

N° 2871.

**POLOGNE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES**

Convention consulaire. Signée à
Belgrade, le 6 mars 1927.

**POLAND AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES**

Consular Convention. Signed at
Belgrade, March 6, 1927.

¹ TRADUCTION. — TRANSLATION.No. 2871. — CONSULAR CONVENTION ² BETWEEN POLAND AND THE KINGDOM OF SERBS, CROATS AND SLOVENES. SIGNED AT BELGRADE, MARCH 6, 1927.

French official text communicated by the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations and the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations. The registration of this Convention took place January 12, 1932.

THE REPUBLIC OF POLAND and THE KINGDOM OF THE SERBS, CROATS AND SLOVENES, being desirous of coming to an agreement on the admission to their respective territories of consular officials, and of determining the reciprocal rights, privileges and immunities and defining the powers, of consuls-general, consuls, vice-consuls and consular agents, have resolved to conclude a Consular Convention, and for this purpose, have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF POLAND :

M. Zdzislaw OKĘCKI, Envoy Extraordinary and Minister Plenipotentiary of Poland at Belgrade, and
M. Karol POZNAŃSKI, Chief of Section at the Ministry of Foreign Affairs at Warsaw ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

Dr. Ninko PERITCH, Minister for Foreign Affairs of the Kingdom of the Serbs, Croats and Slovenes,

Who, having communicated their full powers, found in good and due form, have agreed on the following Articles :

Article I.

Consuls-general, consuls, vice-consuls and consular agents may be consular officials " de carrière " (*consules missi*) or honorary officials (*consules electi*).

Either of the High Contracting Parties may appoint consuls-general, consuls, vice-consuls or consular agents in the ports, towns and localities of the other Party. The High Contracting Parties reserve the right, however, to specify the places in which they do not desire to admit consular officials ; this restriction, however, shall not be imposed upon the other Contracting Party unless it is likewise imposed upon all other Powers.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Warsaw, December 2, 1931.

Article II.

After presenting their credentials, consuls of either Party shall be admitted and recognised according to the rules and formalities established in the country in which they are appointed to reside.

When a consul presents his credentials, the area within which he is to perform his duties shall be fixed ; any subsequent change in this area shall be communicated to the Ministry of Foreign Affairs of the other High Contracting Party. The exequatur necessary for the free exercise of his functions shall be delivered to him without delay or charge and, on production of the said exequatur, the higher authority of his consular area shall immediately take the necessary steps to enable him to perform his duties and to secure for him the benefit of the immunities and exemptions attaching thereto.

In the exercise of their functions and in the performance of their official missions consuls shall be accorded the fullest measure of assistance and the most generous support on the part of the country in which they are resident.

Article III.

Consuls " de carrière " in so far as they are authorised to that effect by their Governments may appoint consular agents in the ports, towns and localities of their respective consular areas, subject to the previous consent of the Ministry of Foreign Affairs of the other High Contracting Party. These agents shall be furnished with a patent delivered by the consul who has appointed them. They shall exercise their functions under the orders and responsibility of such consul and shall be granted the privileges and immunities provided for in the present Convention.

Article IV.

Should the head of a consular office (consulates-general, consulates, vice-consulates and consular agencies) be absent or die, or be prevented for any reason from exercising his functions, the officials of the consular service shall be admitted as of full right, in the order fixed by the regulations of the respective two Contracting States, to discharge the consular duties *ad interim*.

The local authorities shall render them assistance and protection, and shall accord them during their temporary conduct of business the benefits of the exemptions, prerogatives, immunities and privileges conferred upon titular consuls by the present Convention.

Article V.

Consuls and consular agents shall be entitled to place above the outer door of the house in which the offices of the consulate or consular agency are established the coat of arms of their nation with the inscription " Consulate " or " Consular Agency of..... ", and to fly the flag of their country on the consular building on days of public ceremonies and on other customary occasions ; it is understood that these external signs shall never be interpreted as constituting a right of asylum.

