



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 2802 της 18ης ΙΟΥΝΙΟΥ 1993
ΝΟΜΟΘΕΣΙΑ

ΜΕΡΟΣ ΙΙΙ

Ο Κυρωτικός της Προξενικής Σύμβασης του 1989 μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Ουγγρικής Λαϊκής Δημοκρατίας Νόμος του 1993 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 15(III) του 1993

**ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΗΣ ΠΡΟΞΕΝΙΚΗΣ ΣΥΜΒΑΣΗΣ ΤΟΥ 1989
ΜΕΤΑΞΥ ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΚΑΙ
ΤΗΣ ΟΥΓΓΡΙΚΗΣ ΛΑΪΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΚΑΙ ΠΟΥ ΘΑ ΙΣΧΥΕΙ
ΩΣ Η ΠΡΟΞΕΝΙΚΗ ΣΥΜΒΑΣΗ ΜΕΤΑΞΥ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟ-
ΚΡΑΤΙΑΣ ΚΑΙ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΗΣ ΟΥΓΓΑΡΙΑΣ**

Επειδή λόγω της πρόσφατης πολιτειακής αλλαγής που συνέβηκε στην Ουγγαρία η πρώην Ουγγρική Λαϊκή Δημοκρατία έχει μετονομαστεί σε Δημοκρατία της Ουγγαρίας και Προοίμιο.

Επειδή η παρούσα Προξενική Σύμβαση έχει συνολογηθεί μεταξύ των μερών πριν επέλθει η πολιτειακή αλλαγή στην Ουγγαρία και

Επειδή η εν λόγω Προξενική Σύμβαση εξακολουθεί να δεσμεύει τη Δημοκρατία της Ουγγαρίας,

Για τούτο η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο Κυρωτικός της Προξενικής Σύμβασης του 1989 μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Ουγγρικής Λαϊκής Δημοκρατίας Νόμος του 1993 και θα ισχύει ως Προξενική Σύμβαση μεταξύ της Κυπριακής Δημοκρατίας και της Δημοκρατίας της Ουγγαρίας. Συνοπτικός τίτλος.

Ερμηνεία.

2. Κατά την έννοια του παρόντος Νόμου—

«Σύμβαση» σημαίνει την Προξενική Σύμβαση που υπογράφηκε στη Βουδαπέστη την 24η Μαΐου 1989 μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Ουγγρικής Λαϊκής Δημοκρατίας, την οποία το Υπουργικό Συμβούλιο ενέκρινε με την απόφασή του με αρ. 31.988 και ημερομηνία 22 Ιουνίου 1989 και της οποίας το πρωτότυπο κείμενο εκτίθεται στην αγγλική στο Μέρος Α΄ του Πίνακα και η ελληνική μετάφραση στο Μέρος Β΄ του Πίνακα.

Πίνακας
Μέρος Α΄,
Μέρος Β΄.Κύρωση
της Σύμβασης.

3.—(1) Με τον παρόντα Νόμο κυρώνεται η Σύμβαση.

(2) Σε περίπτωση αντίθεσης μεταξύ του εκτιθέμενου στο Μέρος Α΄ του Πίνακα πρωτότυπου κειμένου και της εκτιθέμενης στο Μέρος Β΄ αυτού ελληνικής μετάφρασης θα υπερισχύει το εκτιθέμενο στο Μέρος Α΄ του Πίνακα κείμενο.

ΠΙΝΑΚΑΣ

(άρθρο 2)

ΜΕΡΟΣ Α

CONSULAR CONVENTION
BETWEEN THE REPUBLIC OF CYPRUS
AND THE HUNGARIAN PEOPLE'S REPUBLIC

The Republic of Cyprus and the Hungarian People's Republic;

Motivated by the desire to regulate consular relations and thereby contribute to the development of the friendly relations between the two countries as well as to the facilitation of the protection of the rights and interests of their nationals;

Noting that both countries are Parties to the Vienna Convention on Consular Relations, done at Vienna in 1963;

Have agreed to conclude a Consular Convention and for this purpose have appointed their Plenipotentiaries:

The President of the Republic of Cyprus:

H.E. George Iacovou, Minister of Foreign Affairs.

The Presidential Council of the Hungarian People's Republic:

H.E. Laszlo Kovacs, Deputy Minister of Foreign Affairs

Who have agreed on the following:

PART I
ARTICLE 1

The High Contracting Parties, with respect to the provisions of Article 73 of the Vienna Convention on Consular Relations shall apply the following regarding to the facilities, privileges and immunities:

1. The receiving State shall treat a consular officer with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity, or that of any member of his family residing with him.

2. The receiving State is under a special duty to take all appropriate steps to protect the consular premises and the residence of a consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consulate or impairment of its dignity.

ARTICLE 2

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consulate or assist the sending State in obtaining accommodations in some other way.

2. It shall also, where necessary, assist the sending State in obtaining suitable accommodations for consular officers and for consular employees who are neither citizens nor permanent residents of the receiving State.

3. The sending State shall have the right, in the territory of the receiving State and in accordance with its laws and regulations, to acquire, own, lease for any period of time, or otherwise hold any occupy such lands, buildings, and appurtenances as may be necessary and appropriate for consular purposes, including residences for officers and employees of the consulate who are not nationals of the receiving State.

4. The sending State shall have the right, in accordance with the laws and regulations of the receiving State, to erect buildings, and appurtenances on land which it owns or leases in accordance with paragraph (3) of this Article.

