

N° 2487.

ALBANIE ET FRANCE

Convention consulaire. Signée à
Tirana, le 5 février 1928.

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Consular Convention. Signed at
Tirana, February 5, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 2487. — CONSULAR CONVENTION ² BETWEEN FRANCE AND ALBANIA. SIGNED AT TIRANA, FEBRUARY 5, 1928.

*French official text communicated by the Minister for Foreign Affairs of the French Republic.
The registration of this Convention took place October 10, 1930.*

THE GOVERNMENT OF THE FRENCH REPUBLIC and THE GOVERNMENT OF THE ALBANIA. REPUBLIC, recognising the desirability of defining the rights, privileges and immunities of consuls, vice-consuls and consular agents, the undersigned, being duly authorised, have agreed on the following provisions :

Article 1.

Each of the High Contracting Parties shall be entitled to establish Consulates-General, Consulates, Vice-Consulates and consular Agencies in the territory of the other Party. They nevertheless reserve the right to specify localities where they may deem it desirable to make an exception, provided that the said reservation shall apply to all Powers.

Consuls-General, Consuls, Vice-Consuls and consular Agents, on presentation of their credentials, shall be admitted and recognised according to the rules and formalities established in the country in which they reside. The *exequatur* necessary for the free exercise of the functions of the said Agents shall be issued without delay and without charge.

The Government of the country of residence shall immediately notify the appointment of Agents to the higher authorities of the consular area and the latter, on receipt of this advice or on the production of the *exequatur*, shall immediately take all the necessary steps to enable them to discharge the duties entrusted to them and to benefit by the rights, prerogatives and immunities conferred upon them by the present Convention.

Article 2.

Consuls-General, Consuls and Vice-Consuls may appoint consular Agents in the towns, ports and places in their consular districts, subject to the approval of the Government of the State in which they reside.

These consular Agents may be chosen either from citizens of the two States, or from citizens of other countries, and shall be provided with *authorisation in writing* issued by the consul who appoints them and under whose orders they will be placed.

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 Tirana, November 1, 1928.

Article 3.

Heads of consular offices (Consulates-General, Consulates, Vice-Consulates and consular Agencies) and Agents of the consular service (acting and assistant Consuls, Vice-Consuls, chancellery attachés and secretaries, chief clerks, chancellery assistants, consular attachés and secretaries, interpreters, chancellery clerks and attachés), when citizens of the State which appoints them shall be exempt from any military requisition, whether personal or in respect of movable or immovable property, and from direct imposts on movable property in the nature of a personal tax, imposed by any authority of the State in question.

They shall also be exempt from Customs duties and other charges on furniture for their personal use which they import within a period of one year from the date on which they take over their duties.

If, however, the said Agents are in possession of immovable property, engage in commerce or carry on any industry or profession, or have capital invested in industrial or commercial undertakings, they are not 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. Nevertheless, they shall be exempt from any obligation in respect of military billeting so far as concerns the premises used for their chancellery and archives, which immunity shall be extended even to Agents who are nationals of third Powers or nationals of the State in which they reside.

Article 4.

Heads of consular offices and Agents of the consular service, whatever their nationality, shall not be amenable to the jurisdiction of the Courts of the country in which they reside in respect of acts done by them in the exercise of their functions within the limits of the powers conferred upon them by the present Convention.

Should an Agent put forward this plea before an authority of the country in which he resides, such authority shall not take any decision on the matter, since all difficulties of this character must always be settled through the diplomatic channel.

Heads of consular offices and Agents of the consular service who are citizens of the State which appoints them may not be subjected to preventive detention except for offences which under the local legislation are punishable with imprisonment for not less than five years. In the case of arrest or prosecution, the Government of the country of residence shall as soon as possible advise the diplomatic representative under whose authority the above-mentioned officials are placed.

Heads of consular offices and Agents of the consular service who are citizens of the State which appoints them shall be immune from arrest both in civil matters and in connection with isolated commercial acts (such as signing or endorsing a bill of exchange), and, if they are engaged in commerce, they may only be arrested for acts exclusively connected with their business, and not for civil matters.

Heads of consular offices and Agents of the consular service, whatever their nationality, shall appear as witnesses when called upon to attend by the Courts of the State in which they reside, but without any threat of penalties in the event of their non-appearance. Nevertheless, the head of the consular office may, if necessary, adduce the fact that he is prevented from appearing by the requirements of his service as a legitimate reason for postponing his attendance to a later, but not very distant, date. The same shall apply in the case of Agents of the consular service, if a postponement of attendance in similar circumstances is requested by the head of the consular office for the same reasons.