Subject to the reservations made in the present Article with regard to the right of asylum, they may also display their national coat of arms and fly the flag of their country on the vessels and vehicles which they employ in the performance of their duties.

Article VI.

Heads of consular offices (consulates-general, consulates, vice-consulates and consular agencies, and officials " de carrière " of the consular service (acting and assistant consuls, vice-consuls)

consular attachés and secretaries, chief clerks), being citizens of the State which appoints them, shall be exempt in the other State, from military requisition, military contributions and billeting, and from any direct taxation which is in the nature of a personal tax. If, however, the said officials possess immovable property, engage in business or carry on any industry or profession, or have capital invested in industrial or commercial undertakings, they shall not be entitled to claim any privilege in respect of such activities, and shall be subject to the same dues, charges and taxes as other private persons under the same conditions.

The privileges and exemptions mentioned in the first paragraph of the present Article shall also be granted to other consular officials in so far as they have the character of officials "de carrière" and are citizens of the State which has appointed them.

Honorary heads of consular offices shall be exempt from military requisition and billeting so far as concerns the premises used for the office of their chancellery and for their archives; they shall be entitled to this immunity even if they are nationals of the State in which they reside.

During a period of six months as from the date of their entering on their duties, the heads of consular offices, the officials of the consular service and the other officials mentioned in paragraph 2 of the present Article shall be entitled, when removing to the territory of the other High Contracting Party, to import their furniture and household effects without the payment of any Customs duty or any other import tax. It is understood that the present provision shall not apply to articles of consumption.

The heads of consular offices and officials of the consular service mentioned in the first paragraph of the present Article may not be arrested or kept in custody pending trial except for offences which under the local legislation of the country in which they reside, are punishable with imprisonment for a period exceeding one year, or with a more severe penalty.

In the case of the prosecution, arrest or indictment of the head of a consular office or an official of the consular service referred to in paragraph 1 of the present Article, the Government of the State in the territory of which the arrest or the indictment took place shall immediately inform the diplomatic representative of the State to which the said consular official belongs.

The heads of consular offices and officials of the consular service mentioned in the first paragraph of the present Article shall not be liable to trial in the courts of the State in which they reside for acts connected with their official duties and performed by these within the limits of the powers conferred on them by the present Convention.

Article VII.

The heads of consular offices and officials of the consular service mentioned in the first paragraph of Article VI shall accede to any requests to appear as witnesses which are addressed to them in the form of official correspondence, and without any threat of penalties in the event of their non-appearance, by the courts of the State in which they reside; but they are entitled to ask, if necessary, for a postponement of their hearing to a later but not distant date, on the grounds of illness or the urgent necessities of the service.

They may also refuse on grounds of official secrecy or reasons of State to give evidence on any facts relating to the exercise of their functions, to produce papers, documents or registers in their possession or to hand over such papers, documents or registers. Should the judicial authority not regard this excuse or plea as valid, it shall abstain from any measure of compulsion with regard to the consular official; difficulties of this nature shall always be settled through the diplomatic channel.

Subject to the privileges and immunities mentioned above, heads of consular offices and officials of the consular service shall be amenable both in civil and criminal matters to the jurisdiction of the courts of the State in which they reside under the same conditions as nationals of that State.

Article VIII.

The consular archives shall at all times be inviolable and the local authorities may not under any pretext examine or seize any books, documents or other objects forming part thereof. These

books, papers and objects shall always be kept completely separate from books and papers relating to the commerce or industry in which the respective consular officials may be engaged, and from their private documents.

The official premises of consuls "de carrière" shall at all times be inviolable. The local authorities may not under any pretext — except in the case of proceedings in respect of an offence which, under the local legislation of any part of the country in which they reside, is punishable with imprisonment for a period exceeding one year, or with a more severe penalty — enter the consular premises, and may not under any circumstances examine or seize the official papers which are kept there.