ARTICLE 3

Land, buildings and parts of buildings, used exclusively for the purposes of a consulate, shall be inviolable. The authorities of the receiving State shall not enter the said land, buildings or parts of buildings except with the consent of the head of the consulate or of the head of the diplomatic mission of the sending State or of a person nominated by one of them. The provisions of this paragraph shall apply also to the residence of the head of a consulate.

ARTICLE 4

The consular premises, their furnishings, the property of the consulate and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility.

ARTICLE 5

1. The flag of the sending State and its consular flag may be flown and its coat-of-arms displayed on the building in which the consulate is installed and at the entrance door thereof, on the residence of the head of the consulate and on the means of transport used by him in the performance of his official duties.

2. In the exercise of the rights accorded under this Article regard shall be paid to the laws, regulations and usages of the receiving State.

ARTICLE 6

1. The consular archives and documents shall be inviolable at all times and wherever they may be.

2. Documents and objects of an unofficial character shall not be kept in the archives.

ARTICLE 7

1. A consulate shall be entitled to exchange communications with the Government of the sending State and with the diplomatic mission, or other consulates, of that State in the receiving State or in a third State. The consulate may for this purpose employ all public means of communication as well as couriers, sealed pouches, bags and other containers, and

may use codes or ciphers. However, the installation and use of a wireless transmitter by the consulate shall be subject to the consent of the receiving State.

2. In respect of public means of communication, the same tariffs shall be applied in the case of a consulate as are applied in the case of the diplomatic mission.

3. The official correspondence of a consulate (whatever the means of communication employed) as well as the sealed pouches, bags and other containers referred to in paragraph (1) of this Article shall, provided that they bear visible external marks of their official character, be inviolable and the authorities of the receiving State shall not examine or detain them. They shall contain only official correspondence and objects intended exclusively for official use.

4. Persons charged with the conveyance of consular pouches, bags and other containers shall be accorded the same rights, privileges and immunities as are accorded by the receiving State to the diplomatic couriers of the sending State. Any such person shall be provided with an official document indicating his status and the number of packages constituting the consular pouch, bag or other container.

ARTICLE 8

1. A consular officer shall be immune from the jurisdiction of the receiving State except in the cases of estates and other properties of the nationals of the sending State, in which, he performs his functions and in paragraph (2) of this Article.

2. The immunity provided in paragraph (1) of this Article shall not, however, apply in respect of civil actions:

- (a) Relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the consulate;
- (b) relating to succession in which the consular officer is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) relating to any professional or commercial activity exercised by the consular officer in the receiving State outside his official functions;
- (d) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

3. The provisions of paragraph (1) and (2) of this Article shall apply as well to members of the family of the consular officer, residing with him, provided in each case that the person concerned is not a national or permanent resident of the receiving State.

4.—(a) A consular employee who is a national of the sending State and not a permanent resident of the receiving State and who has been notified as having administrative or technical functions, shall be immune from the criminal jurisdiction of the receiving State. He shall also be immune from the civil and administrative jurisdiction of the State in respect of any act performed in his official capacity, subject to the exception described in paragraph (2) (d) of this Article.

(b) The provisions of the first sentence of sub-paragraph (a) of this paragraph shall apply as well to members of the family of such a consular employee who has been notified as residing with him, provided in each case that the person concerned is not a national or permanent resident of the receiving State.

5. A consular employee other than one described in paragraph (4) of this Article, provided that he is not a national or permanent resident of the receiving State, shall be immune from the jurisdiction of that State in respect of any act performed in his official capacity, subject to the exception described in paragraph (2) (d) of this Article.

ARTICLE 9

1. In the event of the arrest or detention of, or the institution of criminal proceedings against, a consular employee described in Article 8(5), the receiving State shall immediately inform the head of the consulate accordingly.

2. The provisions of paragraph (1) of this Article shall apply as well to those members of the family of a consular officer to whom the benefits of Article 8(3) do not apply and to members of the families of a consular employee to whom the benefits of Article 8(4) (b) do not apply.

ARTICLE 10

1.—(a) A consular officer or consular employee may be called upon to attend as a witness in the course of judicial or administrative proceedings.

(b) In the event of the refusal of a consular officer or a consular employee described in Article 8(4) to give evidence at such proceedings, no coercive measure or penalty may be applied to him.

(c) A consular employee shall not, however, decline to give evidence, except in the cases mentioned in paragraph (3) of this Article.

2. The respective provisions of paragraph (1) of this Article concerning consular officers and consular employees shall apply also to members of their families, residing with them, who are not nationals or permanent residents of the receiving State.

3. Consular employees are under no obligation to give evidence concerning matters falling within the official work of the consulate. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

4. The authorities of the receiving State shall not require the production of any official document or object.

5. The authorities of the receiving State, in taking the testimony of a consular officer or a consular employee, shall take all appropriate measures to avoid hindering his performance of official duties. Upon the request of the head of a consulate such testimony may, when possible, be given orally or in writing at the consular establishment or at the residence of the person concerned.

ARTICLE 11

1. The sending State may waive any of the privileges and immunities provided for in Articles 8 and 10.

2. Without prejudice to the provisions of paragraph (3) of this Article, the waiver shall in all cases be express and shall be communicated in writing to the receiving State.

3. The initiation of proceedings by a person entitled to immunity from jurisdiction under Article 8 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgment for which a separate waiver shall be required.

ARTICLE 12

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all officers and employees of the consulate.