

No. 5167

**CZECHOSLOVAKIA
and
BULGARIA**

Consular Convention. Signed at Prague, on 27 May 1959

Official texts: Czech and Bulgarian.

Registered by Czechoslovakia on 10 June 1960.

**TCHÉCOSLOVAQUIE
et
BULGARIE**

Convention consulaire. Signée à Prague, le 27 mai 1959

Textes officiels tchèque et bulgare.

Enregistrée par la Tchécoslovaquie le 10 juin 1960.

[TRANSLATION — TRADUCTION]

No. 5167. CONSULAR CONVENTION¹ BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE PEOPLE'S REPUBLIC OF BULGARIA. SIGNED AT PRAGUE, ON 27 MAY 1959

The President of the Czechoslovak Republic and the Presidium of the National Assembly of the People's Republic of Bulgaria,

Endeavouring, in conformity with the desires and interests of the peoples of the two countries, further to broaden mutual relations and general co-operation, have decided to conclude this Convention and have appointed as their plenipotentiaries :

The President of the Czechoslovak Republic :

Mr. Václav David, Minister for Foreign Affairs,

The Presidium of the National Assembly of the People's Republic of Bulgaria :

Mr. Karlo Lukanov, Minister for Foreign Affairs,

who, having exhibited to each other their full powers, found in good and due form, have agreed as follows :

I. ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULS

Article 1

(1) In accordance with this Convention, 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 number of consulates, the places of residence of consuls, and the consular districts shall be determined by agreement between the Contracting Parties.

Article 2

(1) The State sending the consul shall obtain the consent of the receiving State to the appointment of the person in question. Upon presentation of

¹ Came into force on 25 April 1960 by the exchange of the instruments of ratification, in accordance with article 23. The exchange of the instruments of ratification took place at Prague.

the consular commission, setting forth the consul's surname and given name, his consular rank, his place of residence and the consular district for which he will be responsible, the receiving State shall issue an exequatur.

(2) Upon issuance of the exequatur, the consul shall enter upon his duties. The State authorities of the consular district shall forthwith make the 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) In the event that a consul is temporarily absent or is unable for serious reasons to perform his official duties, or in the event of his recall or death, his deputy shall be entitled to take over his functions, and the said deputy's name and credentials shall be notified in good time to the competent authorities of the receiving State.

(2) 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.

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

Article 4

Consuls, and consular employees who are nationals 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

(1) Consuls and consular employees may be required to give evidence before courts, procurator's offices or investigatory agencies of the receiving State.

(2) The persons referred to in the preceding paragraph may refuse to testify concerning matters connected with their official duties.

(3) If the said persons are unable to appear in person, the authorities may take evidence from them in the offices of the consulate or at their residence or may require a deposition in writing.

(4) The provisions of this article shall also apply to proceedings carried out by the administrative authorities.

Article 6

(1) Consular offices, archives and official correspondence, including cables and telephone and teletype communications, shall be inviolable. Personal property and private correspondence of consuls must at all times 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 private living quarters of consuls. The authorities of the receiving State may not enter such premises except with the consent of the consul.

Article 7

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 8

(1) Subject to reciprocity, consuls and consular employees who are nationals of the sending State shall be exempt from personal and material service. Immovable property used by them as living quarters or offices shall also be exempt from material service.

(2) The said persons shall be exempt from direct taxes and charges in respect of remuneration received by them in their official capacity.

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

Article 9

(1) Subject to reciprocity, the exemption of consuls from customs duties shall apply to their luggage and to articles imported for their needs up to an annual limit fixed by the receiving State.

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

Article 10

The provisions of articles 8 and 9 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 11

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

Article 12

(1) Consuls shall be entitled, within their consular district, 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 organs of their consular district for assistance in the performance of their official duties.

Article 13

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

(2) Consuls may issue passports to nationals of the sending State. They may issue to nationals of the receiving State, aliens or stateless persons visas or other authorizations for entry into and exit from the sending State.