It is understood that the consular premises may in no case serve as a place of asylum.

Article IX.

Consuls and consular agents of the two contracting States shall be entitled to protect their nationals and to defend, on the basis of international law and usage, all the rights and interests of the nationals of their countries.

To this end they may apply to any of the authorities of their district for the necessary information and explanations. They may also apply to any of the administrative authorities of their district for the purpose of protesting against any breach of the conventions or treaties existing between the two countries and against any abuses of which their nationals may have to complain.

If their protests are not accepted by the local authorities of their district, they may not apply direct to the Government of the State in which they are resident except in cases where there is no diplomatic representative of their country.

Article X.

Consuls and consular agents of each of the High Contracting Parties, in so far as they are empowered to do so by the authorities of the State which has appointed them, shall be entitled :

(1) To receive either in their offices or on board vessels of their country any declaration which may have to be made by captains, members of the crew, passengers, traders or any other nationals of the State which has appointed them ;

(2) To receive as notaries all unilateral and bilateral legal documents and testamentary dispositions of the nationals of the State which has appointed them ;

(3) To receive as notaries all documents, whatever the nationality of the parties, provided that such documents relate to property situated in the territory of the State which has appointed them, or to business to be transacted or any legal right to be maintained in such territory ;

(4) To legalise the signature of nationals of the State which has appointed them ;

(5) To legalise or translate deeds and documents of every kind emanating from the authorities or officials of their country or of the country in which they reside.

The deeds and documents enumerated above, and translations, copies or extracts drawn up or legalised by the consul or consular agent in accordance with the requirements of the State to which the said consular officials belong and bearing the consular seal, shall be recognised in the country in which the consul or consular agent resides as authentic documents, copies, extracts or translations and shall have the same legal and evidential value as if they had been drawn up, legalised or translated by notaries or other competent legal officers of the country in which the consul or consular agent resides.

If these deeds or other documents refer to matters which are to be executed in the country in which the consul or consular agent resides, they shall be subject to the stamp and other duties required by the laws of the said country and to all other formalities required in such country.

It is understood that the above provisions shall not apply to bilateral legal deeds relating to the transfer of ownership or intended to encumber immovable property situated in the territory of the State in which the consul or consular agent resides.

Article XI.

Consuls and consular agents of each of the High Contracting Parties shall be entitled in so far as they are authorised by the laws and regulations of their country, to draw up the birth and death certificates of nationals of the State which appointed them.

It is understood that the present stipulation can not affect the obligation imposed by the laws of the two countries on the parties concerned to notify births and deaths to the local authorities.

Article XII.

Consuls and consular agents of each of the High Contracting Parties shall be entitled in conformity with the consular regulations of the State which appointed them, to issue passports and other personal papers to their nationals and to *viser* passports, certificates indicating the origin or provenance of goods, and other similar documents.

Article XIII.

The High Contracting Parties mutually undertake to forward to each other, if requested to do so, duly legalised copies of birth certificates and certificates acknowledging or legitimising illegitimate children, and all certificates of adoption, marriage or death concerning nationals of the other Party.

The said copies shall be drawn up and forwarded in the customary form employed in each country on payment of the fees prescribed by the laws and regulations in force therein, through the intermediary of the consulates and consular agencies of the High Contracting Party which has made the request. The copies in question shall, however, be drawn up and forwarded free of charge when they are applied for through the diplomatic channel for the official requirements of the High Contracting Parties or on behalf of indigent persons.

Article XIV.

The functions of consuls and consular agents of the High Contracting Parties with regard to succession shall be regulated by the provisions of the Convention¹ governing the legal relations in civil and penal matters of the respective nationals, concluded between the High Contracting Parties on May 4, 1923.

Article XV.

Consuls and consular agents of each of the High Contracting Parties shall be entitled to render all help and assistance to merchant ships and warships of their nation, lying in the ports of their consular area.

