

No. 5709

**CZECHOSLOVAKIA
and
ROMANIA**

Consular Convention. Signed at Bucharest, on 21 May 1960

Official texts: Czech and Romanian.

Registered by Czechoslovakia on 6 June 1961.

**TCHÉCOSLOVAQUIE
et
ROUMANIE**

Convention consulaire. Signée à Bucarest, le 21 mai 1960

Textes officiels tchèque et roumain.

Enregistrée par la Tchécoslovaquie le 6 juin 1961.

[TRANSLATION — TRADUCTION]

No. 5709. CONSULAR CONVENTION¹ BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE ROMANIAN PEOPLE'S REPUBLIC. SIGNED AT BUCHAREST, ON 21 MAY 1960

The President of the Czechoslovak Republic and the Presidium of the Grand National Assembly of the Romanian People's Republic, endeavouring, in conformity with the desires and interests of the peoples of the two countries, further to develop mutual relations and general co-operation, have decided to conclude this Convention and have appointed as their plenipotentiaries :

The President of the Czechoslovak Republic :

Dr. Ivan Rohal'-Il'kiv, Ambassador Extraordinary and Plenipotentiary of the Czechoslovak Republic in the Romanian People's Republic,

The Presidium of the Grand National Assembly of the Romanian People's Republic :

Aurel Mălnașan, Deputy Minister for Foreign Affairs, 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

(1) Each Contracting Party shall be entitled to establish in the territory of the other Party 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 ").

(2) The places of residence of consuls and their consular districts shall be determined by agreement between the Contracting Parties.

Article 2

(1) Before appointing a consul, the sending State shall request the consent of the receiving State to the appointment of the person in question.

(2) The consul shall enter upon his duties after the presentation of the consular commission and the issue of an exequatur by the receiving State. The

¹ Came into force on 24 March 1961, the day of the exchange of the instruments of ratification at Prague, in accordance with article 22.

consular commission shall show the consul's surname, given name, consular rank, place of residence and consular district.

(3) Upon issuance of the exequatur, the authorities of the receiving State shall make all necessary arrangements so that the consul may perform his official duties and may enjoy the rights, privileges and immunities accorded him by this Convention and by the laws of the receiving State.

Article 3

(1) The function of consuls shall be terminated by their recall or death.

(2) In the event of a consul's recall, absence, illness or death, his deputy, whose name shall be communicated to the competent authorities of the receiving State, shall be entitled to take temporary charge of the consulate.

(3) A deputy consul shall, while he is performing the functions of a consul, enjoy all the rights, privileges and immunities accorded to consuls by this Convention.

Article 4

(1) Consuls must be nationals of the sending State.

(2) In the performance of their functions, consuls shall be assisted by :

(a) Consular officers, who must also be nationals of the sending State;

(b) Consular employees, i.e. persons who perform administrative and technical duties (interpreters, translators, typists, drivers, telephonists, housekeepers and other persons performing similar duties).

II. RIGHTS, PRIVILEGES AND IMMUNITIES

Article 5

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

Article 6

(1) Consuls and consular officers may be summoned by the authorities of the receiving State to give evidence on matters not connected with their official duties. Such summons shall not provide for coercive measures.

(2) If a consul or consular officer is prevented by the exigencies of his service or by other circumstances from appearing before the authorities of the receiving State, the examination may be carried out at the consulate or at his residence.

Article 7

(1) Consular offices, archives and official correspondence, including cables and telephone and teletype communications, shall be inviolable. Personal property and correspondence must be kept separate. Consuls shall be entitled to use codes and the diplomatic pouch.

(2) The authorities of the receiving State may not use force in consular offices or in the living quarters of consuls or consular officers.

Article 8

Consuls shall be entitled to affix to buildings in which consular offices are situated the coat-of-arms of the sending State and an inscription designating the consulate. They shall be entitled to fly the flag of the sending State at the said buildings and on vehicles used for official purposes.

Article 9

(1) Subject to reciprocity, consuls and consular officers shall be exempt from all forms of personal and material service. This exemption shall also apply to immovable property used by them as living quarters or offices.

(2) Remuneration received by the said persons in their official capacity shall be exempt from taxes and charges.

(3) The exemptions provided for in paragraphs (1) and (2) of this article shall also apply to consular employees who are nationals of the sending State.

(4) Immovable property of the sending State which is intended for use as consulate premises or as living quarters for consular staff shall be exempt from taxes.

Article 10

(1) Consuls shall enjoy, subject to reciprocity, the same exemptions from customs duties as the receiving State accords to members of diplomatic missions.

(2) Articles intended for the official use of consulates shall enjoy complete exemption from customs duties.

Article 11

The provisions of articles 9 and 10 shall also apply to spouses and minor children of the persons referred to therein who live with them and who are nationals of the sending State.

III. FUNCTIONS OF CONSULS

Article 12

Consuls shall, within their consular districts, further the development of political, economic and cultural relations between the two countries in every possible way.

Article 13

(1) Consuls shall be entitled, within their consular districts, to protect the rights and interests of the sending State and of its nationals and bodies corporate.

