

No. 22525

**HUNGARY
and
LIBYAN ARAB JAMAHIRIYA**

**Consular Convention. Signed at Budapest on 24 September
1981**

Authentic texts: Hungarian and Arabic.

Registered by Hungary on 19 December 1983.

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et
JAMAHIRIYA ARABE LIBYENNE**

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[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE HUNGARIAN PEOPLE'S
REPUBLIC AND THE SOCIALIST PEOPLE'S LIBYAN ARAB
JAMAHIRIYA

The Hungarian People's Republic and the Socialist People's Libyan Arab Jamahiriya, with a view to strengthening the bonds of friendship and co-operation existing between the two countries and further developing the consular relations between them, have decided to conclude the following Convention:

CHAPTER I. DEFINITIONS

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

(a) "Consular post" means any consulate-general, consulate, vice-consulate or consulate 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 consular officer empowered to act in that capacity;

(d) "Consular officer" means any person, including the head of a consular post, appointed to exercise consular functions; this definition shall also apply to persons sent to the consular post for purposes of training (trainees);

(e) "Consular employee" means any person performing administrative or technical functions and any person employed in domestic service at the consular post;

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

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

(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 live in the household of and are dependent on the member of the consular post;

(i) "Consular premises" means the buildings and parts of buildings and the land ancillary thereto used for the purposes of the consular post, irrespective of ownership, including the residence of the head of the consular post;

(j) "Consular archives" means all the papers, documents, correspondence, books, films, sound tapes, cipher and code materials and files of the consular post, together with the furnishings intended for their protection or safekeeping;

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

(l) "Vessel of the sending State" means any craft entitled to fly the flag of the sending State and registered in that State, with the exception of warships;

¹ Came into force on 21 March 1982 by the exchange of the instruments of ratification, which took place at Tripoli, in accordance with article 57 (1).

(m) "Aircraft of the sending State" means any aircraft registered in the sending State and entitled to bear the insignia of its affiliation with that State, with the exception of military aircraft.

2. The provisions of this Convention concerning nationals of the sending State shall also apply to bodies corporate, including commercial companies, established pursuant to the laws and other regulations of the sending State and having their head office in that State.

CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF CONSULAR OFFICERS AND CONSULAR 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 seat of the consular post, its classification and the consular district shall be established by agreement between the sending State and the receiving State.

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

Article 3. 1. The head of the consular post shall be admitted to the exercise of his functions after presenting his commission to the receiving State and being granted the consular authorization (exequatur).

2. The sending State shall submit the commission to the Ministry of Foreign Affairs of the receiving State through the diplomatic channel. The receiving State may reject the commission without need to show cause.

3. The commission shall show the full name and rank of the head of the consular post, the consular district and the seat of the consular post.

4. The head of the consular post may, with the consent of the receiving State, commence the exercise of consular functions on a provisional basis, prior to obtaining the consular authorization.

Article 4. The receiving State may at any time and without need to show cause notify the sending State through the diplomatic channel of the withdrawal of the consular authorization or of the fact that it considers a consular officer or a consular employee to be *persona non grata*.

In that event, the sending State must recall the person concerned if he has begun the exercise of his functions. If the sending State refuses or fails within a reasonable time to carry out its obligations, the receiving State may cease to regard that person as a member of the consular staff.

Article 5. 1. If for any reason the head of a consular post is unable to carry out his functions or if his position is temporarily vacant, the sending State may appoint a consular officer of the same consular post or of another of its consular posts in the receiving State or a member of the diplomatic staff of its diplomatic mission in that State to exercise those functions on a provisional basis after communicating the name of that person to the Ministry of Foreign Affairs of the receiving State in writing.

2. The acting head of a consular post shall enjoy the same rights, privileges and immunities to which the head of a consular post is entitled under this Convention.

3. When, in accordance with paragraph 1 of this article, the functions of head of consular post have been assigned on a provisional basis to a member of the diplomatic staff of the diplomatic mission of the sending State, such assignment shall not affect the diplomatic privileges and immunities to which he is entitled.