Heads of consular offices and Agents of the consular service, whatever their nationality, may refuse to give evidence on all facts connected with the exercise of their functions or to produce documents in their possession on the ground that they would be guilty of a violation of professional or State secrecy. Should the judicial authority consider that the excuse or plea is not warranted, it shall refrain from employing any measures of coercion against the Agent, since difficulties of this kind must always be settled through the diplomatic channel.

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

Article 5.

Heads of consular offices and Agents of the consular service of the two High Contracting Parties shall be entitled to place over the entrance to the consular building the coat-of-arms of their country with the inscription :

Consulate-General, Consulate, Vice-Consulate or Consular Agency of.....

They may also fly the flag of their country from the consular building on public festivals and on other customary occasions, it being understood that these external signs shall never be interpreted as constituting a right of asylum.

Under the same conditions and subject to the reservations made in the preceding paragraph with regard to the right of asylum, they may also fly the flag of their country on the vessel which they employ in the port in the exercise of their functions.

Article 6.

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

These papers, documents and files shall always be kept completely separate from books, papers and documents which are of a personal character, or which relate to the commerce or industry in which the respective consular officials may be engaged.

If a head of a consular office or an Agent of the consular service of one of the two Contracting Parties, who is called upon by the local judicial or administrative authorities to hand over or to produce papers, documents or files kept in such archives, refuses to do so, the judicial or administrative authority shall refrain from employing any measure of constraint against the said official, all difficulties of this nature having to be settled through the diplomatic channel.

Article 7.

Should the head of a consular office be absent or die, or be prevented for other reasons from exercising his functions, the Agents of the consular service shall be admitted as of full right, in the order fixed by the regulations of the respective High Contracting Parties, 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 reciprocally conferred upon titular consuls by the present Convention. They shall also give all desirable facilities to such *ad interim* Agents as the Consuls-General, Consuls and Vice-Consuls may designate to replace temporarily consular Agents who have resigned or died.

The term " head of a consular office " used in the present Convention refers to titular or *ad interim* heads of consular offices.

Article 8.

Consuls-General, Consuls, Vice-Consuls and consular Agents shall be entitled to protect the nationals of the State which has appointed them and to defend, in accordance with international law and usage, all the rights and interests of such nationals.

To this end they may appeal to any of the authorities in their area against any breach of the treaties or conventions existing between the two countries and against any abuse of which their

nationals may have to complain. Should their complaints not be attended to by these authorities, they may apply direct to the Government of the State in which they reside only in the absence of any diplomatic representative of their country.

Article 9.

Consuls-General, Consuls, Vice-Consuls and consular Agents shall be entitled to receive declarations of births and deaths of their nationals in their offices, but the persons concerned shall be obliged to make the declarations required by the law of the country in question.

They, as well as diplomatic Agents, may solemnise civil marriages between their nationals. Such marriages shall have the same validity in the country of residence as if they had been solemnised before the local authorities. The diplomatic or consular Agent before whom a marriage has been solemnised shall forward a certified copy of the act attesting such marriage to the competent local authority, who shall register it free of charge.

Article 10.

On the death of a national of either of the Contracting Parties in the territory of the other, the local authorities shall immediately advise the consular Agent in whose area the death took place and forward to him as soon as possible without charge a copy of the death certificate.

Article 11.

Should a French national leave property in the territory of Albania or an Albanian national leave property in France, and should the heirs, or some of their number, be unknown or absent, Consuls-General, Consuls, Vice-Consuls and consular Agents shall be entitled to demand that seals be affixed to the effects, papers and other movable property of the deceased and to be present when this formality is carried out. They shall take steps to ensure that the competent authorities make investigations for the purpose of discovering whether a will exists, and shall receive communication of all information and documents which may enable them to ascertain the heirs. They may further, should they think it desirable, demand the appointment by the competent local authorities of an administrator or curator of the estate, who shall be chosen at their suggestion from among the persons designated by law or custom to carry out such duties.

The administrator or curator shall, whenever he is called upon to do so, communicate to the Consul-General, Consul, Vice-Consul or consular Agent all information connected with the winding up of the estate.

The consular authorities may no longer intervene when it is ascertained that none of the heirs are of the nationality of the State which appointed the consular Agent or that the heirs are present or represented.

Article 12.

Should a French national leave property in the territory of Albania or an Albanian national leave property in France and the territorial authorities assess the value of such property at a sum inferior to :

500 francs in France ;

800 francs in Albania,

the Consul-General, Consul, Vice-Consul or consular Agent may have the property in question handed over to him. He shall have the sole charge of winding up the estate, but may not send the proceeds thereof outside the territory of the State in which he resides till all liabilities have been discharged and all taxes which may be due have been paid.

