection shall be carried out only in the presence of the consular officer, the member of his family or their authorized agent.

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, except that which was acquired in the receiving State and the exporting of which is prohibited at the time of his death;
- (b) Shall not levy estate, succession, inheritance or transfer duties on movable property whose presence in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post.

Article 27. Subject to its laws and regulations concerning zones into which, for reasons of State security, entry is prohibited or regulated, the receiving State shall ensure freedom to circulate and travel in its territory to all members of the consular post.

Article 28. Means of transport owned by the sending State and intended for the use of the consular post or owned by members of the consular post shall be covered by compulsory insurance.

Article 29. Members of the family shall enjoy the privileges specified in article 19, paragraph 3, article 20, paragraph 3, articles 22, 23 and 24, and article 25, paragraph 1 (*b*) and paragraph 2 of this Convention, provided that they are not nationals of the receiving State, do not reside in that State and do not carry on any gainful activity. Subject to the same provisos, members of the family of the head of a consular post shall enjoy the personal inviolability provided for in paragraph 1 of article 19 of this Convention.

Article 30. Members of a consular post who are nationals of the receiving State or who habitually reside in that State shall not enjoy the privileges and immunities defined in this Convention, subject to paragraph 3 of article 20.

CHAPTER IV. CONSULAR FUNCTIONS

Article 31. 1. Consular officers shall be entitled to protect the nationals of the sending State and to defend their rights and interests.

2. They shall also contribute to the development of commercial, economic, maritime, tourist, cultural and scientific relations between the sending State and the receiving State in such a way as to promote co-operation between the two States in those fields.

Article 32. 1. A consular officer shall exercise his functions in his consular district. However, under exceptional circumstances he may exercise his functions outside the said district with the consent of the receiving State.

2. In the exercise of his functions, a consular officer may apply to:

- (a) Competent local authorities of the consular district;
- (b) Competent central authorities of the receiving State, to the extent permitted by the laws, regulations and customs of that State and by international agreements.

Article 33. 1. A consular officer shall be entitled, in accordance with the laws and regulations of the receiving State, to appear in the stead of nationals of the sending State before the courts and other authorities of the receiving State, in order to ensure appropriate legal representation in cases where such persons, owing to absence or for any other reason, are unable to defend their rights and interests within the prescribed time.

2. The representation referred to in paragraph 1 of this article shall cease when the person represented appoints his own agent or he himself assumes the defence of his rights and interests.

Article 34. Consular officers shall be entitled to:

- (a) Keep a register of nationals of the sending State;
- (b) Issue passports or other travel documents to nationals of the sending State, renew them, introduce other changes in them, and render them void;
- (c) Issue visas for entry into the sending State.

Article 35. 1. Consular officers shall be entitled to draw up or transcribe birth or death certificates or any other instrument relating to the civil status of nationals of the sending State.

2. The drafting of the instruments mentioned in paragraph 1 shall not dispense nationals of the sending State from the duty to comply with the obligations provided by the laws and regulations of the receiving State concerning such matters.

3. The competent authorities of the receiving State shall, upon request, without delay and without charge, transmit to the consular post, for official purposes, copies and extracts of civil-status documents concerning nationals of the sending State.

Article 36. 1. Consular officers shall be entitled to:

- (a) Accept, draw up and legalize declarations of nationals of the sending State;
- (b) Accept, draw up and legalize testamentary dispositions and other documents recording unilateral legal acts of nationals of the sending State concluded in accordance with the legislation of that State;
- (c) Legalize documents of nationals of the sending State and attest seals and signatures on such documents;

- (d) Legalize all documents issued by the authorities of the sending State or by the receiving State and legalize copies and extracts of such documents;
- (e) Translate documents and certify the correctness of the translation;
- (f) Draw up and legalize contracts concluded between nationals of the sending State, if they do not relate to the establishment, transfer or extinction of real rights in immovable property situated in the receiving State;
- (g) Draw up and legalize contracts, regardless of the nationality of the parties, if such contracts relate to property or rights situated in the sending State and if they are to have legal effects solely in that State;
- (h) Issue certificates of origin for goods;
- (i) Publish, on the consular premises, notices relating to all questions pertaining to rights and obligations or interests of nationals of the sending State.

