

No. 6217

**POLAND
and
HUNGARY**

Consular Convention. Signed at Warsaw, on 20 May 1959

Official texts: Polish and Hungarian.

Registered by Poland on 10 July 1962.

**POLOGNE
et
HONGRIE**

Convention consulaire. Signée à Varsovie, le 20 mai 1959

Textes officiels polonais et hongrois.

Enregistrée par la Pologne le 10 juillet 1962.

[TRANSLATION — TRADUCTION]

No. 6217. CONSULAR CONVENTION¹ BETWEEN THE
POLISH PEOPLE'S REPUBLIC AND THE HUNGARIAN
PEOPLE'S REPUBLIC. SIGNED AT WARSAW, ON
20 MAY 1959

The Council of State of the Polish People's Republic and the Presidential Council of the Hungarian People's Republic, desiring to regulate consular relations between the two States in a spirit of friendship and co-operation, have decided to conclude this Convention and for that purpose have appointed as their plenipotentiaries :

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

Adam Rapacki, Minister for Foreign Affairs of the Polish People's Republic;

The Presidential Council of the Hungarian People's Republic :

János Katona, Ambassador Extraordinary and Plenipotentiary of the
Hungarian People's Republic at Warsaw,

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

PART I

ESTABLISHMENT OF CONSULATES AND APPOINTMENT
OF CONSULS

Article 1

Each Contracting Party may establish consulates in the territory of the other Contracting Party.

Article 2

1. A consul shall be admitted to the performance of his official duties and recognized in accordance with the laws and customs in force in the receiving State by means of the grant of an exequatur after presentation of his consular commission. The consular commission shall show the consul's given name and surname, the location of the consulate and the consular district.

2. The receiving State may grant a consul provisional permission to perform his official duties pending the issue of an exequatur to him.

¹ Came into force on 6 December 1959, thirty days after the exchange of the instruments of ratification which took place at Budapest on 6 November 1959, in accordance with article 28 (1).

3. The receiving State shall without delay notify the competent authorities in the consular district of the grant of an exequatur or of provisional permission for a consul to perform his official duties; the said authorities shall take the necessary steps to enable the consul to perform those duties and to enjoy the rights, immunities and privileges to which he is entitled.

Article 3

A consulate may employ the number of staff necessary to carry out its tasks. The consul shall communicate in writing to the competent authorities of the receiving State the personal particulars and functions of such staff.

Article 4

1. The function of a consul shall be terminated by his recall, the withdrawal of his exequatur or his death.

2. If a consul is unable to perform his official duties owing to illness, temporary absence or recall, or for any other reason, a member of the consulate staff or of the diplomatic mission of the sending State may be authorized to perform the duties of consul temporarily, provided that advance notice of such authorization is given to the competent authority of the receiving State.

3. A person authorized to perform the duties of consul temporarily shall enjoy the rights, immunities and privileges accorded to a consul.

PART II

IMMUNITIES AND PRIVILEGES

Article 5

The receiving State shall grant a consul and consulate staff all necessary assistance in the performance of their official duties.

Article 6

1. The coat-of-arms of the sending State and a plaque designating the consulate may be affixed to the consulate building.

2. The flag of the sending State may be flown from the consulate building. The consul may place the flag of the sending State on vehicles, vessels and aircraft when they are used for official purposes.

Article 7

The official premises of a consulate shall be inviolable. The authorities of the receiving State may enter them only with the consent of the head of the

consulate. The authorities of the receiving State shall not use force in any form whatsoever on the said premises or at the consul's residence.

Article 8

1. Consulate archives shall be inviolable. The authorities of the receiving State shall not examine or detain them.

2. Private papers belonging to the consul or consulate staff shall not be kept in the consulate archives.

Article 9

1. Correspondence sent or received by a consulate shall be inviolable; the authorities of the receiving State shall not examine or detain it.

2. The provisions of paragraph 1 shall apply *mutatis mutandis* to communications transmitted by telegraph, telephone, teletype or radio.

3. A consulate may use codes and the services of diplomatic couriers.

Article 10

1. A consul and members of the consulate staff who are nationals of the sending State shall not be subject to the jurisdiction of the receiving State in respect of acts performed in their official capacity.

2. If a consul performs, otherwise than in his official capacity, an act which is punishable under the law of the receiving State, the question of proceeding against him in any manner whatsoever shall in each case be settled beforehand by agreement between the Contracting Parties.

Article 11

1. A consul and members of the consulate staff may be summoned to give evidence before the courts and other authorities of the receiving State in criminal, civil and administrative cases.

2. A consul and members of the consulate staff who are nationals of the sending State may refuse to give evidence concerning matters connected with their official duties or to produce official documents.

3. Summonses addressed to the persons mentioned in paragraph 2 must be in the form of an official letter and must contain no threat of a fine or coercive measures. The court or authority requiring the evidence shall take all necessary steps to avoid obstructing the said persons in the performance of their official duties.