Article 6. If the head of a consular post has been admitted, even provisionally, to the exercise of his functions, the receiving State shall without delay notify the competent authorities of the consular district to that effect and shall ensure that the necessary measures are taken to enable him to exercise his official functions and to enjoy the rights to which he is entitled under this Convention.

Article 7. Consular officers must be nationals of the sending State, must not be permanent residents of the receiving State and must not engage in any gainful occupation outside their official functions.

Article 8. 1. The Ministry of Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified in writing of:

- (a) The appointment of members of a consular post, their arrival at the consular post after appointment, their final departure or the termination of their functions and all other changes relating to their rank or status that may occur in the course of their service with the consular post;
- (b) The arrival and final departure of a member of the family of a member of the consular post living in the latter's household and the fact that a person has become or ceased to be a member of the family of a member of the consular post;
- (c) The arrival and final departure of members of the private staff and the termination of their service;
- (d) The employment of nationals or permanent residents of the receiving State as consular employees or as members of the private staff in accordance with the laws and regulations in force in the receiving State and the termination of such employment.

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

Article 9. 1. The competent authorities of the receiving State shall grant to every consular officer, free of charge, a document attesting to his identity and rank.

2. The provisions of paragraph 1 shall also apply to consular employees and members of the private staff provided that they are not nationals or permanent residents of the receiving State.

3. The provisions of paragraphs 1 and 2 shall also apply to members of the families of the persons referred to therein.

CHAPTER III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 10. 1. The receiving State shall accord the consular post full facilities for the performance of its functions. It shall take all the necessary measures to enable members of the consular post to exercise their official functions and to enjoy the privileges and immunities provided for by this Convention.

2. The receiving State shall treat consular officers with due respect and shall take all necessary measures to ensure the protection of their person and their dignity.

Article 11. 1. The coat of arms of the sending State, together with the appropriate bilingual inscription, may be affixed to the building of the consular post and to the residence of the head of the consular post.

2. The flag of the sending State may be flown on the building of the consular post, at 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 facilitate, in accordance with its laws and regulations, the acquisition by the sending State of the premises necessary for its consular

post and, where necessary, for the appropriate accommodation of the members of the consular post.

Article 13. The sending State, in accordance with the conditions laid down in the legislation of the receiving State, may:

- (a) Acquire, own and use land, buildings and parts of buildings for the seat of the consular post, the residence of the head of the consular post or living quarters for the other members of the consular post;
- (b) Build on the land it has obtained or adapt existing buildings for the above purposes.

The provisions of this article shall be without prejudice to the obligation of the sending State to comply with legislation concerning construction, town planning and the protection of antiquities of the receiving State.

Article 14. 1. The authorities of the receiving State may not enter the consular premises or the living quarters of the consular officers without the consent of the head of the consular post, the head of the diplomatic mission of the sending State in the receiving State or a person designated by one of them.

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

Article 15. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If such requisition nevertheless becomes necessary and if prior agreement between the sending State and the receiving State has been reached in that connection through the diplomatic channel, all necessary steps must be taken to avoid impeding the performance of consular functions.

Article 16. 1. Consular premises and the living quarters of members of the consular post owned or leased by the sending State shall be exempt from all national or local taxes and dues other than those which represent payment for services rendered.

2. The exemptions referred to in paragraph 1 shall not apply to the person who contracted with a person acting on behalf of the sending State.

3. The provisions of paragraphs 1 and 2 shall also apply to means of transport which are owned by the sending State and are used for the purposes of the consular post.

Article 17. The consular archives and documents shall be protected and 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 means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher.

The consular post may not, however, install and use a wireless transmitter without the consent of the receiving State.

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

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

4. The packages constituting the consular bag shall be neither opened nor detained.

5. The consular courier must be provided with an official document indicating his status and the number of packages constituting the consular bag.

The consular courier must be a national of the sending State and must not be a permanent resident of the receiving State. The receiving State shall protect the consular courier in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to arrest, detention or the restriction of his personal freedom in any other form.

6. The consular bag may be entrusted to the captain of a vessel or of an aircraft. The captain shall be provided with an official document indicating the number of packages constituting the consular bag, but he shall not be considered to be a consular courier. Consular officers may take possession of the consular bag directly and freely from such a person.