Article 14

In the sphere of civil, family and criminal law, the functions of consuls shall, save as otherwise provided, be governed by the Treaty between the Czechoslovak Republic and the People's Republic of Bulgaria concerning the provision of legal assistance in civil and criminal cases, signed at Prague on 13 April 1954.

Article 15

(1) In so far as they are not prohibited from doing so by the laws of the receiving State, consuls shall—at consulates, at their own residences or those of nationals of the sending State, and on board vessels and aircraft flying the flag or bearing the national insignia of the sending State—be entitled :

- (a) To draw up, attest and accept for safekeeping the wills or unilateral legal instruments of nationals of the sending State;
- (b) To draw up or attest written declarations by nationals of the sending State;

- (c) To draw up or attest documents concerning legal transactions between nationals of the sending State; they may not, however, draw up or attest any legal instrument which relates to the acquisition or alienation of an interest in a building or in other immovable property situated in the territory of the receiving State;
- (d) To draw up or attest documents concerning legal transactions between nationals of the sending State and nationals of the receiving State, on condition that such transactions relate exclusively to interests in the territory of the sending State or are to be carried out in the territory of that State, and on condition that such transactions are not contrary to the laws of the two Contracting Parties;
- (e) To attest the signatures of nationals of the sending State on documents of any kind; to legalize documents issued by authorities or officials of the sending or the receiving State or by individuals, and to certify copies, translations and extracts of such documents;
- (f) To accept for safekeeping money and valuables of 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.

(2) The documents, copies, translations and extracts referred to in paragraph (1) which have been drawn up, legalized or certified by a consul shall, for purposes of evidence in the receiving State, have the same validity as documents drawn up, translated, certified or legalized by the competent authorities and officials of that State.

Article 16

(1) A marriage may be celebrated before a consul if both parties to the marriage are nationals of the sending State. The marriage shall be celebrated in accordance with the laws of the sending State.

(2) Consuls may, in accordance with the laws of the sending State, issue certificates of the birth or death of nationals of that State.

(3) The foregoing provision shall be without prejudice to the relevant legislation of the Contracting Parties.

Article 17

Consuls shall be entitled to appoint a curator or guardian for nationals of the sending State where such action is authorized by the laws of that State. In such cases, consuls shall be entitled to supervise the guardianship or curatorship.

Article 18

(1) Consuls shall extend assistance to vessels of the sending State. They may, in particular, communicate with the vessel's crew and passengers; issue, certify or examine ship's papers; and prepare reports concerning the cargo, the purpose of the voyage and any special incidents. They shall exercise supervisory functions and shall settle disputes between the vessel's officers and the crew.

(2) Local authorities shall in all cases extend any necessary aid and assistance to consuls at their request.

(3) If the authorities of the receiving State intend to carry out any measures of constraint on board merchant vessels of the sending State, they shall so notify the consul 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 19

If a vessel of one of the Contracting Parties is damaged or wrecked, the competent authorities 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 and to safeguard the evidence relating thereto.

Article 20

(1) Consuls shall extend assistance to aircraft of the sending State; in particular, they may, in the event of a landing, assist the members of the crew and the passengers in their dealings with the authorities of the receiving State and make the necessary arrangements for them to continue their journey.

(2) If an aircraft of the sending State is involved in a disaster or accident, consuls may forthwith 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 competent authorities shall invite the consul to take part in the measures required to determine the causes of the accident and to safeguard the evidence relating thereto.

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 provision shall not affect the diplomatic privileges and immunities of such persons.

Article 22

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, six months before the expiry of a particular term, gives notice of its desire to terminate the Convention.

Article 23

This Convention shall be subject to ratification.

The Convention shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Sofia.

DONE in duplicate at Prague, on 27 May 1959, in the Czech and Bulgarian languages, both texts being equally authentic.

For the Czechoslovak Republic :

V. DAVID

For the People's Republic
of Bulgaria :

K. LUKANOV