

2. The term “consul” shall mean any person holding an exequatur or temporary permission to act as consul-general, consul or vice-consul.

3. The term “consular agent” shall mean any person appointed by the superintending consul with the consent of the receiving State.

4. The term “consular staff” [*konsularischer Mitarbeiter*] shall mean any person, except the consul, who exercises consular functions and is a national of the sending State. Technical staff and domestic servants are not covered by this term.

5. The term “staff” [*Mitarbeiter*] shall mean any person employed in a consulate, regardless of his nationality, unless otherwise specified in this Convention.

6. The term “nationals” shall mean individuals, as well as bodies corporate established under the laws of one of the Contracting Parties and having their head offices in the territory of that Contracting Party.

7. The term “ship” shall mean any ship entitled to fly the flag of the sending State.

Article 36

This Convention is concluded for a period of five years. Unless denounced by one of the Contracting Parties six months before the expiry of that period, it shall be extended, under the same condition, for further periods of five years.

Article 37

This Convention shall be ratified. It shall enter into force upon the exchange of the instruments of ratification.

37. Consular Convention¹ between the Polish People’s Republic and the Union of Soviet Socialist Republics, signed at Warsaw, on 21 January 1958²

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 United Nations, *Treaty Series*, vol. 319, p. 310.

² Came into force on 8 June 1958.

(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 safe keeping 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 III

CONSULAR PRIVILEGES

...

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.

...

PART IV

FUNCTIONS OF THE CONSUL

...

Article 20

A consul may receive declarations of marriage and register marriage if both parties are citizens of the sending State. If 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 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.

. . .

NOTE: The other provisions of this Convention are similar to the corresponding provisions of the Convention between the Union of Soviet Socialist Republics and the German Democratic Republic (Convention No. 35 above).

38. Consular Treaty¹ between the Union of Soviet Socialist Republics and the Federal Republic of Germany, signed at Bonn, on 25 April 1958²

. . .

PART I

ESTABLISHMENT OF CONSULATES AND ACCEPTANCE OF CONSULS

Article 5

1. For the purposes of this Treaty, the term "consulate" means a consulate-general, consulate or vice-consulate, and the term "consul" means a consul-general, consul or vice-consul who is in charge of a consulate.

2. The term "consular officers" means:

¹ United Nations, *Treaty Series*, vol. 338, p. 74.

² Came into force on 24 May 1959.