

No. 4641

CZECHOSLOVAKIA
and
UNION OF SOVIET SOCIALIST REPUBLICS

Consular Convention. Signed at Prague, on 5 October 1957

Official texts: Czech and Russian.

Registered by Czechoslovakia on 15 January 1959.

TCHÉCOSLOVAQUIE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES

Convention consulaire. Signée à Prague, le 5 octobre 1957

Textes officiels tchèque et russe.

Enregistrée par la Tchécoslovaquie le 15 janvier 1959.

[TRANSLATION — TRADUCTION]

No. 4641. CONSULAR CONVENTION¹ BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS. SIGNED AT PRAGUE, ON 5 OCTOBER 1957

The President of the Czechoslovak Republic and the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics,

For the purpose of further strengthening the friendship between the peoples of the two countries,

Desiring to achieve the further development of consular relations between the two States,

Have resolved to conclude this Consular Convention and for this purpose have appointed as their plenipotentiaries :

The President of the Czechoslovak Republic :

Dr. Antonin Gregor, First Deputy Minister of Foreign Affairs,

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics :

I. T. Grishin, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics in the Czechoslovak Republic,

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

I. ESTABLISHMENT OF CONSULATES, APPOINTMENT AND ACCEPTANCE OF CONSULS

Article 1

Either Contracting Party shall be entitled to establish consulates in the territory of the other Contracting Party in accordance with this Convention.

The places of residence and the districts of consuls shall be determined by agreement between the Contracting Parties in each individual case.

The term "consul" as used throughout this Convention means a consul-general, consul, vice-consul or consular agent and the term "consulate" means a consulate-general, consulate, vice-consulate or consular agency.

¹ Came into force on 21 July 1958, as from the date of the exchange of the instruments of ratification at Moscow, in accordance with article 24.

Article 2

Before appointing a consul, the Contracting Party sending the consul shall obtain the consent of the Party on whose territory the consul is to perform his functions.

The diplomatic representative of the Contracting Party sending the consul shall present to the Party in whose territory the consul is to perform his duties the consul's commission setting forth the consul's surname and first name, his consular rank, the consular district for which he will be responsible and also his future place of residence.

Recognition of the consul by the receiving State shall be granted in the form of an *exequatur*, which shall be issued immediately after the commission has been presented.

On the basis of the aforesaid *exequatur*, the authorities of the consular district shall make the necessary arrangements to enable the consuls to perform the duties arising out of their functions and to enjoy the rights, exemptions and privileges accorded to them.

Consuls shall enter upon their duties after they have been recognized by the receiving State. From that time forward, they shall enjoy the rights, exemptions and privileges to which they are entitled under this Convention.

Article 3

In the event of the consul's absence, illness or death or in any other circumstances making it impossible for a consul to perform his official duties, one of the consular officers, whose name shall be communicated beforehand to the Ministry of Foreign Affairs of the receiving State, shall, without having to obtain special authorization to do so, temporarily perform the consul's functions and during that time he shall enjoy the rights, exemptions and privileges accorded to consuls by this Convention.

The fact that a consul is unable to perform his official duties shall be communicated to the competent authorities of his consular district.

II. RIGHTS, EXEMPTIONS AND PRIVILEGES OF CONSULS AND CONSULAR EMPLOYEES

Article 4

Consuls, and consular employees who are citizens of the sending State, shall not be subject to the jurisdiction of the courts and administrative authorities of the receiving State in respect of acts performed in their official capacity.

Article 5

Consuls and consular employees shall give testimony before the judicial organs of the receiving State if requested to do so by those organs. If the consul or consular employee is unable to appear, his testimony shall be taken by the

organs of the receiving State in the offices of the consulate or at his residence or he shall make a deposition in writing, if that is permissible under the law of the receiving State.

Consuls, and also consular employees, may refuse to give testimony concerning matters connected with their official duties.

The provisions of this article shall apply equally in the case of proceedings carried out by the administrative authorities.

Article 6

Consular offices and archives and also the official correspondence of consuls shall be inviolable, but they must be kept completely separate from the personal property and private correspondence of the consul. If they are situated in the same premises, they must be kept separate.

