

**No. 23053**

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**SPAIN  
and  
HUNGARY**

**Consular Convention. Signed at Budapest on 24 February  
1982**

*Authentic texts: Spanish and Hungarian.*

*Registered by Spain on 28 August 1984.*

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et  
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**Convention consulaire. Signée à Budapest le 24 février 1982**

*Textes authentiques : espagnol et hongrois.*

*Enregistrée par l'Espagne le 28 août 1984.*

## [TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN SPAIN AND THE HUNGARIAN PEOPLE'S REPUBLIC

Spain and the Hungarian People's Republic, desirous of expanding the friendly relations and developing consular relations between the two States,

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

On behalf of Spain: His Excellency José Pedro Pérez-Llorca y Rodrigo, Minister for Foreign Affairs;

On behalf of the Hungarian People's Republic: His Excellency Frigyes Puja, Minister for Foreign Affairs,

who, 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 stated below:

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

(b) The term "consular district" means the territory assigned to a consular post for the exercise of its consular functions;

(c) The term "head of consular post" means the person entrusted with the exercise of functions in that capacity;

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

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

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

(g) The term "members of the consular post" means consular officers, consular employees and members of the service staff;

(h) The term "members of the consular staff" means consular officers other than the head of the consular post, consular employees and members of the service staff;

(i) The term "member of the private staff" means a person employed exclusively in the personal service of a member of the consular post;

(j) The term "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;

<sup>1</sup> Came into force on 8 August 1984, i.e., 30 days after the date of the exchange of the instruments of ratification, which took place at Madrid on 9 July 1984, in accordance with article 48 (1).

(k) The term “consular archives” means all papers, documents, correspondence, books, films, recording tapes and files of the consular post, as well as ciphers and codes, filing cabinets and other furniture intended for their protection and storage;

(l) The term “members of the family” means the relatives of a member of the consular post who live with him; the term shall be deemed to apply to the member’s children, members of earlier generations and other close relatives of full age who are incapable of working and are economically dependent on him;

(m) The term “aircraft” means any aircraft, other than military aircraft, registered in the sending State;

(n) The term “vessel” means any vessel, other than a warship, entitled to fly the flag of the sending State.

2. Heads of consular posts may belong to one of the following four categories: consuls-general, consuls, vice-consuls and consular agents.

## CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS. APPOINTMENT OF CONSULAR OFFICERS

*Article 2.* 1. The establishment of a consular post in the territory of the receiving State shall be subject to the consent of that State.

2. The sending State and the receiving State shall determine by agreement the class of the consular post, its seat, its district and the number of its members.

3. The sending State may not change the seat, class or district of the consular post without the consent of the receiving State.

4. The consent of the receiving State shall be required for the opening of a vice-consulate or a consular agency.

5. The prior consent of the receiving State shall also be required for the opening of premises which, while forming part of an existing consular post, are situated outside the premises occupied by that consular post.

6. This article shall be applied on the basis of reciprocity.

*Article 3.* 1. The head of the consular post shall be provided by the sending State with a document, in the form of a consular commission issued for each appointment, which attests to his appointment and states his full name, his classification and the consular district.

2. The sending State shall transmit the said document through the diplomatic channel or by any other appropriate route to the Government of the receiving State.

3. The head of the consular post shall be admitted to the exercise of his functions by means of an authorization from the receiving State in the form of an exequatur.

4. A State which refuses to grant such an exequatur shall not be required to inform the sending State of the grounds for such refusal.

5. Pending the issue of the exequatur, the head of the consular post may exercise his functions provisionally. In such case the provisions of this Convention shall be applicable to him.

*Article 4.* 1. The sending State shall communicate to the receiving State the full name and classification of all members of the consular post other than the head of the consular post, with sufficient advance notice.

2. The head of the consular post shall inform the Ministry of Foreign Affairs of the receiving State of the arrival, the residence address and the final departure of all members of the consular post who are not nationals of the receiving State.