2. The documents enumerated in paragraph 1 of this article shall, when drawn up, legalized or certified correct by the officer of the consular post, be deemed duly legalized official documents and shall possess the same probatory force and have the same effects as documents legalized by the competent authorities of the receiving State, provided, however, that they are not contrary to the laws and regulations of that State.

Article 37. 1. Consular officers shall be entitled to accept for safekeeping documents, sums of money and valuables handed over to them by nationals of the sending State.

2. Consular officers shall also be entitled to accept objects lost by nationals of the sending State during their stay in the receiving State, with a view to forwarding them to their owners.

Article 38. A consular officer shall be entitled, at the request of the competent authorities of the sending State, to take voluntary depositions of nationals of the sending State given in the capacity of parties, witnesses or experts and to deliver to them judicial and extra-judicial documents. In the performance of such acts it is prohibited to use or threaten to use coercive means.

Article 39. 1. The authorities of the receiving State shall inform the consular post whenever there is need to organize guardianship or curatorship for a national of the sending State who is a minor or whose legal capacity is limited, or to ensure the protection of property situated in the receiving State which a national of the sending State is unable to administer for any reason.

2. Consular officers may communicate with the competent authorities of the receiving State in connection with the questions referred to in paragraph 1 of this article, and in particular propose persons to act in the capacity of guardians or tutors.

Article 40. Consular officers shall be entitled to communicate with any national of the sending State, lend him assistance and advice, and, where necessary, provide him with legal assistance. The receiving State shall do nothing to limit the possibilities of communication of nationals of the sending State with the consular post or access to the consular post.

Article 41. 1. The consular officer shall be informed by the competent authorities of the receiving State without delay, and at the latest within three days,

of the arrest or detention of, or any other deprivation of liberty imposed upon, a national of the sending State in his district.

2. In the case specified in the foregoing paragraph, the consular officer, immediately upon being informed, shall be entitled to visit such national and to converse with him with a view to taking the necessary measures for his legal defence. Thereafter, the competent authorities of the receiving State shall grant to the consular officer, if necessary, the right to visit the national at reasonable intervals. Any communication of such national which is intended for the consular post shall be forwarded to the consular post without delay by courtesy of the competent authorities of the receiving State.

3. Whenever, following conviction, a national of the sending State is serving a term of deprivation of liberty, the consular officer shall be entitled to visit and communicate with him.

4. The visits referred to in the foregoing paragraphs shall take place in accordance with the laws and regulations of the receiving State. It is understood that such laws and regulations must not impede the exercise of the said consular functions.

Article 42. The competent authorities of the receiving State shall inform the consular officer without delay of all traffic accidents of nationals of the sending State.

Article 43. The competent authorities of the receiving State shall, without delay, inform the consular officer of the death of a national of the sending State.

Article 44. 1. The competent authorities of the receiving State shall, without delay, notify the consular officer of the opening in the receiving State of a succession as a consequence of the death of a national of the sending State and of the opening of a succession, whatever the nationality of the deceased person may be, in which a national of the sending State may hold an interest as heir, beneficiary or legatee.

2. The competent authorities of the receiving State shall take the necessary steps provided by the laws and regulations of that State for protecting the estate and for transmitting to the consular officer a copy of the will, if one was drawn up by the deceased, and all information available to them concerning beneficiaries, their domicile and residence, and the value and composition of the estate, including sums derived from social insurance, income, and insurance policies. They shall also provide information concerning the date of opening of succession proceedings or the status of such proceedings.

3. The consular officer shall be authorized *ex officio*, without being required to present a power of attorney, to represent, directly or indirectly through his representative, before the courts or other competent authorities of the receiving State, a national of the sending State who is a beneficiary of the estate or who has claims against an estate in the receiving State, if such heir is absent or has not appointed his agent.