The authorities of the receiving State shall not use force, in any form whatsoever, in the offices or in the private living-quarters of consuls. The authorities of the receiving State may not enter such premises except with the consent of the consul.

Official correspondence and official communications between the consulate and the authorities of the sending State, regardless of the means of transmission, shall be inviolable and shall not be subjected to examination. The authorities of the sending State shall be deemed to include its diplomatic and consular missions.

In their correspondence with any of the above-mentioned authorities, consuls shall be entitled to use codes and the diplomatic pouch. Consuls shall be charged at the same rate as diplomatic representatives for the use of ordinary means of communication (post, telegraph, telephone, radio).

Article 7

Consuls shall be entitled to affix to consulate buildings shields bearing the coat-of-arms of the sending State and an inscription designating the consulate. They shall also be entitled to fly the flag of the sending State from the said buildings and on vehicles used for official purposes.

Article 8

Consuls and consular employees who are citizens of the sending State shall be exempt in the receiving State from all forms of direct taxes and personal services.

The said persons shall be exempt from military obligations of a material nature, such as services, requisitions and billeting, in so far as concerns immovable or movable property or vehicles in official or private use.

Article 9

Immovable property of the sending State which is intended for consulate premises or the living quarters of consuls and consular employees shall be exempt from all direct taxes.

Article 10

Subject to reciprocity, consuls and consular employees who are citizens of the sending State shall enjoy the same exemptions with regard to customs duties as the staff of diplomatic missions.

Articles intended for the official needs of a consulate shall be exempt from customs duties and all other charges.

Article 11

The provisions of articles 8 and 10 above shall also apply to the spouses and minor children of the persons referred to in those articles who live with them and who are citizens of the sending State.

III. FUNCTIONS OF CONSULS

Article 12

Consuls shall further the development of political, economic and cultural relations between the two States in every possible way.

Article 13

Consuls shall be entitled, within their consular district, to protect the rights and interests of their State and of its citizens and legal persons.

In the performance of their duties, consuls may apply to the competent authorities of their consular district and may make representations to them concerning violations of the rights and interests of the sending State or of its citizens or legal persons.

Article 14

Consuls shall be entitled to keep a register of citizens of their country, to issue or renew their passports or other identity documents, or documents certifying official acts performed by consuls, to issue to citizens of the receiving State and third States visas or other authorizations for entry into and exit from the sending State, and to carry on any other activity connected with the registration of citizens of the sending State and the delivery of documents to them

Article 15

Consuls shall be entitled, if the laws of the sending State permit, to carry on the following activities at their offices, at their residences or at the residences of the persons concerned :

(1) To receive and certify declarations from citizens of the sending State;
(2) To draw up, attest and accept for safekeeping the wills and other unilateral instruments of citizens of the Contracting Party which has appointed the consuls, and to accept for safekeeping the property and documents of such citizens;

(3) To draw up, attest and certify agreements concluded between citizens of the sending State, provided that such agreements are not contrary to the laws of the receiving State. They may not, however, draw up or certify any agreement concerning the establishment or alienation of property rights to buildings and land situated in the territory of the receiving State;

(4) To draw up and certify agreements between citizens of the sending State and citizens of the receiving State, provided that such agreements relate exclusively to interests situated in the territory of the sending State or to transactions to be completed or carried out in that State, and provided that such agreements are not contrary to the laws of either the sending State or the receiving State;

(5) To attest the signatures of citizens of the sending State on documents of various kinds and to legalize instruments and documents issued by authorities or officials of the sending State or the receiving State, and to certify copies of such documents;

(6) To certify translations of various instruments and documents issued by the authorities and officials of the sending State or the receiving State;

(7) To accept for safekeeping money and valuables from citizens and organizations of the sending State or intended for such citizens and organizations;

(8) To perform such other acts as may be required, provided that they are not contrary to the laws of the receiving State.