Article 19. 1. Consular officers shall be exempt from the criminal, civil and administrative jurisdiction of the receiving State, shall enjoy personal inviolability and shall not be subject to restriction of their personal freedom in any form.

2. Consular employees shall be exempt from the criminal, civil and administrative jurisdiction of the receiving State in respect of acts performed in the exercise of their official duties. They shall not be subject to arrest, detention or any other restriction of their personal freedom in respect of acts performed outside the exercise of their official duties other than the deliberate commission of an offence which, under the law of the receiving State, is punishable with imprisonment for a period of not less than five years or with a more severe penalty.

3. Where a consular employee has been subjected to restriction of his personal freedom in any form, the head of the consular post shall be notified accordingly without delay.

4. Any criminal proceedings instituted against a consular employee shall be conducted in a manner which will least hamper him in the exercise of his official duties.

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

- (a) Arising out of a contract concluded by a member of the consular post in which he did not act as a representative of the sending State;
- (b) Relating to compensation for damage arising out of an accident caused by a vehicle, vessel or aircraft in the receiving State;
- (c) Relating to succession in which a consular officer is involved as heir, legatee, executor or administrator in his capacity as a private person and not as a representative of the sending State.

Article 20. 1. Members of a consular post may be called upon to give evidence as witnesses; if a consular officer should decline to attend or to give evidence, no coercive measure or penalty may be applied to him. Consular employees may not refuse to give evidence as witnesses except in the cases mentioned in paragraph 3.

2. The authority requiring a member of a consular post to give evidence as a witness must not impede him in the performance of his official duties.

The testimony of the consular officer may be taken at the consular post or at his residence, or may be accepted in writing.

3. Members of a consular post may decline to give evidence as witnesses concerning matters connected with the performance of their official duties or to produce official correspondence or other documents from the consular archives. This provision shall also apply to members of the families of members of the consular post with regard to matters relating to the functions of the consular post.

4. Members of a consular post may decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 21. 1. The sending State may waive the exemptions to which a member of the consular post is entitled under articles 19 and 20; the waiver must be expressed and stated in writing.

2. If a person enjoying exemption from jurisdiction initiates proceedings, he may not invoke exemption from jurisdiction in respect of any counter-claim connected with the principal claim.

3. A waiver of exemption from jurisdiction in civil and administrative proceedings shall not be deemed a waiver of immunity from the execution of judicial decisions; in respect of such decisions, a special waiver shall be necessary.

Article 22. Members of the consular post who are not permanent residents of the receiving State shall be exempt from all obligations imposed by the laws and regulations of the receiving State with regard to the registration and residence permits of aliens.

Article 23. 1. Members of the consular post shall be exempt from all taxes and dues except:

- (a) Indirect taxes which are normally incorporated into the price of goods or services;
- (b) Taxes and dues on private immovable property situated in the territory of the receiving State;
- (c) Estate, succession and inheritance taxes, and duties on the transfer of property levied by the receiving State, without prejudice to the provisions of article 25;
- (d) Taxes and dues on private income having its source in the receiving State;
- (e) Taxes and dues levied for specific services rendered;
- (f) Registration, mortgage and court fees, without prejudice to the provisions of article 16.

2. Members of the consular post who employ persons whose wages or salaries are subject to income tax in the receiving State must respect the obligations which the legislation of the receiving State imposes upon employers concerning income tax and social security.

Article 24. 1. The receiving State shall, in accordance with its legislation, permit the entry, free of all customs duties, taxes and related charges other than charges for storage, cartage and similar services, of:

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

2. The articles referred to in paragraph 1 shall be exempt from customs inspection in the same manner as articles intended for the official use of a diplomatic mission or the personal use of members of a diplomatic mission.

Article 25. 1. In the event of the death of a member of the consular post or of a member of his family, the receiving State shall permit the export of all movable property belonging to the estate of the deceased, with the exception of any such property which was acquired in the receiving State and the export of which was prohibited at the time of his death.