4. The consular officer shall be entitled to demand:

(a) The preservation of the estate, the affixing and removal of seals and the taking of steps with a view to the preservation of the estate, including the appointment of an administrator of the estate, and to participate in such operations;

(b) The sale of the property belonging to the estate and the communication of the date fixed for such sale, in order that he may be present thereat.

5. At the end of the succession proceedings or other official formalities, the competent authorities of the receiving State shall notify the consular officer without delay and, after the payment of the debts, duties and taxes, shall, within three months, transmit to him the estate or the individual shares of the persons whom he represents.

6. If the value of the estate is of little significance, the consular officer may request that the property constituting the estate be delivered to him. He shall then be entitled to transmit it to the persons concerned.

7. The consular officer shall be entitled to receive, with a view to transmission to the persons concerned, the individual shares and the legacies devolving upon nationals of the sending State not residing in the receiving State, and also to receive sums devolving upon the persons concerned by way of indemnifications, pensions, social insurance, wage and salary arrears and insurance policies.

8. The transfer of property and assets to the sending State pursuant to the provisions of paragraphs 5, 6 and 7 of this article may be effected only in accordance with the legislation of the receiving State.

Article 45. 1. In the event that a national of the sending State not residing in the receiving State should die while travelling in that State, the personal effects of the deceased shall be delivered by the competent authorities of the receiving State to the consular officer of the sending State, without any special procedure. The consular officer shall pay any debts contracted by the deceased during his stay in the receiving State, up to the value of the effects delivered.

2. The provision of article 44, paragraph 8, shall equally apply to the property referred to in paragraph 1 of this article.

Article 46. 1. Consular officers shall be entitled to render every type of assistance to vessels of the sending State and to the crews of such vessels during their stay in the territorial or inland waters of the receiving State, including ports, as soon as such vessels have been admitted to pratique. They shall be entitled to exercise the right of supervision and inspection in respect of the vessels of that State and their crews. For that purpose, they may also visit the vessels of the sending State and receive visits from the masters and crews of such vessels.

2. The competent authorities of the receiving State shall respect all measures taken by the consular officer in accordance with the laws and regulations of the sending State in relation to vessels of the sending State and their crews. In the performance of such functions, the consular officer may request assistance from the competent authorities of the receiving State.

Article 47. As relates to vessels of the sending State, consular officers shall be entitled:

- (a) To question the master of the vessel and any other member of the crew, to verify, accept and visa the vessel's documents, to take declarations with regard to the vessel, the cargo and the voyage, and to issue the requisite documents for facilitating the vessel's entry, stay and departure;
- (b) To intervene with a view to settling or facilitating the settlement, in accordance with the legislation of the sending State, of disputes of all kinds between

the master and other members of the crew, including disputes relating to contracts of service and working conditions;

- (c) To make arrangements for the engagement or discharge of the master and other members of the crew;
- (d) To take the necessary measures to ensure the hospitalization and the repatriation of the master or any other member of the crew;
- (e) To receive, draw up or sign all types of certificates and other documents concerning the nationality, ownership and other real rights, and the condition and operation of a vessel;
- (f) To render aid and assistance to the master of the vessel or any other member of the crew in their relations with the courts and other authorities of the receiving State, and, for that purpose, to provide them with legal assistance, the assistance of an interpreter or that of any other person;
- (g) To take all useful measures for the maintenance of discipline and order on board the vessel;
- (h) To ensure the application of the laws and regulations of the sending State relating to shipping matters on a vessel of that State.

Article 48. 1. The courts and other authorities competent in legal matters of the receiving State may not exercise their jurisdiction, where offences committed on board a vessel of the sending State are involved, except in the following cases:

- (a) Offences committed either by or against a national of the receiving State, or by or against any person other than a member of the crew;
- (b) Offences disturbing the peace or safety of the port or the territorial or inland waters of the receiving State;
- (c) Offences against the laws and regulations of the receiving State concerning public health, the safety of life at sea, immigration, customs regulations, the pollution of the sea or illegal drug traffic;
- (d) Offences punishable under the legislation of the receiving State by a penalty of deprivation of liberty, the minimum of which is five years or by a more severe penalty.