Article 13.

Consuls-General, Consuls, Vice-Consuls and consular Agents of the two High Contracting Parties shall be entitled to receive in their offices, at the residence of the parties, and on board merchant vessels and warships of the State which has appointed them, the declarations which may have to be made by captains, members of the crew, passengers, traders, or any other nationals of the said State.

They shall also be entitled to receive, as notaries, the testamentary dispositions and marriage contracts of their nationals.

They shall, furthermore, have the right to receive all acts in their offices, provided that these acts relate to property situated, to business to be transacted, or to rights to be established, outside the territory of the country in which they reside.

Copies of or extracts from acts drawn up in virtue of the preceding paragraphs, duly legalised by the said Agents and bearing the official seal of the consular office, shall have the same validity as the originals for judicial or other purposes, both in Albania and in France, and shall have the same character of authenticity and the same value as evidence as if they had been executed before a notary or other public officer of either country, provided that these acts were drawn up in the form prescribed by the laws of the State which appointed these Agents, that they were stamped and registered and that they satisfy all the other requirements prescribed in connection therewith in the country in which effect is to be given to the act.

Should any doubt arise as to the authenticity of copies or of extracts from acts drawn up in the offices of the respective Consuls, they shall be compared with the originals if the person interested so requests, and he may be present when this is done if he thinks it desirable.

Article 14.

Consuls-General, Consuls, Vice-Consuls and consular Agents of the two High Contracting Parties may translate and legalise any kind of document emanating from authorities or officials of their country, or from authorities or officials of third countries, but in the latter case, only if the said documents concern their nationals.

Translations made by them shall have the same force and the same authority in the country in which they reside as if they had been drawn up by sworn translators of that country.

The said consular Agents may also legalise the signature of their nationals.

Article 15.

Consuls-General, Consuls, Vice-Consuls and consular Agents of the two High Contracting Parties may draw the attention of the competent authorities of the State in which they reside to the desirability of providing guardianship for nationals of their country who are minors, it being understood that the said authorities alone have the right to decide this question.

Article 16.

The judicial and administrative authorities of the State in which they reside shall be entitled to request Consuls-General, Consuls, Vice-Consuls and consular Agents of the two High Contracting Parties to act as interpreters or to designate an interpreter to assist their nationals.

Article 17.

Consuls-General, Consuls, Vice-Consuls and consular Agents may issue passports and other personal documents to their nationals and visa all passports and other documents. These passports

and documents may be used before the local authorities to the extent allowed by the practice and by the laws and regulations of the State in which they reside.

Article 18.

Consuls-General, Consuls, Vice-Consuls and consular Agents may, without resort to force, carry on the recruiting of their nationals who voluntarily submit to the execution of such formalities.

Article 19.

Consuls-General, Consuls, Vice-Consuls and consular Agents may accept on deposit sums of money, objects of any kind and documents handed to them by their nationals.

Such deposits shall not benefit by the privilege conferred by Article 6 on consular archives. They may, in connection with the acts performed by them in the exercise of their functions, levy the charges or fees provided by the legislation of the country which appointed them.

Article 20.

Consuls-General, Consuls, Vice-Consuls and consular Agents of the two States shall alone be competent in regard to the taking of inventories and other procedure for safeguarding property or articles of any kind left by seamen and travellers of the nationality of the State which has appointed the said Agents, who died during the voyage or in the port of arrival, either on land or on board a vessel of the said State.

Wages, emoluments, securities and effects belonging to seamen or travellers, nationals of either of the High Contracting Parties, who die on board a ship of the other Party, shall be handed over in the port of arrival to the competent authority of the country of the deceased, or to the Consul-General, Consul, Vice-Consul or consular Agent of his country.

Article 21.

Consuls-General, Consuls, Vice-Consuls or consular Agents may proceed in person or send representatives on board ships of their country after those ships have been admitted to free pratique, may question the captains and crews, examine the ship's papers, receive declarations regarding their voyage, their destination and the events of the passage, draw up manifests and facilitate the departure of their vessels.

In ports in which a Consul-General, Consul, Vice-Consul or consular Agent of one of the two States resides, the judicial and administrative officials and the Customs officers and agents of the country may not effect any arrest on board (save in cases in which the offenders are taken in the act) or carry out any search or inspection on board other than the usual Customs and medical inspection, without notifying previously, or in urgent cases at the actual moment of the search, the Agent of the country to which the vessel belongs in order that he may be present during the examination. They must also give the Consul or consular Agent the necessary notice in good time 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-General, Consuls, Vice-Consuls and consular Agents shall specify the exact hour, and, should the above-mentioned Agents fail to attend in person or to send a representative, the case shall be dealt with in their absence.