2. The receiving State shall not levy taxes on inheritance or on the transfer of movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 26. Without prejudice to other laws and regulations concerning zones entry into which is prohibited or regulated for reasons of public security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

Article 27. The means of transport owned by the sending State and used for the purposes of the consular post and those owned by members of the consular post shall be subject to compulsory insurance in the receiving State.

Article 28. The members of the families of members of the consular post shall enjoy the privileges and immunities granted under this Convention to the members of the consular post, provided that they are not nationals or permanent residents of the receiving State and are not engaged in gainful employment in that State.

Article 29. Subject to the provisions of article 19, paragraph 3, consular employees who are nationals or permanent residents of the receiving State shall not enjoy the privileges and immunities provided for in this Convention.

CHAPTER IV. CONSULAR FUNCTIONS

Article 30. The consular post shall have the right:

- (a) To promote the commercial, economic, scientific and cultural tourism interests of the sending State and to facilitate the broadening of contacts between the sending State and the receiving State and the development of friendly relations between them in the above-mentioned and other spheres;
- (b) To protect and promote the rights and interests of the sending State and of its nationals, including bodies corporate.

Article 31. The consular post may exercise its consular functions only within its consular district and may not exercise them outside that district without the consent of the receiving State.

In the exercise of its functions, the consular post may address:

- (a) The competent local authorities;
- (b) The central authorities of the receiving State to the extent that such action does not conflict with the laws and regulations of that State.

Article 32. The consular post shall have the right to represent nationals of the sending State and to take the measures—subject to the laws and regulations in force in the receiving State—necessary to ensure appropriate representation for them before tribunals and other authorities if, because of absence or for any other reason, they are unable to defend their rights and interests at the proper time.

Such representation shall cease when the represented person appoints an agent or himself assumes the defence of this rights and interests.

Article 33. The consular post shall have the function of issuing passports and travel documents to nationals of the sending State and extending their validity, modifying and revoking them, granting visas or other similar documents to persons wishing to travel to the sending State.

The consular post keeps a register of the nationals of the sending State resident in the receiving State.

Article 34. 1. The consular post shall have the function of attesting to contracts of marriage. Consular officers may solemnize marriages where both parties are nationals of the sending State. The consular post shall notify the competent authorities of the

receiving State of marriages so solemnized if required to do so by the law of the receiving State.

2. If one of the parties to a marriage is a national of the sending State, the competent authorities of the receiving State shall notify the consular post accordingly without delay.

3. Subject to the relevant legislation of the receiving State, the consular post shall register the births, deaths, marriages and divorces of nationals of the sending State and issue extracts from the civil register or other certificates relating to registration.

The competent authorities of the receiving State shall promptly and without charge provide the consular post, at its request, with copies of, or extracts from the civil-status documents of nationals of the sending State for official purposes.

Article 35. The consular post shall, in accordance with the legislation of the sending State and the receiving State, perform the following acts:

- (a) Draw up and certify, for nationals of the sending State, wills and other documents which attest to their legal transactions in accordance with the legislation of the sending State;
- (b) Translate documents and certify the accuracy of translations;
- (c) Draw up and certify agreements and contracts where the parties thereto are nationals of the sending State, provided that such instruments do not establish, transfer or remove rights of ownership of immovable property in the receiving State;
- (d) Certify original documents drawn up in the sending State or the receiving State, and copies of and extracts from such documents;
- (e) Draw up and certify contracts and agreements relating to movable property or rights in the sending State, regardless of the nationality of the parties concerned;
- (f) Issue certificates of origin for goods;
- (g) Post, on the consular premises, announcements relating to the rights and duties of nationals of the sending State.

Documents drawn up or certified by the consular post shall be regarded as official or officially certified documents having the same probative force and the same legal effects as documents drawn up or certified by the authorities of the receiving State, provided that their content is not contrary to the legislation of that State.

Article 36. The consular post may accept documents, cash and articles of value from nationals of the sending State for safekeeping where that is not contrary to the legislation of the receiving State; it may accept for safekeeping articles lost in the receiving State by nationals of the sending State, with a view to returning them to their owners.

Article 37. The consular post may, at the request of the competent authorities of the sending State, draw up statements or testimony given by nationals of the sending State in their capacity as parties to or experts or witnesses in proceedings undertaken in the sending State and may transmit judicial or other documents to nationals of the sending State.