Article 16

The instruments and documents referred to in article 15 above, and also translations and copies of instruments and extracts therefrom, which have been drawn up or certified by a consul, shall be regarded in the receiving State as instruments, documents, translations, copies and extracts having the same juridical force and the same validity as evidence as if they had been drawn up, certified or translated by the competent organs or authorities of the receiving State.

Article 17

Consuls shall be entitled to represent in the courts and before other authorities of the receiving State citizens and legal persons of the sending State who, owing to absence or for other valid reasons, are unable to protect their own rights and interests within the appropriate time-limits; such representation shall continue until the persons represented appoint their own agents or themselves assume the protection of their rights and interests.

Article 18

Consuls shall, where authorized to do so by the laws of the sending State, be entitled to issue certificates of the birth or death of citizens of their State.

Marriages may be celebrated before them where both parties to the marriage are citizens of the sending State. If one party is a citizen of the sending State and the other party a citizen of the receiving State, the marriage may be celebrated before a consul if this is not contrary to the laws of the receiving State. The celebration of the marriage shall take place in accordance with the laws of the sending State.

The provisions of the foregoing paragraph shall also apply to the issue of documents concerning the dissolution of marriages.

The foregoing shall not, however, exempt the persons concerned from the obligation to make such declarations or to effect such registration as may be required by local statutes.

Article 19

Consuls shall, where authorized to do so by the laws of the sending State, be entitled to exercise supervision over the guardianship and curatorship of citizens under age and citizens *non sui juris* of their State who live in their consular district.

For this purpose, they shall be entitled to institute guardianships and curatorships and to supervise the activities of guardians and curators.

Article 20

Consuls shall be entitled, within the limits of the laws of their State and the laws of the receiving State, to extend all necessary assistance, either personally or through their agents, to aircraft of their State which are present in the territory of the other Contracting Party.

In particular, in the event of a forced landing, they may assist the members of the crew and the passengers in their dealings with the local authorities of the receiving State and make suitable arrangements for them to continue their journey.

If an aircraft of the sending State is involved in a disaster or accident, consuls may take steps, or request that steps be taken, to assist the members of the crew and the passengers, to protect the cargo and to repair the aircraft.

The provisions of this article shall not affect the provisions of other agreements concerning mutual assistance in the case of air disasters or accidents.

Article 21

A consul may, personally or through his agents, extend every assistance and co-operation to merchant vessels and warships which sail under his country's flag and which enter a port in his consular district.

Local authorities shall in all cases extend any necessary assistance to consuls at their request.

If the authorities of the receiving State intend to carry out any measures of constraint on board merchant vessels of the sending State, the appropriate consul shall be notified in advance so that he may be present when the said measures are carried out. This provision shall not apply to customs, passport and health control of the vessel, crew and passengers.

Article 22

If a vessel sailing under the flag of one Contracting Party is damaged or wrecked in the territory of the other Contracting Party, the competent authorities shall immediately notify the consul of the occurrence and inform him of the measures they have taken to save lives, the vessel and the cargo. They shall extend the necessary assistance to the consul in his action in connexion with the damage to the vessel.

IV. FINAL PROVISIONS

Article 23

The provisions of this Convention concerning the rights and duties of consuls shall apply *mutatis mutandis* to members of diplomatic missions who have been assigned to consular duties. This shall not affect the diplomatic privileges and immunities of such members of diplomatic missions.

Article 24

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

Article 25

On the entry into force of this Convention, the Consular Convention between the Czechoslovak Republic and the Union of Soviet Socialist Republics of 16 November 1935¹ shall cease to have effect.

¹ League of Nations, *Treaty Series*, Vol. CLXIX, p. 143.

Article 26

This Convention is concluded for a term of five years. The Convention shall remain in force for successive terms of five years unless one of the Contracting Parties, six months before the expiry of a particular five-year term, gives notice of its desire to terminate the Convention.

DONE in duplicate at Prague, on 5 October 1957, in the Czech and Russian languages, both texts being equally authentic.

For the President
of the Czechoslovak
Republic :

Dr. Antonin GREGOR

For the Presidium
of the Supreme Soviet
of the Union of Soviet
Socialist Republics :

I. T. GRISHIN
