

No. 4279

CZECHOSLOVAKIA
and
GERMAN DEMOCRATIC REPUBLIC

Consular Treaty. Signed at Berlin, on 24 May 1957

Official texts: Czech and German.

Registered by Czechoslovakia on 3 April 1958.

TCHÉCOSLOVAQUIE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE

Convention consulaire. Signée à Berlin, le 24 mai 1957

Textes officiels tchèque et allemand.

Enregistrée par la Tchécoslovaquie le 3 avril 1958.

[TRANSLATION — TRADUCTION]

No. 4279. CONSULAR TREATY¹ BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE GERMAN DEMOCRATIC REPUBLIC. SIGNED AT BERLIN, ON 24 MAY 1957

The President of the Czechoslovak Republic and the President of the German Democratic Republic, being desirous of strengthening the relations including consular relations, between the two States, have decided to conclude this Treaty.

For this purpose they have appointed as their plenipotentiaries :

The President of the Czechoslovak Republic :

Mr. Václav David, Minister of Foreign Affairs,

The President of the German Democratic Republic :

Dr. Lothar Bolz, Deputy President of the Council of Ministers and Minister of Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

I. APPOINTMENT OF CONSULS

Article 1

Each Contracting Party undertakes to permit the other Party to establish consulates-general, consulates, vice-consulates and consular agencies (hereinafter referred to as "consulates") and to appoint consuls-general, consuls, vice-consuls and consular agents (hereinafter referred to as "consuls") in its territory. Before a consul is appointed, the sending State shall obtain the consent of the receiving State to the appointment and to the consular district.

Article 2

- (1) A consul shall enter upon his duties when he has been appointed by the sending State and has been granted an exequatur by the receiving State. The consul's letter of appointment shall specify his consular district.
- (2) The authorities of the receiving State shall grant consuls and members of their consular staff all necessary support in the performance of their duties.

¹ Came into force on 18 February 1958, as from the date of the exchange of the instruments of ratification at Prague, in accordance with article 24.

Article 3

- (1) The mission of a consul shall terminate on his recall, on withdrawal of his *exequatur* or in case of his death.
- (2) In case of the consul's death, recall or temporary absence, or when the consul is unable to act for any other reason, his deputy shall be entitled to perform the duties of consul, provided that the competent authority of the receiving State has been notified in advance of his official status. The acting consul temporarily in charge of the consulate shall enjoy all the rights, privileges and immunities accorded to the consul by this Treaty.

Article 4

The headquarters of the consuls, the number of their employees and the consular districts shall be determined by agreement between the Contracting Parties.

II. RIGHTS, PRIVILEGES AND IMMUNITIES OF CONSULS

Article 5

- (1) The receiving State shall guarantee that consuls and members of their consular staff will not be obstructed in the performance of their duties.
- (2) The offices of the consulates shall be inviolable. The authorities of the receiving State shall not use force in any form whatsoever in the offices or at the residences of consuls without the consuls' consent.
- (3) Consular archives shall be inviolable in all circumstances. Papers of a private nature shall not be kept in consular archives.
- (4) Official correspondence shall be inviolable and shall not be subject to censorship. This provision shall also apply to telegraphic, telephonic and teletype communications.
- (5) In their communications with the authorities of the sending State, consuls shall be entitled to use codes and the services of diplomatic couriers.

Article 6

Consuls shall be entitled to affix to the consulate building the coat-of-arms of the sending State and an inscription designating the consulate. They may fly the flag of the sending State at the consulate building, at their residences and on the vehicles used by them in the exercise of their duties.

Article 7

Consuls and members of their consular staff shall not be subject to the jurisdiction of the receiving State in respect of the performance of their official duties.

Article 8

Consuls and members of their consular staff may be required to give evidence before the competent authorities of the receiving State on any matter not connected with their official duties. If they are prevented from appearing, they shall be examined at their residence or shall make a deposition in writing.

Article 9

(1) Consuls and all members of their staff who are nationals of the sending State shall be exempt, subject to reciprocity, from liability under administrative law to any personal or material service whatsoever and from direct taxes.

(2) Land and buildings shall be exempt, subject to reciprocity, from liability under administrative law to any material service whatsoever only if they are used by consuls and members of their consular staff as official premises or residences.

(3) Exemption from customs duties shall be granted to consuls and members of their consular staff up to the agreed annual limit on articles imported for personal and official use.

Article 10

The provisions of articles 5 to 9 shall apply as appropriate to the wives and minor children of consuls residing with them.

III. OFFICIAL FUNCTIONS OF CONSULS

Article 11

(1) Consuls shall safeguard the rights and interests of the sending State and of nationals (citizens and corporate bodies) thereof in accordance with international law and international usage.

(2) Consuls shall be entitled in the exercise of their official duties to apply to the public authorities in their consular district; they may make representations to the said authorities in case of violation of the rights and interests of the sending State or of nationals (citizens and corporate bodies) thereof.