Article 38. The competent authorities of the receiving State shall notify the consular post of the need to appoint a guardian or trustee for a national of the sending State residing permanently or temporarily in the receiving State. The consular post shall, after receiving such notification, co-operate with the competent authorities of the receiving State in the appointment of the guardian or trustee.

Article 39. The consular post may communicate with nationals of the sending State and, in case of need, provide them with assistance, including legal assistance, or advice.

The receiving State shall not restrict in any manner whatsoever the ability of nationals of the sending State to communicate with or have access to the consular post.

Article 40. 1. The competent authorities of the receiving State shall inform the consular post without delay of the arrest or detention of a national of the sending State or the restriction of his personal freedom in any other form. The notification shall take place within four days of the adoption of such measures.

2. A consular officer may visit, or converse or correspond with, a national of the sending State who has been arrested or detained, or whose personal freedom has been restricted in any other form, and assist him in organizing his legal defence. A consular officer may also visit a national of the sending State who is serving a sentence of deprivation of freedom.

The competent authorities of the receiving State shall, within seven days after the arrest or detention of a national of the sending State, or the restriction of his personal freedom in any other form, afford the consular officer an opportunity to visit the said national and shall enable him to repeat his visits subsequently at reasonable intervals.

3. The competent authorities of the receiving State shall provide to such nationals of the sending State as are concerned information relating to the rights to which they are entitled under this article.

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

Article 41. The competent authorities of the receiving State shall inform the consular post without delay of the death or serious injury of any national of the sending State and of the causes thereof and shall provide the consular post, free of charge, with a copy of the death certificate.

Article 42. 1. The competent authorities of the receiving State shall inform the consular post without delay of the opening of a succession on the death of a national of the sending State in the receiving State, or of a succession which falls to a national of the sending State as heir regardless of the nationality of the deceased.

2. The competent authorities of the receiving State shall take action in accordance with the laws and regulations of that State to protect the estate and shall provide the consular post with the original or a copy of the will, if any, shall communicate to it any statement relating to the estate and the names of the beneficiaries of the estate and shall inform it of the value and content thereof.

The competent authorities of the receiving State shall also inform the consular post of the initiation and status of succession proceedings.

3. The consular post may represent a national of the sending State involved in the succession as an heir or otherwise before the tribunals and other authorities of the receiving State where the said national is absent or has not appointed a representative.

4. The consular post may request the competent authorities of the receiving State to undertake the following functions:

- (a) To inventory, safeguard and seal the estate and to take measures for its protection, including the appointment of an administrator and the collaboration of a consular officer in such measures;
- (b) To sell the property constituting the estate and to inform the consular post of the time of the sale in order that the consular officer may be present.

5. On completion of the succession proceedings or of other official action, the competent authorities of the receiving State shall notify the consular post accordingly without delay. After payment of the appropriate duties and taxes, they shall hand over to it as soon as possible the estate or the portion thereof due the person represented by the consular post.

6. Where the estate is not of great value, the consular post may request delivery thereof without succession proceedings, with a view to handing it over to the beneficiaries.

7. The consular post may take possession of the estate left by a national of the sending State not permanently resident in the receiving State who has died there, for the purpose of handing it over to the beneficiaries. It shall also have the right to receive moneys the source of which is delayed remuneration, pensions and wages, and insurance policies.

8. The items referred to in paragraphs 5, 6 and 7 may be handed over only in accordance with the laws and regulations of the receiving State.

Article 43. 1. Where a national of the sending State who is not a permanent resident of the receiving State dies during a temporary stay in the latter State, the competent authorities of the receiving State shall take his belongings into safekeeping and hand them over to the consular post of the sending State without special proceedings. The consular post shall pay the debts contracted by the deceased during his stay in the receiving State, up to the limit of the value of the articles handed over to it.

2. The provisions of article 42, paragraph 8, shall apply to the movable property referred to in paragraph 1.

Article 44. The consular post shall extend all possible assistance to vessels of the sending State and their crews during their sojourn in the territorial and inland waters of the receiving State, including ports.