3. The head of the consular post shall similarly inform the Ministry of Foreign Affairs of the receiving State of the arrival and the final departure of any person belonging to the family of a member of the consular post who lives with that member and, where necessary, the fact that a person has become or ceased to be a family member.

*Article 5.* Consular officers must be nationals of the sending State.

*Article 6.* 1. The receiving State may, without being required to state the reasons for its decision, inform the sending State at any time through the diplomatic channel or by any other appropriate route that it has revoked the exequatur of the head of the consular post or that any member of the consular post is no longer acceptable.

2. In the case referred to in the preceding paragraph, the sending State shall recall the head of the consular post or the consular officer, consular employee or member of the service staff who is concerned. If the sending State does not comply with this obligation within a reasonable time, the receiving State may cease to regard the person concerned as the head or a member of the consular post.

3. After a person has been appointed a member of the consular post, the receiving State may declare him unacceptable before his arrival in its territory or, if he is already resident in that territory, before his entry upon his duties at the consular post. In such case the sending State must revoke the appointment.

#### CHAPTER III. CONSULAR FUNCTIONS

*Article 7.* 1. Consular officers shall promote the development of commercial, economic, cultural, scientific and tourism relations between the sending State and the receiving State and shall promote friendly relations between the two.

2. Consular officers shall provide in the receiving State appropriate protection for the rights and interests of the sending State and of its nationals, both individuals and bodies corporate, in accordance with the limits set by international law.

*Article 8.* 1. Consular officers may, in the exercise of their functions, communicate orally or in writing:

- (a) With the competent local authorities of their consular district; and
- (b) With the competent central authorities of the receiving State, provided that that State's laws, customs and regulations so permit.

2. In special cases the consular officer may, with the consent of the receiving State, exercise his functions outside his consular district.

3. The consular post may collect consular fees in accordance with the laws and regulations of the sending State. Consular fees shall be exempt from all taxes and charges in the receiving State.

*Article 9.* 1. Within his consular district, a consular officer shall have the right:

- (a) To make entries in the civil register concerning nationals of the sending State and to issue certificates attesting thereto;
- (b) To solemnize marriages in accordance with the laws and regulations of the sending State, provided that both spouses are nationals of that State. The consular officer shall immediately report such marriages to the competent authorities of the receiving State.

2. The provisions of this article shall not exempt the nationals concerned of the sending State from the obligations imposed upon them by the laws and regulations of the receiving State with regard to the notification of births, deaths and marriages.

*Article 10.* Within his consular district, a consular officer may:

- (a) Register nationals of the sending State;
- (b) Issue passports or other travel documents to nationals of the sending State and renew such documents;
- (c) Issue visas to persons who wish to travel to the sending State and renew such visas.

*Article 11.* 1. Within their district, consular officers shall have the right:

- (a) To draw up, authenticate and legalize declarations from nationals of the sending State, provided that they are not contrary to the legislation of the receiving State;
- (b) To draw up, authenticate and receive for safe keeping the last wills and testaments of nationals of the sending State;
- (c) To draw up, authenticate and legalize contracts concluded between nationals of the sending State, as well as unilateral legal instruments of such nationals, unless such contracts or instruments are contrary to the legislation of the receiving State; however, consular officers shall not be entitled to authenticate or legalize contracts or instruments relating to the acquisition or transfer of ownership of immovable property situated in the receiving State;
- (d) To draw up, authenticate and legalize contracts concluded between nationals of the sending State and nationals of the receiving State when such contracts have legal effects solely in the territory of the sending State or are to be executed in that territory, provided that they are not contrary to the legislation of the receiving State;
- (e) To translate and authenticate documents of all kinds issued by the authorities or officials of the sending State or of the receiving State; such translations shall have the same validity as if they had been made by certified translators of either State;
- (f) To legalize the signatures of nationals of the sending State on documents of any kind, provided that the contents of the document in question are not contrary to the legislation of the receiving State;
- (g) To receive for safe keeping any cash, securities or other property belonging to or intended for nationals of the sending State, provided that such action is not contrary to the legislation of the receiving State.