2. In other cases, the authorities referred to above may act only at the request or with the consent of the consular officer.

Article 49. 1. Where it is the intention of a court or any other authority of the receiving State to arrest or detain, on board a vessel of the sending State, the master, another member of the crew, a passenger of the vessel or any other person who is not a national of the receiving State, or to seize any property on board or institute an official inquiry on board, the competent authorities of the receiving State shall notify the consular officer accordingly, in time for him to be able to be present on board the vessel before such measure is carried out. If it is impossible to notify him in advance, the competent authorities of the receiving State shall notify him of the matter as soon as possible, but in any event not later than the time when such measures begin to be executed. The competent authorities of the receiving State shall facilitate the visiting of the arrested or detained person by the consular officer, the communication of the consular officer with such

person, and his taking appropriate measures for the protection of the interests of the person or vessel concerned.

2. The provisions of paragraph 1 of this article shall not apply to any routine examination by the authorities of the receiving State with regard to passports, customs, public health, pollution of the sea and the safety of life at sea or to any other action taken at the request or with the consent of the master of the vessel.

Article 50. If a member of the crew who is not a national of the receiving State deserts, in the receiving State without the permission of the master, a vessel of the sending State, the competent authorities of the receiving State shall, at the request of the consular officer, render their assistance in the search for such person.

Article 51. The consular officer shall be entitled to go on board any vessel heading for ports of the sending State in order to obtain information to enable him to issue and sign the documents required under the laws and regulations of the sending State for the entry of the vessel into the ports of that State, and to transmit to the competent authorities of the sending State the information demanded by them.

Article 52. 1. If a vessel of the sending State is wrecked, is damaged, runs aground, is swept ashore or sustains any other injury in the territorial or inland waters of the receiving State, including ports, the competent authorities of the receiving State shall accordingly inform the consular officer of the sending State without delay.

2. In the cases enumerated in paragraph 1 of this article, the competent authorities of the receiving State shall take the necessary measures for organizing the saving and protection of the vessel, the passengers, the crew, the vessel's equipment, cargo, stores and other objects on board, and also for preventing and eliminating any attack on ownership and any disorder on board. Such measures shall also be taken in respect of objects forming part of the vessel or its cargo and thrown overboard. The authorities of the receiving State shall inform the consular officer of the measures taken. They shall grant their assistance to the consular officer in order for him to be able to take all measures which follow from the damage, grounding or shipwreck. The consular officer shall be entitled to request the authorities of the receiving State to take and continue to apply the necessary measures for saving and protecting the vessel, its crew, the passengers, the vessel's equipment and cargo, stores and other objects on board. Such measures shall be taken in collaboration with the master of the vessel.

3. Whenever a wrecked vessel of the sending State, its equipment, cargo or stores or other objects which were on board are found on or near the shore of the receiving State or are brought into a port of that State, and neither the master of the vessel, nor his agent, nor the insurance representatives are present, or they are unable to make arrangements for their preservation or administration, the consular officer shall be authorized to make, as representative of the owner of the vessel, the arrangements which the owner could have made for the same purposes if he had been present.

4. The consular officer may also take the measures provided in paragraph 3 of this article in respect of any object belonging to a national of the sending State, coming from a vessel or the cargo of a vessel of any nationality what-

soever, and brought into a port or found on or near the shore or on the damaged, grounded or wrecked ship. The competent authorities of the receiving State shall, without delay, inform the consular officer of the existence of such an object.

5. The consular officer shall be entitled to participate in an inquiry opened for determining the causes of the damage, grounding or shipwreck.

6. In response to a demand by the consular officer, the competent authorities of the receiving State shall render the aid which is indispensable in order for him to be able to take the necessary measures entailed by the damage to the vessel.