¹ Vol. LXXXV, page 455, of this Series.

To this end they may proceed in person or send representatives on board merchant ships and warships of their nation after these ships have been admitted to free pratique. In the case of merchant ships they may also interrogate the captains and crews, examine the ships' papers, receive — in conformity with the provisions of Article X of the present Convention — declarations regarding their voyage, their destination and the events of the voyage, draw up manifests and facilitate the departure of their merchant vessels.

In ports in which there resides a consul or consular agent of either contracting State, the judicial and administrative officials and Customs officers and agents of the country may not make any examination or search on board merchant ships of the other Party other than the ordinary Customs and medical examination, or arrest (except in the case of offenders caught in the act) or imprison any person or perform any other official act necessitating the use of compulsion, without notifying previously or, in urgent cases, at the actual moment of the search, the consul or consular agent of the nation to which the vessel belongs, in order that he may be present at the examination. They must also give the consul or consular agent sufficient notice to enable him to be present when any declarations are made by captains or crews before the courts or administrative authorities of the country.

The invitation addressed in the above-mentioned cases to consuls or consular agents shall specify an exact hour, and if the consul or consular agent fails to attend in person or to send a representative, proceedings shall be begun in his absence. The competent local authorities shall nevertheless be obliged to notify the consul or consular agent without delay of any visit or other official act, of the nature referred to in the previous paragraph, performed in their absence, and, at the same time, to state the reasons which necessitated urgent action ; they shall do so even if the consul or consular agent does not reside in the port.

Article XVI.

In all that concerns harbour regulations, the loading and unloading of merchant ships, and the safeguarding of goods, property and chattels, the laws, decrees and regulations of the country shall be observed subject to the express condition that any privilege or advantage which may be granted in a given port by one of the High Contracting Parties to its own merchant ships or to the merchant ships of a third Power, shall also be granted in that port to the ships of the other Party.

Within the limits laid down in the laws of the State which appointed them, consuls and consular agents shall alone be responsible for the maintenance of internal order on board merchant ships of their nation ; they shall themselves decide, in conformity with the laws of the State which appointed them, disputes of all kinds which may arise between the captains, officers and seamen of such ships, especially those relating to pay and the execution of contracts entered into between them.

The local authorities shall only be entitled to intervene when the disturbances occurring on board ship are of a nature to endanger public tranquillity on land or in the harbour, or when a person not belonging to the crew is involved. Even in this event, the local authorities shall notify the competent consul or consular agent, if possible, before taking action.

In all other cases the said authorities shall confine themselves to giving their assistance to the consul and consular agents if the latter so request, for the purpose of helping them in the discharge of their duties.

Article XVII.

Consuls and consular agents may cause to be arrested and sent back to their ships or to their country, officers, seamen, or any other persons belonging in whatever capacity to the crew of merchant ships of their nation who have deserted in the territory of either Contracting Party.

For this purpose they must apply in writing to the competent local authorities and prove by producing the registers of the vessel or the muster roll of the crew or, in the absence of these

documents, a certified copy thereof, that the persons wanted really belonged to the crew. In localities in which there is no consul or consular agent, a requisition for extradition may be addressed to the local authorities by the captain or person in command of the vessel, who shall observe the formalities laid down in the present paragraph.

On the receipt of such a duly authenticated request, the handing over of deserters may not be refused unless it is proved that the person wanted is a national of the country or that the deserter has committed some offence on land ; in the latter case the local authority may postpone handing over the offender until the court has delivered its sentence and until such sentence has been fully carried out. The said consular officials shall, moreover, be given every help and assistance in seeking and arresting such deserters, who shall be taken to the prisons of the country and detained there on the written request and at the expense of the consulate or the consular agency until their transfer to a vessel of their country, or until an opportunity occurs to repatriate them. If, however, such opportunity should not occur within two months from the date of arrest, or if the expenses of their detention have not been regularly met, the said deserters shall, after notification has been given to the consul or consular agent three days in advance, be released and may not be rearrested for the same cause.