The consular post shall be entitled to supervise and inspect such vessels and to meet their masters and other members of their crews.

The competent authorities of the receiving State shall recognize all measures taken by the consular post in accordance with the legislation of the receiving State in respect of the vessels of the sending State and their crews and shall provide the assistance requested by the post in connection with the taking of those measures.

Article 45. The consular post shall, with respect to vessels of the sending State, have the right:

- (a) To question the master of the vessel or other members of the crew, to examine, approve and authenticate the vessel's papers, to approve authorizations relating to the vessel and its cargo and passengers and to issue the documents necessary for the vessel's entry, stay and departure;
- (b) To make whatever arrangements are necessary for the treatment in hospital and the repatriation of the master of the vessel or other members of the crew;
- (c) To draw up and sign all certificates and other documents concerning the nationality of the vessel, its ownership and other rights, the state of the vessel and its use;
- (d) To extend protection and assistance to the master of the vessel and other members of the crew in their relations with the tribunals and other competent authorities of the receiving State; it may, for that purpose, ensure their legal defence and the services of an interpreter or any other person;
- (e) To make whatever arrangements are necessary to ensure discipline and order on board the vessel;
- (f) To carry out all other functions provided for in the laws and regulations of the sending State with regard to navigation, on condition that they do not conflict with the legislation of the receiving State.

Article 46. 1. The tribunals and other competent authorities of the receiving State may directly exercise their powers with regard to crimes committed on board a vessel of the sending State only in the case of:

- (a) Offences committed by or to the detriment of a national of the receiving State, or committed by or to the detriment of any other person not a member of the vessel's crew;
- (b) Offences which disturb the peace and security of the port or of 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 human life at sea, immigration, customs matters, marine pollution and the smuggling of narcotic drugs;
- (d) Offences punishable under the legislation of the receiving State by deprivation of freedom for a period of not less than five years or a more severe penalty.

2. The tribunals and other competent authorities of the receiving State may directly exercise their powers on board a vessel of the sending State with the consent of the consular post or at its request.

Article 47. 1. Where a tribunal or other competent authority of the receiving State decides to arrest or detain, on board a vessel of the sending State, the master or any other member of the crew or a passenger or any other person not having the nationality of the receiving State, or where it decides to confiscate property or conduct an official procedure on board the vessel, the competent authorities of the receiving State shall notify the consular post accordingly in such a manner as to enable the consular officer to be in attendance at the vessel before such action is taken. Where prior notification is not possible, the competent authorities of the receiving State shall notify the consular post as quickly as possible and before such actions are initiated.

The competent authorities of the receiving State shall enable the consular officer to meet the person arrested or detained, to communicate with him and to take the necessary measures for protecting the interests of the person concerned and the interests of the vessel.

2. The provisions of paragraph 1 shall not apply to routine inspection carried out by the competent authorities of the receiving State with regard to passports, customs, public health, marine pollution and the safety of lives at sea, or to any action taken at the request or with the consent of the consular post or the master of the vessel.

Article 48. Where 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 consent of the master, the competent authorities of the receiving State shall, at the request of the consular post, provide assistance in the search for that person.

Article 49. A consular officer shall be entitled to visit any vessel bound for the ports of the sending State, with a view to obtaining such information as will enable him to issue or sign those documents which are prescribed in the laws and other regulations of the sending State and are necessary for the entry of the vessel into the ports of that State and to providing the information requested by the competent authorities of the sending State.

Article 50. 1. Where a vessel of the sending State is sunk or damaged, runs aground, is swept ashore or sustains any other damage in the territorial or inland waters of the receiving State, the competent authorities of the receiving State shall notify the consular post or the sending State accordingly without delay.

2. In the cases referred to in paragraph 1, the competent authorities of the receiving State shall take all measures necessary to save and protect the vessel, its passengers, its crew, its equipment, its cargo, and other articles found on board the vessel. They shall

also take such measures with regard to articles which form a part of the vessel or of its cargo and which have become separated from the vessel. The competent authorities of the receiving State shall notify the consular post of the measures taken and shall provide it with the necessary assistance in taking any steps connected with the damaging, grounding or sinking of the vessel. The consular post may request the authorities of the receiving State to take the measures necessary to save and protect the vessel, its crew, its passengers, its equipment, its cargo and other articles found on board. Such measures shall be taken in co-operation with the master of the vessel.