2. Documents drawn up, authenticated or legalized by a consular officer in accordance with paragraph 1 of this article shall have the same legal and evidentiary

value in the receiving State as similar documents drawn up, authenticated or legalized by the authorities of the receiving State.

3. The cash, securities or other property received by consular officers in the exercise of the functions enumerated in this article may be exported from the receiving State only in accordance with that State's legislation.

*Article 12.* Where necessary, a consular officer may recommend to the courts or other competent authorities of the receiving State the appointment of a guardian or administrator for the protection of nationals of the sending State or for the administration of the property of such nationals who are absent.

*Article 13.* 1. Where a national of the sending State dies in the territory of the receiving State, the competent authority of the latter State shall notify the fact without delay to the consular post of the sending State, transmitting the death certificate to it free of charge.

2. The authorities of the receiving State shall without delay notify to the consular post of the sending State any circumstances relating to the succession in the territory of the receiving State when a deceased person, irrespective of nationality, has left in the territory of the receiving State an estate in which a national of the sending State has a legitimate interest.

3. In accordance with the laws and regulations of the receiving State, its competent authorities shall take the necessary steps for safeguarding the estate referred to in paragraph 2 and, if a will exists, send a copy thereof to the consular officer, transmitting to him whatever information they have with regard to the heirs, the available property and its value, as well as the date indicated for the start of succession proceedings or the stage that such proceedings have reached.

4. The consular officer shall be entitled to collaborate with the competent authorities of the receiving State with a view to safeguarding the estate referred to in paragraph 2, and in particular:

- (a) In taking the necessary steps, including the sale of movable property, for preventing damage to the estate;
- (b) In the appointment of an administrator for the estate and in the settlement of other matters relating to the safeguarding of such property.

5. Where a national of the sending State who is not domiciled or represented in the receiving State has a legitimate interest in the estate situated in the territory of the receiving State, the consular officer may represent him in person or through his authorized agent before the courts or other authorities of the receiving State.

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

- (a) It has been proved that the person concerned is in fact an heir or a legatee;
- (b) The competent authorities have, where necessary, authorized the transfer of the estate property or the proceeds of its sale;

- (c) All the debts of the estate which have been claimed within the time-limit provided for by the legislation of the receiving State have been paid or secured;
- (d) All succession duties have been paid or secured.

*Article 14.* 1. Where a national of the sending State who is not a permanent resident of the receiving State dies in the territory of the receiving State, his personal effects shall be delivered without any special proceedings to the consular post of the sending State, provided that the claims advanced by the deceased person's creditors in the receiving State have been paid or secured.

2. Subject to the provisions of the laws and regulations of the receiving State, the consular post shall be entitled to export the estate property referred to in paragraph 1 of this article and in article 13, paragraph 6.

*Article 15.* Within his consular district, a consular officer may represent nationals of the sending State before the courts and other authorities of the receiving State, in accordance with the practice and procedures in force in the latter State, if such nationals are prevented by absence or for any other reason from protecting their rights and interests in good time.

*Article 16.* 1. Within his consular district, a consular officer may communicate freely with nationals of the sending State and provide them with advice and assistance, including, where necessary, appropriate arrangements for legal aid. The receiving State shall not interfere in any way with the efforts of nationals of the sending State to communicate with or to visit the consular post of the latter State.

2. The authorities of the receiving State must without delay, but in any case within three days, inform the consular post of the sending State when a national of the latter State is arrested, detained or subjected to any other form of limitation of his personal freedom.

3. Where a national of the sending State is arrested, detained, held for the purpose of serving a sentence or subjected to any other form of limitation of his personal freedom, the consular officer may visit him and communicate with him without delay, and in any case not later than within four days after the taking of the steps which affected the said national's personal freedom.

