

No. 7327

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
AUSTRIA**

**Consular Convention (with schedule, Protocol of Signature
and exchange of notes). Signed at Vienna, on 24 June
1960**

Official texts: English and German.

Registered by the United Kingdom of Great Britain and Northern Ireland on 2 July 1964.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
AUTRICHE**

**Convention consulaire (avec annexe, Protocole de signature
et échange de notes). Signée à Vienne, le 24 juin 1960**

Textes officiels anglais et allemand.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 2 juillet 1964.

No. 7327. CONSULAR CONVENTION¹ BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE REPUBLIC OF AUSTRIA. SIGNED AT VIENNA, ON 24 JUNE 1960

PREAMBLE

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, and the Federal President of the Republic of Austria ;

Being Desirous of regulating their relations in the consular field and of thus facilitating the protection of the nationals and organisations of each High Contracting Party in the territories of the other ;

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

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth (hereinafter referred to as "Her Majesty") :

For the United Kingdom of Great Britain and Northern Ireland :

The Right Honourable John Selwyn Brooke Lloyd, C.B.E., Q.C., M.P., Her Majesty's Principal Secretary of State for Foreign Affairs ;

The Federal President of the Republic of Austria :

For the Republic of Austria :

Herr Dr. Bruno Kreisky, Federal Minister of Foreign Affairs ;

Who, having communicated to each other their respective full powers, which were found in good and due form, have agreed as follows :

¹ Came into force on 26 December 1963, the thirtieth day after the date of exchange of the instruments of ratification which took place at London on 26 November 1963, in accordance with article 47 (1).

PART I

APPLICATION AND DEFINITIONS

Article 1

This Convention applies,

(1) on the part of Her Majesty, to the United Kingdom of Great Britain and Northern Ireland and to all territories for whose international relations Her Government in the United Kingdom are responsible ;

(2) on the part of the Republic of Austria, to the Republic of Austria.

Article 2

For the purposes of this Convention

(1) the term "sending State" means, according to the context, the High Contracting Party by whom a consular officer is appointed, or all the territories of that Party to which the Convention applies ;

(2) the term "receiving State" means, according to the context, the High Contracting Party within whose territories a consular officer exercises his functions as such, or all the territories of that Party to which the Convention applies ;

(3) the term "territory" means any part of the territories of the receiving State in which the whole or part of the district of a consular officer is situated and which has been notified as constituting a territorial unit for the purposes of all or some of the Articles of the Convention, in conformity with the provisions of Article 46 ;

(4) the term "nationals" means,

(a) in relation to Her Majesty, all British subjects and British protected persons belonging to any of the categories specified in the Schedule¹ to the Convention, together with, where the context permits, all juridical entities duly created under the law of any of the territories to which the Convention applies under paragraph (1) of Article 1 ;

(b) in relation to the Republic of Austria, all persons who possess Austrian nationality under Austrian law, together with, where the context permits, all juridical entities, companies and partnerships duly created under that law ;

(5) the term "vessel" means, for the purposes of Part VIII,

(a) in relation to Her Majesty, any ship of craft registered at a port in any territory to which the Convention applies under paragraph (1) of Article 1 ;

¹ See p. 140 of this volume.

(b) in relation to the Republic of Austria, any ship or craft registered in the Austrian register of sea-going vessels or otherwise entitled to fly the Austrian flag ;

(6) the term "consular officer" means any person who holds from the appropriate authorities of the receiving State a valid exequatur or other authorisation, including a provisional authorisation, to act in such capacity on behalf of the sending State ; a consular officer may be a career officer or an honorary officer ;

(7) the term "consular employee" means any person, not being a consular officer, employed by the sending State at a consulate for the performance of consular duties, provided that his name has been duly communicated in accordance with the provisions of Article 5 to the appropriate authorities of the territory and provided also that the said authorities have not declined to recognise him, or to continue to recognise him ; the term does not, however, apply to any driver, or any person employed solely on domestic duties at or in the upkeep of the consular premises ;

(8) the term "consular office" means any building or part of a building which is occupied exclusively for the purposes of the official business of a consular officer.

PART II

CONSULATES, CONSULAR DISTRICTS AND CONSULAR APPOINTMENTS

Article 3

(1) The sending State may establish and maintain consulates in the receiving State at any place where any third State possesses a consulate and at any other place where the receiving State agrees to the establishment of a consulate.

(2) The sending State may

- (a) determine whether a consulate shall be a consulate-general, consulate or vice-consulate ;
- (b) subject to paragraph (3) of this Article, prescribe the limits of the districts of each of its consulates.

(3) The receiving State may object to the inclusion within a consular district

- (a) of any area which is not within a consular district, and is not open to the official commercial representatives, of a third State ;

- (b) of any territory of a third State. Any such objection shall be made through the diplomatic channel.

(4) The sending State shall keep the receiving State informed of the district of its consulates.

Article 4

(1) The sending State may, for the purposes of discharging consular duties, employ at its consulates in the receiving State the necessary number of consular officers.

(2) The sending State shall notify the receiving State of the appointment of a consular officer to a consulate. Any such notification shall be made in writing through the diplomatic channel. In the case of an honorary consular officer who is a national of the receiving State, that State may require that its consent to his appointment to a consulate shall be obtained in advance through the diplomatic channel.

(3) The exequatur or other authorisation shall be granted as soon as possible and free of charge by the receiving State upon the presentation of the commission or other notification of appointment of a consular officer; the said commission or notification shall specify the area within which the consular officer is authorised to perform consular functions. Where necessary, a provisional authorisation shall be accorded, pending the grant of the exequatur or other authorisation.

(4) The exequatur or other authorisation shall not be refused without good cause.

(5) The receiving State shall not be deemed to have consented to a consular officer acting as such, or to have extended to him the benefits of the provisions of this Convention, until the receiving State has granted him an exequatur or other authorisation, including a provisional authorisation.

(6) The receiving State shall without delay inform its appropriate authorities of the name of any consular officer entitled to act under the Convention.

(7) The receiving State may revoke the exequatur or other authorisation of a consular officer whose conduct has given serious cause for complaint.

Article 5

(1) The sending State may, for the purposes of discharging consular duties, employ at its consulates in the receiving State the necessary number of consular employees.

(2) The competent authority of the receiving State (which shall be, in relation to metropolitan territory, the Foreign Office or the Bundesministerium für Auswärtige Angelegenheiten, as the case may be, and, in relation to non-metropolitan territory, an authority to be designated by the receiving State) shall be notified of the appointment of a consular employee to the staff of a consulate and shall be kept informed of his private address.

(3) The competent authority may, either at the time of notification or subsequently, decline to recognise, or to continue to recognise, any person as admitted in the