The High Contracting Parties agree that the officers and seamen or other members of the crew who are nationals of the country in which they have deserted (and in the case of Poland, nationals of the Free City of Danzig) shall be exempt from the provisions of the present Article.

Article XVIII.

When a vessel belonging to the Government or to nationals of either Contracting Party is wrecked or runs aground on the coast of the other, the local authorities shall notify without delay the consul or consular agent stationed in the area in which the mishap has occurred.

All operations connected with the salvage of warships or merchant ships of either State which have been wrecked or have run aground in the territorial waters of the other State shall be carried out under the direction of the consuls or consular agents.

The local authorities of the two countries shall only intervene to assist the consular officials, to keep order, to guarantee the interests of salvage workers not belonging to the crew, to ensure the execution of the regulations with regard to the admission and removal of the salvaged goods and for the safeguarding of the general interests of navigation.

In the absence and until the arrival of the consuls, consular agents or their representatives, the local authorities shall take all necessary measures for the protection of the persons and preservation of the effects that have been saved from the wreck.

No charges of any kind shall be made in respect of the intervention of the local authorities in these cases ; the same stipulation shall apply in respect of taxes provided for by local legislation in the case of the sale by public auction of wreckage and salvaged goods, except charges necessitated by the salvage operations and the preservation of the salvaged effects, and those to which national warships or merchant ships and warships and merchant ships of the most favoured nation would be subject in similar circumstances.

In case of doubt as to the nationality of the wrecked vessels, the local authorities shall alone be competent to take the measures mentioned in the present Article.

Salvaged goods and effects shall not be subject to any Customs duty unless they are placed on the market for internal consumption.

Article XIX.

Whenever no stipulations to the contrary have been agreed upon by the shipowners, freighters or underwriters, questions relating to damage suffered at sea by warships or merchant ships of the two countries, whether they enter the respective ports of their own free will or by compulsion, shall be settled by the consul or consular agents of their nation, unless nationals of the country in which the said consuls or consular agents reside or those of a third Power are concerned in such

damage ; in this case and in the absence of a friendly agreement between all the parties concerned, they shall be settled by the local authorities.

Article XX.

Each of the High Contracting Parties undertakes, furthermore, to grant most-favoured-nation treatment to the other Party in regard to consular establishment and everything relating to the performance of consular duties and the enjoyment of exemptions, rights, privileges, immunities and honours. It is agreed, however, that neither High Contracting Party may invoke the benefits of the most-favoured-nation clause and demand on behalf of its consular officials any exemptions, rights, privileges, immunities and honours other or more extensive than those granted by itself to the consular officials of the other Party.

Article XXI.

Whenever reference is made in the present Convention to "consuls" this term shall be taken to mean consuls-general, consuls and vice-consuls ; similarly the term "consulates" shall be taken to mean consulates-general, consulates and vice-consulates.

Article XXII.

All the provisions of the present Convention relating to the powers of consuls shall also apply to the diplomatic officials of the High Contracting Parties for so long as such officials are authorised to exercise consular functions.

Article XXIII.

The present Convention shall be ratified and the ratifications shall be exchanged at Warsaw as soon as possible. It shall enter into force one month after the date of the exchange of ratifications.

The present Convention shall remain in force as long as it is not denounced by either High Contracting Party. Such denunciation shall not take effect until after the expiration of a period of six months.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have affixed their seals thereto.

Done at Belgrade in duplicate in French, the sixth day of March, one thousand nine hundred and twenty-seven.

For the Republic of Poland :

(L. S.) OKĘCKI, *m. p.*

(L. S.) Karol POZNAŃSKI, *m. p.*

For the Kingdom of the Serbs, Croats and Slovenes :

(L. S.) Ninko PERITCH, *m. p.*