

No. 7018

**POLAND
and
BULGARIA**

Consular Convention. Signed at Sofia, on 19 September 1961

Official texts: Polish and Bulgarian.

Registered by Poland on 23 December 1963.

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et
BULGARIE**

Convention consulaire. Signée à Sofia, le 19 septembre 1961

Textes officiels polonais et bulgare.

Enregistrée par la Pologne le 23 décembre 1963.

[TRANSLATION — TRADUCTION]

No. 7018. CONSULAR CONVENTION¹ BETWEEN THE
POLISH PEOPLE'S REPUBLIC AND THE PEOPLE'S
REPUBLIC OF BULGARIA. SIGNED AT SOFIA, ON
19 SEPTEMBER 1961

The Council of State of the Polish People's Republic and the Presidium of the National Assembly of the People's Republic of Bulgaria,

Desiring to regulate consular relations between them in a spirit of friendship and co-operation,

Have resolved to conclude this Convention and for this purpose have appointed as their Plenipotentiaries :

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

Aleksander Juskiewicz, Ambassador Extraordinary and Plenipotentiary of the Polish People's Republic at Sofia;

The Presidium of the National Assembly of the People's Republic of Bulgaria :

Atanas Voinov, Deputy Minister for Justice of the People's Republic of Bulgaria,

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

P A R T I

DEFINITIONS

Article 1

For the purposes of this Convention :

(1) The term " consul " means any person having the nationality of the sending State to whom the receiving State has granted an exequatur or any other authorization, even if provisional, to act in the capacity of a consul-general, consul or vice-consul;

(2) The term " member of the consular staff " means any person employed at a consulate, regardless of his nationality;

(3) The term " consulate " means a consulate-general, consulate or vice-consulate;

¹ Came into force on 14 February 1963, thirty days after the exchange of the instruments of ratification which took place at Warsaw, on 15 January 1963, in accordance with the provisions of article 30.

(4) The term “consular archives” includes official correspondence, documents and papers, and office furniture for the safekeeping thereof;

(5) The term “national of the State” means an individual having the nationality of the State in question or a body corporate established in accordance with the law of that State and domiciled in its territory.

PART II

ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULS

Article 2

1. Each Contracting Party may establish consulates in the territory of the other Contracting Party in accordance with this Convention.

2. Consular districts shall be determined by agreement between the two Contracting Parties in each individual case.

Article 3

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 after the consular commission has been presented and an exequatur has been granted. The consular commission shall indicate the consul's given name, surname and rank, the location of the consulate, and the consular district.

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

3. As soon as a consul receives the exequatur or the permission referred to in paragraph 2, the competent authorities in the consular district shall make the necessary arrangements to enable him to perform his official duties without hindrance and to enjoy the rights, privileges and immunities to which he is entitled.

Article 4

The necessary number of staff, whether nationals of the sending State or nationals of the receiving State, may be employed at the consulate. The personal particulars and functions of such staff shall be communicated in writing to the competent authorities of the receiving State.

Article 5

In the event of a consul's recall, death or temporary absence, or of his inability for any other reason to perform his official duties, a member of the

staff of a consulate or of the diplomatic mission of the sending State who is a national of that State shall be authorized to perform those duties temporarily, provided that the competent authorities of the receiving State are notified beforehand in writing of his assumption of those duties. He shall, during such time, enjoy the rights, privileges and immunities accorded to consuls.

PART III

PRIVILEGES AND IMMUNITIES

Article 6

1. A tablet bearing the coat-of-arms of the sending State and the title of the consulate may be placed on the building in which the consulate is installed.

2. The flag of the sending State may be flown from the building in which the consulate is installed. The flag of that State may also be flown on motor vehicles, vessels, aircraft and other means of conveyance when they are used by the consul in the performance of his official duties.

Article 7

1. The offices of the consulate shall be inviolable. The authorities of the receiving State may enter those offices or the consul's living quarters only with the consent of the consul and with due regard to the principle of the inviolability of consular archives defined in article 8, paragraph 1.

2. The offices of the consulate shall be separate from the living quarters of the consul and the members of the consular staff.

Article 8

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

2. The consular archives shall be kept separate from the private documents of the consul and the members of the consular staff.

Article 9

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

2. The consulate may employ the services of couriers and use codes.

Article 10

1. The consul and members of the consular staff who are nationals of the sending State shall not, except with the consent of the sending State, 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, proceedings of any kind to be taken against him shall in every case be agreed beforehand between the Contracting Parties.

Article 11

1. Consuls and members of the consular staff may refuse to give testimony before courts or authorities of the receiving State concerning matters connected with their official duties and may 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.

2. Subject to the provisions of paragraph 1, consuls and members of the consular staff may be summoned to testify in criminal, civil and administrative cases; however, the court or authority shall take all necessary steps to avoid obstructing the said persons in the performance of their official duties. A summons addressed to a consul or a member of the consular staff who is a national of the sending State shall be in the form of an official letter and shall contain no threat of a criminal penalty or of any other coercive measure.

3. A consul may, on grounds of urgent official business or of illness, request that his testimony should be taken at a later time. He may also request that his testimony should be taken in the offices of the consulate or at his residence.

Article 12

Consuls and members of the consular staff and their spouses and minor children residing with them who are nationals of the sending State shall not be subject to regulations of the receiving State under which aliens are required to obtain residence permits, to register and to report to the authorities.

Article 13

1. Consuls and members of the consular staff and their spouses and minor children residing with them who are nationals of the sending State shall be exempt from taxes and other charges of a similar nature and from personal services or material contributions for military or other public purposes.