4. The consular officer shall be entitled to visit, at reasonable intervals, a national of the sending State who has been arrested, detained, held for the purpose of serving a sentence or subjected to any other form of limitation of his personal freedom, and to converse with him.

5. The rights referred to in the preceding paragraphs shall be exercised with due regard for the laws and regulations of the receiving State, it being understood, however, that such laws and regulations shall not prevent the realization of the said rights.

*Article 17.* 1. A consular officer may provide assistance to aircraft of the sending State and to the crew of such aircraft and may communicate with them, on board the aircraft if necessary, subject to the laws and regulations of the receiving State.

2. The consular officer may request assistance from the authorities of the receiving State in any matter relating to an aircraft of the sending State and to its crew.

*Article 18.* 1. The consular post must be notified in advance if the courts or other authorities of the receiving State intend to conduct inspections or to seize merchandise on board an aircraft of the sending State and in any case in which they wish to interrogate the captain or a member of the crew.

2. In urgent cases, or if the inspection has been carried out at the captain's request, the consular post must be notified as soon as possible.

3. The authorities of the receiving State shall inform the consular post, at its request, of inspections carried out in the absence of the consular officer.

*Article 19.* The provisions of articles 17 and 18 shall not apply in matters concerning customs legislation, health legislation and other measures relating to the admission of aliens, to airport security and to the prevention of drug trafficking and arms smuggling.

*Article 20.* Where an aircraft of the sending State is involved in an accident or is damaged in the territory of the receiving State, the consular post shall be notified as soon as possible by the latter State's authorities. The consular post shall also be informed of the steps taken or anticipated for the safeguarding of human life, the aircraft and the cargo.

*Article 21.* 1. The consular post must be advised in advance, in order that the consular officer may be present, if the courts or other authorities of the receiving State intend to conduct inspections or to seize merchandise on board a vessel of the sending State and in any case in which they wish to interrogate the master of the vessel, its officers or members of its crew.

2. If it has been impossible, owing to the urgency of the case, to notify the consular officer in good time or if the inspection was carried out at the request of the master of the vessel, the consular post must be notified as soon as possible.

3. In the circumstances referred to in the preceding paragraph, the authorities of the receiving State must inform the consular post, at its request, of the action they have taken.

*Article 22.* 1. The authorities of the receiving State shall notify the appropriate consular post as soon as possible when a vessel of the sending State is wrecked, runs aground or is in danger in the waters of the receiving State. They shall likewise notify the consular post of the sending State if any merchandise belonging to a national of the sending State and forming part of the cargo of a vessel of a third State which has been wrecked is found on or near the coast or brought to a port of the receiving State.

2. The authorities of the receiving State shall also inform the consular post concerning the steps taken or anticipated for safeguarding the vessel, the persons on board or the cargo and other property carried by the vessel, as well as the goods, merchandise and equipment which belonged to the vessel or formed part of its cargo but became separated from it.

3. In the circumstances referred to in paragraph 1 with regard to a vessel of the sending State, where the master, the owner, the consignee and the insurer are absent and are unable to take steps for safeguarding the vessel and its effects or for disposing of them, the consular post shall be deemed to be authorized to take on behalf of the owner of the vessel the same steps as the latter would have taken if he had been present.



4. The provisions of paragraph 3 of this article shall also apply to any merchandise which belongs to a national of the sending State and is part of the cargo of the vessel.

*Article 23.* The provisions of articles 17, 19 and 20 relating to air transport shall also apply to the circumstances not regulated by articles 21 and 22 with regard to maritime and river transport.

#### CHAPTER IV. FACILITIES, PRIVILEGES AND IMMUNITIES

*Article 24.* The receiving State shall afford all facilities to the consular post for the exercise of its functions.

