

No. 5207

**CZECHOSLOVAKIA
and
ALBANIA**

**Consular Convention. Signed at Prague, on 16 January
1959**

Official texts: Czech and Albanian.

Registered by Czechoslovakia on 30 June 1960.

**TCHÉCOSLOVAQUIE
et
ALBANIE**

Convention consulaire. Signée à Prague, le 16 janvier 1959

Textes officiels tchèque et albanais.

Enregistrée par la Tchécoslovaquie le 30 juin 1960.

[TRANSLATION — TRADUCTION]

No. 5207. CONSULAR CONVENTION¹ BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE PEOPLE'S REPUBLIC OF ALBANIA. SIGNED AT PRAGUE, ON 16 JANUARY 1959

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

Mr. Behar Shtylla, 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

Each Contracting Party shall permit the other Party to establish in its territory 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").

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

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

¹ Came into force on 28 April 1960, the date of the exchange of the instruments of ratification at Tirana, in accordance with article 23.

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

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.

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 OFFICERS

Article 4

Consuls, and consular officers 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

Consuls and consular officers shall, if requested to do so, give evidence before courts, procurator's offices or investigatory agencies of the receiving State.

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

If the said persons are unable to appear, the authorities may take evidence from them in the offices of the consulate or at their residence.

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

Article 6

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.

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 also be entitled to fly the flag of the sending State at the consulate building, at their residence and on the vehicles used by them.

Article 8

Subject to reciprocity, consuls and consular officers 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.

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

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

Article 9

Subject to reciprocity, consuls and consular officers who are nationals of the sending State, and also consulates, shall be granted the same exemptions with regard to customs duties as diplomatic missions and their executive and diplomatic personnel.

Article 10

The provisions of articles 8 and 9 shall also apply to spouses and minor children of consuls and consular officers 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

Consuls shall be entitled, within their consular district, to protect the rights and interests of their State and of its nationals and bodies corporate.

Consuls may apply directly, for assistance in the performance of their official duties, to the competent authorities and organs of the consular district for which they are responsible.

Article 13

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

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 Albania concerning the provision of legal assistance in civil, family and criminal matters, signed at Prague on 16 January 1959.¹

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 of 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 establishment 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

¹ See p. 195 of this volume.

- 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 belonging to or intended for 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

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.

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

The foregoing provisions 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 they are authorized to do so by the laws of that State. In such cases, consuls shall be entitled to supervise the guardianship or curatorship.

Article 18

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.

Local authorities shall in all cases extend any necessary aid and 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, they shall so notify the appropriate 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 that connexion 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

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 suitable arrangements for them to continue their journey.

If an aircraft of the sending State is involved in an 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; they shall also be invited 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 members of diplomatic missions.

Article 22

Each Contracting Party undertakes, if so requested by the other Party, to use its good offices for the purpose of assisting that Party in consular matters in those countries in which that Party does not have a diplomatic or consular mission.

Article 23

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 as soon as possible at Tirana.

Article 24

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.

DONE in duplicate at Prague, on 16 January 1959, in the Czech and Albanian languages, both texts being equally authentic.

For the President
of the Czechoslovak Republic :

V. DAVID

For the Presidium
of the National Assembly
of the People's Republic
of Albania :

Behar SHTYLLA