3. Where a damaged vessel of the sending State or any articles forming part of its cargo are found on or near the coast of the receiving State and neither the master of the vessel nor the owner, nor his agent, nor the underwriters are in a position to make arrangements for their subsequent custody or disposal, the consular post shall be deemed to be authorized, in its capacity as representative of the vessel's owner, to make such arrangements as the owner himself could have made for such purposes had he been present.

4. The consular post may also make the arrangements stipulated in paragraph 3 in respect of any article belonging to a national of the sending State originating on board a vessel or forming part of its cargo, regardless of the nationality of that vessel, which is brought into port, found on or near the shore of found on board a vessel which is disabled, has run aground or has been sunk. The competent authorities in the receiving State shall notify the consular post without delay of the existence of such an article.

5. The consular post may participate in an inquiry into the causes of the disablement, running aground or sinking of a vessel.

6. Where a vessel of the sending State is disabled on the coast or in the ports or territorial waters of the receiving State, the competent authorities of the receiving State shall provide the consular post, at its request, with the necessary assistance.

7. Customs duties and other similar duties in the territory of the receiving State shall not be applied to a disabled vessel or to its equipment, cargo and provisions if they are not used in the receiving State.

Article 51. Where a member of the crew of a vessel belonging to the sending State dies or is missing in the receiving State, whether on board the vessel or on shore, the master of the vessel, his designee or the consular officer of the sending State shall have the exclusive right to draw up an inventory of articles and items of value and other property left by the deceased or missing person, and to take any other action necessary for the protection of the property and its handing over with a view to liquidating the estate. If the deceased or missing person is a national of the receiving State, the master or his designee shall draw up the inventory at the time when death or disappearance is established. A copy of the inventory shall be delivered to the competent authorities of the receiving State in order that they may take the necessary action to protect the property and, if required, liquidate the estate. The said authorities shall inform the consular post of the sending State of the action taken.

Article 52. Unless otherwise provided in the international aviation treaties to which Hungary and the Jamahiriya are parties, the provisions of articles 45-50 shall also apply to aircraft registered in the sending State.

Article 53. 1. The consular post may levy in the territory of the receiving State fees and other charges for consular acts in accordance with the laws and regulations of the sending State.

2. The sums collected in payment for consular acts shall be exempt from all taxes and dues in the receiving State.

CHAPTER V. GENERAL AND FINAL PROVISIONS

Article 54. The consular post may perform any other functions which it is authorized by the sending State to perform and which are not prohibited by the laws and regulations of the receiving State, are not opposed by that State or are stipulated in the international agreements in force between the Contracting Parties.

Article 55. 1. Without prejudice to the privileges and immunities accorded to them, it is the duty of all persons enjoying privileges and immunities under this Convention to respect the laws and regulations of the receiving State.

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

Article 56. 1. The provisions of this Convention shall also apply where a diplomatic mission exercises consular functions.

2. The Ministry of Foreign Affairs of the receiving State shall be informed in writing of the full names of members of the diplomatic mission assigned to carry on consular functions.

3. The members of the diplomatic mission assigned to consular service shall continue to enjoy all the privileges and immunities to which they are entitled as diplomatic representatives.

Article 57. 1. This Convention is subject to ratification. The Convention shall enter into force on the date of the exchange of the instruments of ratification which shall take place at Tripoli.

2. The Convention shall remain in force for a period of five years and shall be automatically renewed until such time as one of the Contracting Parties denounces it in writing through the diplomatic channel at least six months before the date of its expiry.

DONE at Budapest on 24 September 1981, corresponding to 25 Dhu'lqa'dah in the year 1390 from the death of the Prophet, in duplicate in the Hungarian and Arabic languages, both texts being equally authentic.

For the Hungarian People's Republic:

[JÁNOS NAGY]

Under-Secretary of State
Ministry of Foreign Affairs

For the Socialist People's
Libyan Arab Jamahiriya:

[SALEM EL-MEDNINI]

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