*Article 25.* 1. If the head of the consular post is unable to exercise his functions for any reason, or if the position of head of the consular post is temporarily vacant, the sending State may designate as acting head of the consular post a consular officer assigned to the receiving State or a member of the diplomatic staff of its diplomatic mission in the receiving State. The full name of the acting head shall be communicated to the receiving State in advance through the diplomatic channel or by any other appropriate route.

2. The acting head of the consular post shall enjoy the same rights, facilities, privileges and immunities as are granted under this Convention to the head of the consular post.

*Article 26.* Where a member of the diplomatic staff of the diplomatic mission of the sending State is appointed acting head of the consular post, he shall continue to enjoy diplomatic privileges and immunities.

*Article 27.* 1. The receiving State must facilitate, in accordance with its laws and regulations, the acquisition or leasing by the sending State of the premises necessary for its consular post in the territory of the receiving State.

2. Where necessary, the receiving State shall also help in finding suitable housing for the members of the consular post.

*Article 28.* 1. The national coat of arms of the sending State and a nameplate of the consular post, in the languages of the sending State and the receiving State, may be displayed on the building occupied by the consular post.

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

3. The head of the consular post may fly the national flag of the sending State from the means of transport used by him when they are used for official purposes.

4. In the exercise of the rights granted under this article, due regard shall be given to the laws, regulations and customs of the receiving State.

*Article 29.* 1. The consular premises shall enjoy the inviolability granted to them in this article.

2. The authorities of the receiving State may not enter the part of the consular premises which is used solely for the work of the consular post, except with the consent of the head of the consular post or, where appropriate, of the head of the diplomatic mission. In the event of an emergency or *force majeure*, if it has been impos-

sible to obtain the consent of the aforementioned persons, such consent may be given by the sending State.

3. The receiving State shall have a special obligation to take appropriate steps for the protection of the consular premises and in that way to prevent any interference with the tranquillity, or any violation of the dignity, of the consular post.

4. The consular premises, their furnishings and the property of the consular post may not be requisitioned for public purposes. If it becomes necessary to expropriate the consular premises, such action may be taken only with the prior consent of the sending State and subject to appropriate and effective compensation. The exercise of consular functions may not be interfered with under any circumstances.

5. The private residence of the head of the consular post shall enjoy the inviolability established in paragraphs 1 and 2 of this article.

*Article 30.* The consular archives shall be inviolable irrespective of where they are situated.

*Article 31.* 1. The receiving State shall permit and protect the freedom of communication of the consular post for all official purposes. The consular post may utilize all appropriate means of communication, including diplomatic or consular couriers and messages in code or cipher, to communicate with the Government, diplomatic missions and other consular posts of the sending State, irrespective of where they are situated. However, the consular post may not install or use a radio transmitter except with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. The term "official correspondence" means correspondence relating to the consular post and to its functions.

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

4. The consular bag may not be opened or detained. If the competent authorities of the receiving State have valid reasons for believing that the consular bag contains something which is not official correspondence or an article intended for official use, the consular bag may be returned to its place of origin.

5. The consular courier must carry an official document attesting to his status as such and stating the number of packages constituting the consular bag. He may not be a national or permanent resident of the receiving State. In the exercise of his functions he shall be protected by the receiving State, shall enjoy personal inviolability and may not be subjected to any form of arrest or detention.

6. The consular bag may be entrusted to the captain of a commercial aircraft which is to land at an authorized airport of entry. The said captain shall also carry a special document stating the number of packages constituting the consular bag but shall not be regarded as a consular courier. The consular post may send one of its members to take charge of the consular bag personally, subject to the prior consent of the local authorities.

*Article 32.* The receiving State shall treat consular officers with the deference due them, taking all necessary steps to prevent any offence against their person, freedom or dignity.

*Article 33.* 1. The head of the consular post shall be inviolable and may not be arrested, detained or subjected to any type of limitation of his personal freedom. He shall also enjoy immunity from criminal jurisdiction in the receiving State.

