

No. 8052

**POLAND
and
MONGOLIA**

**Consular Convention. Signed at Warsaw, on 28 October
1964**

Official texts: Polish, Mongolian and Russian.

Registered by Poland on 25 January 1966.

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et
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Convention consulaire. Signée à Varsovie, le 28 octobre 1964

Textes officiels polonais, mongol et russe.

Enregistrée par la Pologne le 25 janvier 1966.

[TRANSLATION — TRADUCTION]

No. 8052. CONSULAR CONVENTION¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE MONGOLIAN PEOPLE'S REPUBLIC. SIGNED AT WARSAW, ON 28 OCTOBER 1964

The Council of State of the Polish People's Republic and the Presidium of the Great People's Khural of the Mongolian People's Republic, desiring further to develop friendly relations and general co-operation in accordance with the wishes and in the interests of the peoples of both countries, 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 :

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

The Presidium of the Great People's Khural of the Mongolian People's Republic :

Mr. Mangalyn Dugersuren, Minister for Foreign Affairs of the Mongolian People's Republic,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

I. DEFINITIONS

Article 1

For the purposes of this Convention :

- (a) The expression "consular post" means any consulate-general, consulate, vice-consulate or consular agency ;
- (b) The expression "head of a consular post" means the person charged with the duty of acting in that capacity ;
- (c) The expression "consular officer" means any person, including the head of a consular post, entrusted with the exercise of consular functions ;
- (d) The expression "employee of a consular post" means any person performing administrative and technical duties or duties connected with the service of a consular post ;

¹ Came into force on 27 June 1965, the thirtieth day after the exchange of the instruments of ratification which took place at Ulan Bator on 28 May 1965, in accordance with article 25.

- (e) The expression "members of a consular post" means consular officers and employees of a consular post ;
- (f) The expression "premises of a consular post" means the buildings or parts of buildings, and the land ancillary thereto, used exclusively for the purposes of the consular post ;
- (g) The expression "archives of a consular post" means official correspondence, documents and records, and articles serving as evidence, as well as office equipment intended exclusively for their safekeeping.

II. ESTABLISHMENT OF CONSULAR POSTS, APPOINTMENT AND ADMISSION OF HEADS OF CONSULAR POSTS

Article 2

1. In accordance with this Convention, each Contracting Party may establish consular posts in the territory of the other Contracting Party and may appoint heads of consular posts and other members of consular posts.

2. The seat of a consular post and the consular district shall be determined by agreement between the Contracting Parties.

Article 3

1. The head of a consular post shall be admitted to the exercise of consular functions after the presentation by him of the consular commission and the issue to him of an exequatur by the receiving State. The consular commission shall show the full name of the head of the consular post, his category and class, the consular district and the seat of the consular post.

2. The receiving State may permit the head of a consular post to exercise consular functions on a provisional basis before the exequatur is issued to him.

3. As soon as the head of a consular post receives the exequatur or the permission referred to in paragraph 2, the competent authorities of the receiving State shall take the necessary steps to enable him to exercise his official functions and enjoy the rights, privileges and facilities to which he is entitled.

Article 4

Consular officers must be nationals of the sending State.

Article 5

1. If the head of a consular post is absent or is unable for any other reason to carry out his functions, or if he is recalled or dies, the sending State may authorize

a member of the diplomatic staff of its diplomatic mission, or a consular officer of the same or another consular post, temporarily to exercise the functions of head of the consular post. The name and function of such person shall be communicated in writing beforehand to the Ministry of Foreign Affairs of the receiving State.

2. The person authorized under paragraph 1 temporarily to exercise the functions of head of the consular post shall enjoy all the facilities, privileges and immunities accorded by this Convention to the head of a consular post.

III. FACILITIES, PRIVILEGES AND IMMUNITIES

Article 6

The competent authorities of the receiving State shall facilitate in every way the performance by the consular post of its functions and shall render necessary assistance in connexion with its official activities.

Article 7

1. Members of a consular post shall not be subject to the jurisdiction of the receiving State in matters connected with their official activities.

2. If the head of a consular post commits an act, not connected with his official activities, which is punishable under the laws of the receiving State, proceedings of any kind to be taken against him shall in all cases be agreed beforehand between the Contracting Parties. Other consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

Article 8

1. Members of a consular post may be summoned by the authorities of the receiving State to give evidence in civil, family, criminal and administrative cases. They may refuse to give evidence concerning matters connected with their official activities.

2. At the request of a member of a consular post who is a national of the sending State, evidence may be taken in writing or orally, at a time convenient for him, at his residence or in the premises of the consular post.

3. A summons calling upon one of the persons referred to in paragraph 1 to give evidence shall be in the form of an official letter and must contain no threat of coercive measures.