

No. 6225

**POLAND
and
YUGOSLAVIA**

**Consular Convention. Signed at Belgrade, on 17 November
1958**

Official texts: Polish and Serbo-Croat.

Registered by Poland on 10 July 1962.

**POLOGNE
et
YOUUGOSLAVIE**

**Convention consulaire. Signée à Belgrade, le 17 novembre
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Textes officiels polonais et serbo-croate.

Enregistrée par la Pologne le 10 juillet 1962.

[TRANSLATION — TRADUCTION]

No. 6225. CONSULAR CONVENTION¹ BETWEEN THE
POLISH PEOPLE'S REPUBLIC AND THE FEDERAL
PEOPLE'S REPUBLIC OF YUGOSLAVIA. SIGNED AT
BELGRADE, ON 17 NOVEMBER 1958

The Polish People's Republic and the Federal People's Republic of Yugoslavia, desiring to regulate consular relations between them in a spirit of friendship and co-operation, have decided to conclude a Consular Convention.

For that purpose the Council of State of the Polish People's Republic and the President of the Federal People's Republic of Yugoslavia have appointed as their plenipotentiaries :

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

Henryk Grochulski, Ambassador Extraordinary and Plenipotentiary of the Polish People's Republic in the Federal People's Republic of Yugoslavia;

The president of the Federal People's Republic of Yugoslavia :

Dr. Milan Bartoš, Ambassador of the Federal People's Republic of Yugoslavia in the State Secretariat for Foreign Affairs.

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

PART I

DEFINITIONS

Article 1

For the purposes of this Convention :

(1) The term "consul" means the head of a consular post to whom the receiving State has granted an exequatur or provisional permission to act as a consul-general, consul or vice-consul;

(2) The term "consular agent" means any person appointed in that capacity by the competent consul with the consent of the receiving State;

¹ Came into force on 12 July 1959, thirty days after the exchange of instruments of ratification which took place at Warsaw on 12 June 1959, in accordance with article 48.

(3) The term “member of the consulate staff” means, unless otherwise specified in this Convention, any person, except the consul, employed at a consulate, regardless of his nationality;

(4) The term “consulate” means a consulate-general, consulate or vice-consulate;

(5) The term “consulate archives” covers all official correspondence, documents and papers, and all office furniture for the safekeeping thereof, belonging to consulates and consular agents;

(6) The term “vessel of the sending State” or “vessel of the receiving State” means any vessel entitled to fly the flag of the State concerned;

(7) The term “national of a State” also covers legal persons deemed to be such under the law of the Contracting Party in whose territory they were constituted.

PART II

ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULS

Article 2

Each Contracting Party may establish consulates in the territory of the other Contracting Party. The receiving State reserves the right to object to the establishment of a consulate at any place where there is not already a consulate of a third State.

Article 3

1. The consular commission, specifying the consular district, shall be presented to the Ministry of Foreign Affairs of the receiving State. The consul shall be accepted and recognized in accordance with the rules and customs in force in the receiving State.

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

3. The authorities of the receiving State which have jurisdiction in the consular district specified in the exequatur or provisional permission shall immediately take appropriate steps to enable the consul to perform his official duties and to enjoy the rights, privileges and immunities to which he is entitled.

Article 4

1. The consul may appoint consular agents within his district; the provisions of article 2 shall apply, *mutatis mutandis*, for this purpose. A consular

agent may not enter upon his official duties until the receiving State has given its consent.

2. A consular agent shall perform his official duties under the direction and on the responsibility of the consul who appointed him.

Article 5

The necessary number of staff, whether nationals of the sending State or nationals of the receiving State, may be employed at a consulate. The consul shall communicate in writing to the competent authorities of the receiving State the personal particulars of such staff and the nature of their employment.

Article 6

If a consul dies or is unable to perform his official duties owing to illness, temporary absence or recall or for any other reason, a member of the staff of one of the consulates or of the diplomatic mission in the receiving State shall be authorized to perform the official duties of consul temporarily, provided that his official status as acting consul has been communicated beforehand, in writing, to the competent authorities of the receiving State. While acting as consul he shall enjoy the rights, privileges and immunities accorded to a consul by this Convention.

PART III

PRIVILEGES AND IMMUNITIES

Article 7

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

Article 8

1. A consul may place on the building in which the consulate is installed, and on its outer enclosure, the coat-of-arms of the sending State and an inscription designating the consulate in the official language of that State.

2. The consul may fly the flag of the sending State from the building in which the consulate is installed. He may likewise place the said flag on vehicles, vessels and aircraft when he uses them himself solely in the performance of his official duties.

Article 9

Consulate archives shall be inviolable, and the authorities of the receiving State shall not examine or detain them. The said archives must be kept separate from the private papers of the consul and consulate staff.

Article 10

The official premises of a consulate shall be inviolable. The authorities of the receiving State shall not enter the said premises except with the consul's consent or in cases justified by valid public interest (e.g. fire or the pursuit of a criminal). Any such entry shall be conducted with due regard to the principle of the inviolability of consulate archives stated in article 9.

Article 11

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

2. A consul may send and receive official correspondence through the courier service.

3. A consul may communicate in code with the authorities of the sending State.

Article 12

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

2. A consul shall not be arrested or detained before the court's decision becomes enforceable, except in the case of a serious offence punishable under the law of the receiving State by deprivation of liberty for not less than five years.

3. If a consul is arrested, detained or charged with a criminal offence, the authorities of the receiving State shall so notify the diplomatic representative of the sending State forthwith.

4. For the purposes of this article the term "consul" covers consuls-general, consuls and vice-consuls, whether or not serving as the heads of consular posts.

Article 13

1. The consul and members of the consulate staff may refuse to give evidence before the courts and authorities of the receiving State concerning matters connected with their official duties and may also refuse to produce official correspondence and other official documents. If the court or authority of the receiving State considers the refusal unjustified, the matter shall be settled through the diplomatic channel.