2. Consular officers and consular employees shall not be subject to the jurisdiction of the judicial and administrative authorities of the receiving State for acts committed in the exercise of their official functions. The provisions of this paragraph shall not apply in the event of a civil proceeding which arises from a contract which such officers or employees have concluded otherwise than as agents of the sending State; it shall also be inapplicable in the event of legal proceedings instituted by a third party as a result of damage caused by a motor-vehicle, ship or aircraft accident occurring in the receiving State.

The immunities referred to in this paragraph shall apply to members of the service staff only in connection with the exercise of their official duties.

3. Consular officers other than the head of the consular post and consular employees may not be arrested, detained, or subjected to any type of limitation of their personal freedom for acts committed outside of their consular functions, except by virtue of a final sentence rendered by a competent judicial authority for the intentional commission of an offence punishable under the legislation of the receiving State by a minimum penalty of deprivation of freedom for five years or a more severe penalty.

4. When criminal proceedings are instituted against a consular officer other than the head of the consular post or against a consular employee for acts committed outside of his consular functions, such officer or employee shall be required to appear before the competent authorities. However, the proceedings shall be conducted with the deference due the officer or employee by virtue of his official position and, except in the case referred to in paragraph 3 of this article, in such a way as to interfere as little as possible with the exercise of consular functions. Where, in the circumstances referred to in paragraph 3 of this article, it is necessary to arrest a consular officer other than the head of the consular post or a consular employee, the appropriate proceedings against him must be initiated as quickly as possible.

5. When a member of the consular staff is arrested or detained or where a criminal proceeding is instituted against him, the receiving State shall be required to communicate the fact without delay to the head of the consular post.

6. The sending State may waive the privileges and immunities established in this article and in article 34 below in respect of a member of the consular post. Except in the case referred to in paragraph 7 of this article, such waiver must always be made expressly and must be communicated in writing to the Ministry of Foreign Affairs of the receiving State.

7. Where a member of the consular post institutes a judicial proceeding in a matter in which he enjoys immunity from jurisdiction under this article, he may not claim such immunity in connection with any cross-complaint directly related to the principal complaint.

8. The waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not imply a waiver of immunity with respect to measures taken for the enforcement of the decision; a separate waiver shall be required in respect of such measures.

9. Members of the consular post shall enjoy the privileges and immunities established in this article only if they are nationals of the sending State and are not permanent residents of the receiving State.

10. Members of the family of the head of the consular post, of other consular officers and of consular employees who live with them shall enjoy the privileges and immunities established in this article, to the extent applicable to them, provided that they are not nationals or permanent residents of the receiving State.

*Article 34.* 1. Members of the consular post may be summoned to appear as witnesses in judicial or administrative proceedings of the receiving State. If a consular officer does not appear or refuses to testify, no coercive measure or penalty may be applied to him. Consular employees and members of the service staff may not refuse to appear or to testify except in the cases referred to in paragraph 3 of this article.

2. The authority which summoned the consular officer or employee as a witness must not interfere with him in the exercise of his functions. It may receive the testimony of the consular officer at his residence or at the consular post or may accept his declaration in writing, wherever possible.

3. Members of the consular post shall not be required to testify concerning matters related to the exercise of their functions, nor to exhibit the official correspondence and documents relating thereto. They may also refuse to testify as experts concerning the laws of the sending State.

*Article 35.* 1. Members of the consular post who are not nationals of the sending State and are not permanent residents of the receiving State shall be exempt in the receiving State from any obligation to provide personal contributions and mandatory services of a public nature, including military service and obligations associated therewith.

2. The provisions of paragraph 1 shall also apply to members of the family of a member of the consular post who live with him, provided that they are not nationals or permanent residents of the receiving State.

*Article 36.* 1. Members of the consular post, provided that they are nationals of the sending State and are not permanent residents of the receiving State, shall be exempt from all obligations prescribed by the laws and regulations of the receiving State with regard to the registration of aliens and to residence permits.

