

Article 15

Consular staff who are not citizens of the receiving State shall not be permitted to engage in other than consular activities in that State.

Article 31

1. If a vessel sailing under the flag of the sending State is wrecked, or runs aground or is stranded on the coast of the receiving State, or suffers other damage in the latter's territory, the competent authorities shall immediately so notify the consul of the State under whose flag the vessel is sailing and shall inform him of the measures they have taken to save lives, the vessel and the cargo. The competent authorities shall extend the necessary co-operation to the Consul in his action in connexion with the damage to the vessel.

2. Unless other arrangements are made among the shipowners, charterers and insurers, matters relating to the damage suffered by a vessel sailing under the flag of the sending State shall, if the vessel enters a port in the receiving State, be settled by the consul. Such settlement shall, however, be made by the authorities of the receiving State if one of the persons concerned is not a citizen of the sending State and final agreement is not reached.

Article 32

A consul shall be entitled to engage and discharge members of the crew of vessels sailing under the flag of the sending State; such action must not, however, violate the laws of the receiving State.

Article 33

The term "vessels" shall not, for the purposes of this Treaty, include military vessels.

NOTE: The other provisions of this Treaty 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).

**39. Consular Treaty¹ between the Union of Soviet Socialist Republics
and the Republic of Austria, signed at Moscow,
on 28 February 1959²**

PART II

RIGHTS, PRIVILEGES AND IMMUNITIES

Article 7

1. Consuls and consular officers shall not be subject to the jurisdiction of the receiving country in respect of acts performed in their official capacity.

¹ United Nations, *Treaty Series*, vol. 356, p. 62.

² Came into force on 19 January 1960.

This shall also apply to consular employees who are citizens of the sending State.

2. In respect of other acts, consuls and consular officers shall not be subject to detention, arrest or any other restriction of their freedom except for the purpose of execution of a final judicial sentence or of prosecution in respect of a premeditated offence against life or personal freedom.

3. The diplomatic mission of the sending State shall be notified of the initiation of criminal proceedings against a consul or consular officer and of his detention or arrest. It shall be notified of such detention or arrest in advance unless the consul or consular officer is caught *flagrante delicto*.

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PART III

FUNCTIONS AND DUTIES OF CONSULS

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Article 21

1. The competent civil registry authority of the receiving country shall transmit to the consul, free of duties and other charges, certificates of the death of citizens of the sending State.

2. The court dealing with the estate of a citizen of the sending State or the other competent authority shall inform the consul regarding the property comprising the estate, the existence of a will, if any, and such heirs as there may be.

3. The courts or other competent authorities of the receiving country shall be competent to take the inventory of the estate, to preserve it and to affix the seals thereto.

Article 22

1. Consuls shall have the following rights with respect to estates left by citizens of the sending State and to the protection of the rights of heirs who are citizens of the sending State:

- (a) The right to participate in taking the inventory of the estate ;
- (b) The right to communicate with the courts or other competent authorities of the receiving country concerning the measures necessary to preserve the estate, protect it from damage and deterioration, or, where necessary, ensure its sale.

2. These rights of consuls may also be exercised by a duly authorized representative of the consul.

Article 23

1. Where a citizen of the sending State had his last domicile in the receiving country, the authorities of that country shall apply the legislative provisions of the receiving country to such of his movable estate as is situated in that country, provided that legal heirs, testamentary heirs or legatees domiciled in the receiving country or in a third State so request within six months after the death of the owner.

2. In other cases, the movable estate shall be delivered to the consul in accordance with the provisions of article 24 below. The consul shall take such action with respect to the said estate as is prescribed by the law of the sending State.

Article 24

1. The time-limit indicated in article 23, paragraph 1, shall also apply with respect to the presentation of claims to the estate by heirs in respect of whom the provisions of article 23, paragraph 1, have not been applied, by creditors and by other interested persons domiciled or resident in the receiving country or in a third State.

2. That part of the estate which within three months after the expiry of the time-limit indicated in article 23, paragraph 1, has not been used for the purpose of satisfying, or securing the claims presented, and in respect of which no proceedings have been initiated for the recognition of claims, shall be delivered to the consul.

3. The delivery of the estate under the provisions of paragraph 2 or its transfer abroad by the consul shall take place in accordance with the laws of the receiving country relating to foreign exchange.

Article 25

1. If a citizen of the sending State not domiciled in the receiving country dies while travelling in that country, his personal effects shall be delivered to the consul without any formal proceedings.

2. The consul to whom the effects are delivered shall, within the limits of their value, settle any debts contracted by the deceased during his stay in the receiving country.

3. The provisions of article 24, paragraph 3, shall apply *mutatis mutandis* in the implementation of paragraphs 1 and 2.

Article 26

Where immovable property, which is situated in the receiving country, has been left by a deceased person who was a citizen of the sending State, the courts or other competent authorities of the receiving country shall apply the law of that country.

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

**40. Convention consulaire ¹ entre la République populaire hongroise
et la République populaire de Pologne,
signée à Varsovie, le 20 mai 1959 ²**

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PARTIE II

FRANCHISES ET PRIVILÈGES

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Article 10

1. Le consul et les travailleurs du consulat qui sont ressortissants de l'Etat accréditant ne seront pas soumis à la juridiction de l'Etat accréditaire.

¹ *Dziennik Ustaw*, Nr. 68, p. 719.

² Le texte français de cette Convention a été fourni par la Mission permanente de la République populaire hongroise auprès de l'Organisation des Nations Unies.