Article 12

Consuls shall be entitled to register nationals of the sending State who are permanently or temporarily resident in their consular district, without prejudice to the provisions of the Contracting Parties concerning compulsory registration.

Article 13

- (1) Consuls shall be entitled to issue passports to nationals of the sending State.
- (2) Consuls shall issue to their own and to foreign nationals and to stateless persons the necessary visas for entry into and exit from the sending State.

Article 14

Consuls shall receive applications for the nationality of the sending State.

Article 15

Consuls shall be entitled to perform the following functions at consulates, at their residences, at the residences of nationals of the sending State and on board vessels sailing under the flag or aircraft bearing the national insignia of that State :

1. To draw up or certify declarations by nationals of the sending State;
2. To draw up, certify and accept for safekeeping the wills or unilateral declarations of nationals of the sending State and to accept their documents for safekeeping;
3. To draw up or certify documents concerning legal transactions between nationals of the sending State, provided that such transactions are not contrary to the laws of the receiving State. A consul may not draw up or certify any document concerning a legal transaction relating to the establishment or alienation of rights in buildings or land situated in the receiving State;
4. To draw up or certify documents concerning legal transactions between nationals of the sending State and nationals of the receiving State, provided that such transactions relate exclusively to interests situated in the territory of the sending State or to contracts to be carried out in the territory of that State, and provided that such transactions are not contrary to the laws of the sending State or those of the receiving State;
5. To certify the signatures of nationals of the sending State on documents of any kind; to legalize documents issued by the authorities or officials of the sending State or of the receiving State or by private individuals, and to certify copies of such documents;
6. To certify translations of documents issued by the authorities and officials of the sending State or of the receiving State or by private individuals;
7. To accept for safekeeping money and valuables of nationals of the sending State, without prejudice to the relevant legal provisions of the receiving State;

8. To perform such other functions as may be entrusted to them by the sending State, provided that the said functions are not contrary to the laws of the receiving State.

Article 16

Consuls may appoint guardians and curators for nationals of the sending State and may supervise the activities of guardians and curators in such cases. If a consul learns that no administrator has been appointed for the property of a national of the sending State, he may appoint a trustee.

Article 17

The functions of consuls in matters relating to the estate of nationals of the sending State shall be governed by the provisions of the Treaty of 11 September 1956 between the Czechoslovak Republic and the German Democratic Republic concerning legal proceedings in civil, family and criminal cases.

Article 18

- (1) Consuls and duly authorized members of their consular staff may perform marriages in accordance with the law of the sending State provided that both parties to the marriage are nationals of the said State.
- (2) The competent authority of the receiving State shall be notified of the marriage by the consul.

Article 19

- (1) Consuls shall be entitled to issue certificates of the birth and death of nationals of the sending State in accordance with the provisions of the said State.
- (2) The competent authority of the receiving State shall be notified of births and deaths by the consul.

Article 20

- (1) Consuls shall be entitled to render every assistance to vessels of the sending State. They may, in particular, communicate with the crew and the passengers, examine the vessel's papers and prepare reports concerning the cargo, the purpose of the voyage and any special incidents.
- (2) If the authorities of the receiving State intend to carry out any measures of constraint on board merchant vessels of the sending State, the consul shall be so notified in advance. He may be present when such measures are carried out.

This provision shall not apply to customs, passport and health control of the vessel, crew and passengers.

(3) If a vessel of the sending State is wrecked or damaged, the consul shall be entitled to take or request measures to aid injured members of the crew and passengers of the vessel, to save the cargo and to repair the vessel.

(4) Nothing in this article shall affect the provisions of other agreements concerning mutual assistance in case of shipwreck or damage to vessels.

Article 21

(1) Consuls shall be entitled to render every assistance to aircraft of the sending State. In particular, in the case of a forced landing, they may assist the crew and the passengers in their dealings with the competent authorities and take appropriate measures with a view to resumption of the journey.

(2) If an aircraft of the sending State is wrecked or involved in an accident, the consul shall be entitled to take measures or request that measures be taken to aid injured members of the crew and passengers of the aircraft, to safeguard the cargo and to repair the aircraft.

(3) Nothing in this article shall affect the provisions of other agreements concerning mutual assistance in case of air disasters or accidents to aircraft.

IV. FINAL PROVISIONS

Article 22

The provisions of this Treaty concerning the official functions of consuls shall apply *mutatis mutandis* to members of diplomatic missions appointed to perform consular duties. Direct relations with the authorities of the receiving State shall be regulated by agreement between the Ministries of Foreign Affairs of the Contracting Parties.

Article 23

This Treaty is concluded for a term of five years. It shall be extended in force for successive terms of five years unless one of the Contracting Parties expresses the desire to denounce it six months before the expiry of the current term.

Article 24

This Treaty shall be ratified. It shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Prague.

DONE at Berlin, on 24 May 1957, in duplicate in the Czech and German languages, both texts being equally authentic.

For the President
of the Czechoslovak Republic :

V. DAVID

For the President
of the German Democratic Republic :

Dr. Lothar BOLZ