2. Members of the family of a member of the consular post who live with him shall enjoy the benefits established in this article, provided that they are not nationals or permanent residents of the receiving State.

*Article 37.* 1. The sending State shall be exempt in the receiving State from all national, regional and municipal taxes and charges in respect of buildings or parts of buildings used for consular purposes, including the private residence of the head of the consular post.

2. The provisions of paragraph 1 of this article shall not apply to taxes and charges levied in respect of specific services rendered.

3. The tax exemption referred to in paragraph 1 of this article shall also be inapplicable to taxes and charges which, in accordance with the legislation of the receiving State, must be paid by a person concluding a contract with the sending State or with a person acting on its behalf.

*Article 38.* The sending State shall be exempt in the receiving State from all taxes and charges levied by the latter in respect of movable property belonging to the former or held or used by it for consular purposes, including taxes and charges in

respect of the acquisition of the said movable property. Such exemption shall not, however, apply to indirect taxes which are normally included in the price of goods or services.

*Article 39.* Consular officers, consular employees and members of their families who live with them, provided that they are nationals of the sending State and not permanent residents of the receiving State, shall be exempt from all personal or real taxes and charges, whether national, regional or municipal, with the exception of:

- (a) Those indirect taxes which are normally included in the price of goods or services;
- (b) The taxes and charges on private immovable property which is situated in the territory of the receiving State, without prejudice to the provisions of article 38;
- (c) Taxes on succession and transfer which are levied by the receiving State, subject to the provisions of article 45, subparagraph (b);
- (d) Taxes and charges on private income which originates in the receiving State and taxes on capital which are levied on investments made in commercial and financial enterprises in the receiving State;
- (e) Taxes and charges on specific services rendered;
- (f) Registration or court fees, mortgage dues and stamp duties, without prejudice to the provisions of the preceding article.

*Article 40.* 1. The receiving State shall, in accordance with its laws and regulations, permit the import, exempt from all customs duties, taxes and charges related thereto — with the exception of the costs of storage, transport and similar services — of articles intended:

- (a) For the official use of the consular post;
- (b) For personal use or direct consumption by a consular officer and members of his family who live with him, including the effects intended for their installation.

2. Consular employees, provided that they are nationals of the sending State and not permanent residents of the receiving State, shall also enjoy the privileges and exemptions relating to the articles imported at the time of their first installation.

3. The personal baggage of consular officers or members of their families who live with them shall be exempt from customs inspection. It may be inspected only when there are valid reasons for supposing that it contains articles other than those referred to in paragraph 1 (b) of this article, or whose import or export is prohibited by the receiving State, or which are subject to quarantine measures imposed by the receiving State. Such inspection may be conducted only in the presence of the consular officer or family member concerned.

*Article 41.* 1. Without prejudice to the facilities, privileges and immunities granted by this Convention, all persons enjoying such benefits shall be required to comply with the laws and regulations of the receiving State, including all traffic ordinances and all rules relating to the safety of vehicles, vessels and aircraft.

2. The persons referred to in paragraph 1 shall be required not to interfere in the internal affairs of the receiving State.

3. The consular premises shall not be used in any manner incompatible with the exercise of consular functions, and offices of other agencies or departments shall not be installed therein.

*Article 42.* Without prejudice to the provisions of its laws and regulations relating to areas, access to which is prohibited or limited for reasons of national security, the receiving State shall guarantee freedom of transit through and movement in its territory to consular officers and consular employees and to the members of their families who live with them.

*Article 43.* Members of the consular post and the members of their families who live with them, provided that they are nationals of the sending State and not permanent residents of the receiving State, may not engage in lucrative professional or commercial activities.

*Article 44.* 1. Without prejudice to the provisions of this article, consular officers and members of their families who live with them shall be exempt, in respect of services which they render to the sending State, from the provisions relating to social security which are in force in the receiving State.