(2) Consuls may apply directly to the competent authorities and institutions of their consular districts for assistance in the performance of their official duties.

Article 14

(1) Consuls shall, without special authorization, be entitled within their consular districts to take action in the courts for the purpose of protecting the rights and interests of nationals and bodies corporate of the sending State and to represent them before other authorities where they are unable, owing to absence or for other reasons, to protect their own rights and interests within the prescribed time-limits.

(2) The entitlement of consuls under paragraph (1) of this article shall cease if the person represented by a consul assumes the protection of his own rights or appoints his own agent.

Article 15

(1) Consuls shall be entitled to keep a register of nationals of the sending State who are permanently or temporarily resident in their districts. This shall be without prejudice to regulations of the receiving State relating to the registration of aliens.

(2) Consuls may issue travel documents to nationals of the sending State, renew or extend such documents, and supplement or amend them as necessary.

(3) Consuls may issue all types of visas of the sending State.

Article 16

Consuls shall be entitled to carry on the following activities at consulates, at their residences, at the residences of nationals of the sending State, and on board vessels or aircraft flying the flag or bearing the national insignia of the sending State, in so far as the said activities are permitted by the laws of the receiving State and involve nothing contrary to the social and economic order of the two Contracting Parties :

- (a) To draw up or legalize declarations by nationals of the sending State;
- (b) To draw up, certify and keep the wills or other unilateral legal instruments of nationals of the sending State;
- (c) To draw up or certify legal instruments concerning transactions between nationals of the sending State; they may not, however, draw up or certify any legal instrument which relates to the establishment, alteration, alienation or extinguishment of rights to immovable property situated in the territory of the receiving State;
- (d) To draw up or certify legal instruments concerning transactions between nationals of the sending State and nationals of the receiving State, provided that such instruments relate exclusively to interests situated in the territory of the sending State or are to be executed in the territory of that State;
- (e) To certify the signatures of nationals of the sending State on documents of any kind; to certify documents issued by authorities or officials of the sending or the receiving State, and to certify copies and translations of and extracts from such documents;
- (f) To accept for safekeeping money and valuables belonging to nationals of the sending State, without prejudice to the relevant legal provisions of the receiving State;
- (g) To perform other functions for which they may be authorized by the sending State.

Article 17

The documents, copies, translations and extracts referred to in article 16 which have been drawn up, legalized or certified by a consul shall have in the receiving State the same standing in law and the same validity when adduced in evidence as documents drawn up, translated, certified or legalized by the competent authorities and officials of the receiving State.

Article 18

(1) A marriage may be solemnized before a consul and registered by him if both parties to the marriage are nationals of the sending State. The marriage shall be solemnized and the marriage certificate issued in accordance with the laws of the sending State.

(2) Consuls shall be entitled to register the birth and death of nationals of the sending State in accordance with the legal provisions of that State and to issue the appropriate certificates.

(3) The entitlement of consuls under this article shall be without prejudice to the relevant legal provisions of the Contracting Parties.

Article 19

(1) Consuls shall be entitled to extend assistance, personally or through their agents, to vessels sailing under the flag of the sending State which are in ports in their consular districts.

(2) Consuls may communicate with the vessel's crew and passengers, examine the ship's papers, and prepare reports concerning the cargo, the purpose of the voyage and any special incidents which have occurred on the vessel. They shall assist the master of the vessel in maintaining order on board, and the competent authorities of the receiving State shall render them any necessary assistance at their request.

(3) Where the authorities of the receiving State intend to carry out coercive measures on board merchant vessels of the sending State, such measures shall not be carried out without prior notice to the consul. The consul shall be entitled to be present when the measures are carried out. This right shall not extend to harbour, customs, passport and health control of the vessel, crew and passengers.

(4) Where a vessel of one of the Contracting Parties is involved in an accident or is wrecked, the competent authorities of the other Party shall forthwith notify the consul and inform him of the measures they have taken. They shall also extend the necessary assistance to the consul in his action in connexion with the damage to the vessel and shall invite him to take part in the measures required to determine the causes of the accident or shipwreck and to safeguard the evidence relating thereto.

(5) Where a vessel of the sending State is involved in an accident or is damaged, consuls may take steps, or request that steps be taken, to assist the crew and passengers, to protect the cargo and to repair the vessel.

(6) Consuls may accompany the masters of vessels before the courts and administrative authorities of the receiving State and assist them in preparing statements.

Article 20

The provisions of article 19 of this Convention shall apply *mutatis mutandis* to aircraft.

IV. FINAL PROVISIONS

Article 21

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 provisions shall not affect the diplomatic privileges and immunities of such members of diplomatic missions.

Article 22

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 Prague.

Article 23

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

DONE at Bucharest on 21 May 1960, in duplicate in the Czech and Romanian languages, both texts being equally authentic.

For the President
of the Czechoslovak Republic :

I. ROHAL'

For the Presidium
of the Grand National Assembly
of the Romanian People's Republic :

A. MĂLNAȘĂN