Article 22.

Consuls-General, Consuls, Vice-Consuls and consular Agents shall alone be responsible for the maintenance of internal order on board merchant ships of the State which has appointed them. They shall themselves settle any disputes which may arise between the captains, officers and seamen of such vessels, especially those relating to pay and the execution of contracts entered into between them.

The local authorities may only intervene when disturbances occurring on board ship are of a nature to endanger public tranquillity on land or in the port or when a person belonging to the country or not forming part of the crew is involved.

In all other cases the said authorities shall confine themselves to assisting the Consuls-General, Consuls, Vice-Consuls or consular Agents, if the latter so request and to helping them in the discharge of their duties, particularly in arresting and imprisoning any person entered as a member of the crew, whenever for any reason the said Agents deem it necessary, provided he is not a national of the country.

Article 23.

Consuls-General, Consuls, Vice-Consuls and consular Agents may arrest and send back to their ships or to their country seamen or any other persons belonging, in whatever capacity, to the crew of warships or merchant ships of the State which has appointed the said Agents, and who have deserted on the territory of one of the High Contracting Parties.

For this purpose they must apply in writing to the competent local authorities and prove, by producing either the ship's papers or the muster-roll of the crew, or a certified extract therefrom, that the persons wanted really belonged to the crew.

On the receipt of such a duly authenticated request, the authorities may not refuse to hand over deserters.

The said consular officials shall, moreover, be given every help and assistance in searching for and arresting such deserters, who shall be imprisoned in the country and detained there on the written request and at the expense of the consular authorities until they are returned to their vessel or until an opportunity occurs to repatriate them. If, however, such opportunity should not occur within two months from the date of arrest, or should the expense incurred by their detention not be regularly paid, after notification has been given to the consular official three days in advance, the said deserters shall be released and may not be re-arrested for the same cause.

Should the deserter have committed an offence ashore, the local authority may suspend his release until the court has passed sentence and the sentence has been fully served.

The High Contracting Parties agree that seamen and other members of the crew who are nationals of the country in which they have deserted shall be exempted from the provision of the present Article.

Article 24.

In the absence of any stipulation to the contrary between the shipowners, charterers or underwriters, questions relating to damage suffered at sea by ships of the two countries, whether they enter the respective ports voluntarily or under compulsion, shall be settled by the Consuls-General, Consuls, Vice-Consuls or consular Agents of their country, unless nationals of the State in which the said Agents reside, or nationals of a third Power, are concerned in the question; in this case and failing amicable arrangement between all the parties concerned, such questions shall be settled by the local authorities.

Article 25.

When a vessel belonging to the Government or to nationals of one of the two States is wrecked or runs aground on the coast of the other, the local authorities shall notify without delay the nearest Consul-General, Consul, Vice-Consul or consular Agent.

All operations connected with the salvage of ships of one of the two States which may be wrecked or run aground in the territorial waters of the other State shall be carried out under the direction of the respective Consuls-General, Consuls, Vice-Consuls or consular Agents.

The local authorities of the two States shall only intervene to assist the above-mentioned Agents to keep order, to safeguard the interests of salvors not belonging to the crew and to ensure the execution of the regulations with regard to the import and export of goods.

In the absence and until the arrival of the Consuls-General, Consuls, Vice-Consuls or consular Agents, or their representatives, the local authorities shall take all necessary steps to protect individuals and articles salvaged from the wreck.

No charges of any kind shall be made in respect of the intervention of the local authorities in these cases, except those necessitated by the salvage operations and the preservation of the salvaged effects, and those to which the ships of the nation itself or of the most favoured nation would be liable in similar circumstances.

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

Salvaged goods and effects shall not be liable to any Customs duty unless they are cleared for consumption within the country.

Article 26.

It is further agreed that heads of consular offices and agents of the consular service of either State shall, subject to reciprocity, enjoy in the other State all privileges and immunities which are or may hereafter be granted to officials of the same class belonging to the most favoured nation.

Article 27.

The present Convention shall be ratified.

It shall come into force one month after the exchange of ratifications.

It shall cease to have effect on the expiration of a period of six months dating from the notice of denunciation given by either of the Contracting Parties.

In faith whereof the undersigned, duly authorised for the purpose, have signed the present Convention and have thereto affixed their seals.

Done at Tirana, in duplicate, February the fifth, One thousand nine hundred and twenty-eight.

(Signed) G. DE VAUX,
French Minister.

(Signed) Hil MOSI,
Minister for Foreign Affairs,
ad interim.