7. Customs or other similar duties shall not be applied in the territory of the receiving State to the damaged vessel, its cargo or its stores, provided that they are not used or consumed in that State.

Article 53. If the master or any other member of the crew of a vessel of the sending State dies or disappears in the receiving State on board the vessel or on shore, the master or his replacement and the consular officer of the sending State shall alone be competent to make the inventory of the objects, valuables and other property left by the deceased or the person who disappeared and to carry out the other steps necessary for the preservation of the property and for surrendering it with a view to the liquidation of the estate. However, if the deceased or the person who has disappeared is a national of the receiving State, the master or his replacement shall draw up the inventory at the time when the death or disappearance is ascertained. A copy of such inventory shall be delivered to the authorities of the receiving State, who shall be competent for carrying out measures of all types which are indispensable for the preservation of the property and, if necessary, for the liquidation of the estate. The said authorities shall inform the consular post of the sending State of the actions taken by them.

Article 54. The provisions of articles 46, 47, 48, 49, 50, 51, 52 and 53 shall also be applicable to aircraft of the sending State, in so far as they are susceptible of being applied.

Article 55. 1. A consular post may charge fees and duties in the territory of the receiving State for consular services rendered, in accordance with the laws and regulations of the sending State.

2. Sums charged for consular services rendered, as mentioned in paragraph 1 of this article, shall be free of all taxes and charges of the receiving State.

CHAPTER V. GENERAL AND FINAL PROVISIONS

Article 56. 1. All persons enjoying privileges and immunities under this Convention must respect the laws and regulations of the receiving State, without prejudice to their privileges and immunities.

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

Article 57. Consular officers may perform all types of other consular functions entrusted to them by the sending State, provided that such functions are not contrary to the laws and regulations of the receiving State.

Article 58. 1. The provisions of this Convention shall also apply where consular functions are exercised by a diplomatic mission.

2. The full names of the members of the diplomatic mission assigned to the consular service of the diplomatic mission shall be reported to the Minister for Foreign Affairs of the receiving State.

3. The members of the diplomatic mission referred to in paragraph 2 of this article shall continue to enjoy the privileges and immunities to which their diplomatic status entitles them.

Article 59. 1. This Convention shall be ratified, and it shall enter into force on the thirtieth day after the date of exchange of the instruments of ratification, which shall take place at Athens.

2. This Convention shall remain in force for an indefinite period. It may be denounced, by notification, by each of the Contracting Parties. In that case it shall cease to be in force within six months following the date of denunciation.

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

DONE at Warsaw on 30 August 1977, in duplicate in the Greek, Polish and French languages, all three texts being equally authentic. In the event of a difference, the French text shall prevail.

For the President
of the Hellenic Republic:

[Signed]

DIMITRIOS S. BITSIOS

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

[Signed]

EMIL WOJTASZEK

EXCHANGE OF LETTERS

I

Warsaw, 30 August 1977

Sir,

With reference to the provision of article 2, paragraph 2, of the Consular Convention between the Hellenic Republic and the Polish People's Republic, signed today, I have the honour to note that during the negotiations it was agreed that the number of consular officers and employees would be established by agreement between the Contracting Parties according to the functional needs of the consular posts.

If the Hellenic Party accepts this proposal, I have the honour to propose that this letter and your reply should constitute the Agreement between the Contracting Parties on this subject.

This Agreement shall enter into force at the same time and shall have the same validity as the Consular Convention.

Accept, Sir, etc.

[Signed]

EMIL WOJTASZEK
Minister for Foreign Affairs

His Excellency Mr. D. S. Bitsios
Minister for Foreign Affairs

II

Warsaw, 30 August 1977

Sir,

I have the honour to refer to your letter of today's date, which reads as follows:

[See letter I]

In reply, I have the honour to inform you that the Hellenic Party agrees to the above.

Accept, Sir, etc.

[Signed]

DIMITRIOS S. BITSIOS
Minister for Foreign Affairs

His Excellency Mr. Emil Wojtaszek
Minister for Foreign Affairs
