

No. 4637

**POLAND
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Consular Convention. Signed at Warsaw, on 21 January
1958**

Official texts: Polish and Russian.

Registered by Poland on 5 January 1959.

**POLOGNE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

Convention consulaire. Signée à Varsovie, le 21 janvier 1958

Textes officiels polonais et russe.

Enregistrée par la Pologne le 5 janvier 1959.

[TRANSLATION — TRADUCTION]

No. 4637. CONSULAR CONVENTION¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS. SIGNED AT WARSAW, ON 21 JANUARY 1958

The Council of State of the Polish People's Republic and the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics,

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

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

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

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

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics :

Piotr Andreevich Abrasimov, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics in the Polish People's Republic,

who, 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 any person having the citizenship of the sending State to whom the receiving State has granted an exequatur or any other, even if provisional, authorization to act in the capacity of a consul-general, consul, vice-consul or consular agent;

(2) The term " consular officer " means any person, except the consul, who carries out consular functions and who is a citizen of the sending State; the term does not include technical staff and domestic servants;

¹ Came into force on 8 June 1958, on the expiry of thirty days from the date of the exchange of the instruments of ratification which took place at Moscow on 8 May 1958, in accordance with article 33.

(3) The term “consular employee” means any person employed at a consulate;

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

(5) The term “consular archives” includes official correspondence and documents and also safes and other office furniture for the safekeeping thereof;

(6) The term “citizen of the ... State” means an individual having the citizenship of that State and also a body corporate established in accordance with the laws of that State and domiciled in its territory;

(7) The term “vessel of the sending State” means any vessel entitled to fly the flag of that State.

PART II

ESTABLISHMENT OF CONSULATES AND ACCEPTANCE OF CONSULS

Article 2

1. Either 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 accepted for the performance of his official duties and be recognized in accordance with the laws and customs in force in the receiving State by means of the grant of an exequatur after the consular commission has been presented. The consular district shall be indicated in the commission.

2. The exequatur containing a definition of the consular district shall be granted to the consul forthwith. The receiving State shall without delay inform the appropriate authorities in the consular district of the grant of the exequatur. These authorities shall take the necessary steps to enable the consul to begin his official functions and to enjoy the rights accorded him under this Convention.

Article 4

The necessary number of employees, whether citizens of the sending State or citizens of the receiving State, may be employed at the consulate. The consul shall notify the appropriate authorities of the receiving State in writing of the names, surnames, addresses and service ranks of such employees.

Article 5

1. If the consul is unable to perform his official functions, the sending State may authorize an officer of its diplomatic mission or a consular officer to take temporary charge of the consulate, notice of such authorization to be given beforehand to the appropriate authorities of the receiving State.

2. A person accepted as being in temporary charge of a consulate shall enjoy the rights and privileges accorded to a consul by this Convention.

PART III

CONSULAR PRIVILEGES

Article 6

The receiving State shall ensure that the consul and consular employees are able to perform their official functions freely. The authorities of the receiving State shall grant the persons aforesaid every assistance in the performance of their functions.

Article 7

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

2. The flag of the sending State may be flown from the building in which the consulate is installed. The consul may fly the flag of the sending State on motor vehicles, vessels and other means of conveyance when they are used for official purposes.

Article 8

1. The offices of the consulate shall be inviolable. The authorities of the receiving State may not use force, in any form whatsoever, in such offices or in the residence of the consul.

2. The offices of the consulate shall be separate from the living quarters of the consular employees.

Article 9

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

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

Article 10

1. The consul may send and receive official correspondence by means of the diplomatic pouch.

2. Correspondence which is sent or received by a consulate shall be inviolable. The authorities of the receiving State may not examine or detain it.

3. The consul may use codes in his communications with the diplomatic representative and other authorities of the sending State.

Article 11

1. The consul and consular employees who are citizens 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 an act otherwise than in his official capacity which is punishable under the laws of the receiving State, the question of proceeding against him in any manner whatsoever shall in every case be agreed beforehand between the two Contracting Parties.

Article 12

1. Consuls and consular employees may be summoned to give testimony in either a civil or a criminal case. The summons shall be in the form of an official letter and shall make no reference to the possibility of proceedings of any kind in the event of failure to appear. The court or authority requiring the testimony of the persons aforesaid shall take all necessary steps to avoid interference with the performance of their official duties.

2. Consuls and consular employees may refuse to give testimony before courts or authorities of the receiving State concerning matters connected with their official duties and may also refuse to produce official correspondence and documents. If the court or authority of the receiving State considers the refusal unjustified, the matter shall be turned over for settlement through the diplomatic channel.

3. A consul may, for cogent reasons connected with his official duties or on grounds of illness, request that his testimony should be taken at another time, either in the offices of the consulate or at his residence.

Article 13

Consuls and consular employees and their spouses and minor children residing with them who are citizens of the sending State shall not be subject to the regulations of the receiving State with regard to registration, residence permits and visas applicable to foreigners.

Article 14

1. Immovable property of the sending State which is intended for the official purposes of the consulate or for the living quarters of the consul and the consular employees shall be exempt from all taxes.

2. Motor vehicles, launches and other means of conveyance, radio and television receivers and any other movable property owned by the sending State and serving the needs of the consulate shall be exempt from all taxes and fees.

Article 15

Consuls and consular employees and their spouses and minor children residing with them who are citizens of the sending State shall be exempt from all direct taxes and fees. These exemptions shall also apply to the movable property of the persons aforesaid.

Article 16

1. Articles intended for the needs at a consulate shall be exempt from customs duties in the same manner as articles intended for the needs of a diplomatic mission.