2. Members of the consular post who are not consular officers and the members of their families who live with them shall enjoy the exemption provided for in paragraph 1 of this article, provided that they are nationals of the sending State and not permanent residents of the receiving State.

3. The exemption provided for in paragraph 1 of this article shall also apply to the members of the private staff who are in the exclusive service of members of the consular post, provided that:

- (a) They are not nationals or permanent residents of the receiving State, and
- (b) They are protected by the social-security rules in force in the sending State or in a third State.

4. The exemption provided for in paragraphs 1 and 2 of this article shall be without prejudice to voluntary participation in the social-security system of the receiving State.

5. Members of the consular post who employ persons not covered by the exemptions provided for in this article but affiliated with the social-security system of the receiving State must, without prejudice to their privileges and immunities, comply with the obligations imposed on employers by the social-security provisions of the receiving State.

*Article 45.* In the event of the death of a member of the consular post or of a member of his family who lives with him, the receiving State shall be required:

- (a) To permit the export of the movable property owned by the deceased, with the exception of movable property which he acquired in the receiving State and whose export is prohibited at the time of his death;
- (b) Not to impose national, municipal or regional taxes on succession or on the transfer of the said movable property if the presence of the said property in the receiving State is a direct consequence of the fact that the deceased lived in the receiving State as a member of the consular post or as a member of the family of a member of the said consular post.

## CHAPTER V. FINAL AND MISCELLANEOUS PROVISIONS

*Article 46.* 1. Members of the consular post shall enjoy the facilities, privileges and immunities regulated by this Convention as from the time when they enter the territory of the receiving State in order to take up their duties or as from the beginning of the exercise of their functions if they are already in the said State.

2. The members of the family of a member of the consular post shall enjoy the facilities, privileges and immunities provided for in this Convention as from the date on which the member of the consular post begins to enjoy privileges and immunities under paragraph 1 of this article or as from the date on which such persons become members of the family of the member of the consular post.

3. When the functions of a member of the consular post are terminated, his facilities, privileges and immunities shall cease, and the same shall apply to any member of his family. Such facilities, privileges and immunities shall also cease at the time when such persons cease to be part of the family of a member of the consular post.

4. Subject to the provisions of the preceding paragraph, when the persons concerned are preparing to leave the territory of the receiving State within a reasonable period of time, their facilities, privileges and immunities shall continue until the time of their departure.

5. Immunity from jurisdiction shall continue indefinitely provided that the acts are carried out in the exercise of the person's consular functions.

6. In the event of the death of a member of the consular post, the members of his family who live with him shall continue to enjoy the facilities, privileges and immunities to which they are entitled until such time as they leave the receiving State or until the expiry of a reasonable period of time which will enable them to leave that territory.

*Article 47.* 1. Diplomatic agents who are members of the diplomatic staff of the sending State may be appointed to exercise consular functions in addition to the exercise of their diplomatic functions. Their names must be communicated to the Ministry of Foreign Affairs of the receiving State.

2. The members of the diplomatic mission to whom paragraph 1 applies shall enjoy rights equal to those of consular officers under this Convention. Such members of the diplomatic mission shall continue to enjoy their diplomatic privileges and immunities.

*Article 48.* 1. This Convention is subject to ratification and shall enter into force 30 days after the date of the exchange of the instruments of ratification, which shall take place at Madrid.

2. This Convention shall remain in force until the expiry of six months from the date on which either High Contracting Party notifies the other High Contracting Party in writing of its intention to terminate the Convention.

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

DONE at Budapest on 24 February 1982, in duplicate in the Spanish and Hungarian languages, both texts being equally authentic.

For Spain:

[Signed]

JOSÉ PEDRO PÉREZ-LLORCA Y RODRIGO  
Minister for Foreign Affairs

For the Hungarian People's Republic:

[Signed]

FRIGYES PUJA  
Minister for Foreign Affairs

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