2. Articles which are the property of or are intended for consuls and consular employees, and also for their spouses and minor children residing with them if citizens of the sending State, shall be exempt from customs duties to the same extent as articles which are the property of or are intended for the members and staff of a diplomatic mission.

PART IV

FUNCTIONS OF THE CONSUL

Article 17

1. A consul may protect the rights and interests of the sending State and its citizens and look after the welfare of such citizens. He may for that purpose apply direct to the courts and authorities of his consular district.

2. A consul may, without special authorization, represent in the courts and before other authorities in his consular district citizens of the sending State who, owing to absence or for other valid reasons, are unable to protect their own rights and interests within the appropriate time limits.

Article 18

A consul may :

- (1) Register citizens of the sending State;
- (2) Issue passports to citizens of the sending State;
- (3) Issue other travel documents;
- (4) Issue visas.

Article 19

1. A consul may draw up certificates of the birth and death of citizens of the sending State.

2. The provisions of paragraph 1 shall not, however, exempt the persons concerned from their obligation under the laws of the receiving State to make such declarations of birth or death as are required by the laws of that State.

Article 20

A consul may receive declarations of marriage and register marriage if both parties are citizens of the sending State. It at least one of the parties to the marriage has a permanent residence in the receiving State, the consul shall notify the competent authorities of that State of the registration of the marriage.

Article 21

1. A consul may perform notarial acts which are provided for by the laws of the sending State if they relate to citizens of that State and can produce legal effects in its territory.

2. A consul may prepare and certify translations of documents from the language of the sending State into the language of the receiving State, and vice-versa. Such translations shall have the same juridical force and the same validity as evidence in the receiving State as translations prepared or certified in accordance with the laws of that State.

3. A consul may legalize documents drawn up or certified in the receiving State or in the sending State. This provision shall be without prejudice to the provisions of articles 15 and 16 of the Agreement between the Polish People's Republic and the Union of Soviet Socialist Republics concerning legal assistance and legal relationships in civil, family and criminal cases, concluded on 28 December 1957.

Article 22

A consul may accept for safekeeping documents as well as money and other valuables from citizens of the sending State.

Article 23

1. A consul may apply to a court or authority of the receiving State for the establishment of guardianship or curatorship for a citizen of the sending State who may require it, pending the establishment of such guardianship or curatorship by a court or authority of the latter State.

2. A consul may apply to a court or authority of the receiving State for the appointment of a trustee for property belonging to a citizen of the sending State if such property is without an administrator.

Article 24

The functions of a consul in matters of succession shall be regulated by the provisions of the Agreement between the Polish People's Republic and the Union of Soviet Socialist Republics concerning legal assistance and legal relationships in civil, family and criminal cases, concluded on 28 December 1957.

Article 25

A consul may extend every assistance to merchant vessels and warships of the sending State which enter a port in his consular district. He may visit such a vessel and the master and the members of the crew of the vessel may communicate with the consul.

Article 26

1. A consul may request information from the master and members of the crew of a vessel of the sending State concerning the vessel, the cargo, occurrences during the voyage and the vessel's destination, examine the vessel's papers and facilitate the entry and departure of the vessel.

2. A consul may, if the laws of the receiving State permit him to do so, appear with the master or members of the crew before the courts and authorities of that State, extend them every assistance and act as interpreter in matters between them and these courts and authorities.

3. A consul may, if the laws of the sending State permit him to do so, decide disputes between the master and members of the crew, including disputes as to pay and contracts of service, and also engage and discharge the master and members of the crew.

Article 27

1. In the event of damage to a vessel, the competent authorities of the receiving State shall immediately notify the competent consul of the occurrence.

2. In the event of damage, a consul may extend every assistance to the vessel, the members of the crew and the passengers, and may take steps to ensure the protection of the cargo and the repair of the vessel or request the authorities of the receiving State to take such steps. The competent authorities of the receiving State shall co-operate with the consul in his action in connexion with the damage to the vessel.

Article 28

A consul may, if the laws of the sending State so provide, take statements and draw up and sign documents relating to a vessel and its crew.

Article 29

The provisions of articles 25-28 of this Convention shall apply *mutatis mutandis* to aircraft, their commanders and members of their crews.

Article 30

A consul may levy the consular fees prescribed under the laws of the sending State.

PART V

FINAL PROVISIONS

Article 31

The provisions of Part IV of this Convention concerning the functions of consuls shall apply *mutatis mutandis* to the head of the consular department of the diplomatic mission of each Contracting Party if notice of his appointment to that office is given to the other Contracting Party. The performance of consular functions by the person aforesaid shall not affect his diplomatic privileges and immunities.

Article 32

The Consular Convention between Poland and the Soviet Union, concluded on 18 July 1924,¹ shall cease to have effect on the entry into force of the present Convention.

Article 33

This Convention shall be ratified and shall enter into force on the expiry of thirty days from the date of the exchange of the instruments of ratification, which shall take place at Moscow.

This Convention is concluded for an unlimited period. It may be denounced by either of the Contracting Parties; if denounced, it shall cease to have effect on the expiry of six months from the date on which notice of denunciation is received by the other Contracting Party.

¹ League of Nations, *Treaty Series*, Vol. XLIX, p. 201.

DONE in duplicate at Warsaw, on 21 January 1958, in the Polish and Russian languages, both texts being equally authentic.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries of the two Contracting Parties have signed this Convention and affixed thereto their seals.

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

A. RAPACKI

For the Presidium
of the Supreme Soviet
of the Union of Soviet Socialist
Republics :

P. A. ABRASIMOV