

No. 5787

---

**CZECHOSLOVAKIA**  
and  
**PEOPLE'S REPUBLIC OF CHINA**

**Consular Treaty. Signed at Prague, on 7 May 1960**

*Official texts: Czech and Chinese.*

*Registered by Czechoslovakia on 7 August 1961.*

**TCHÉCOSLOVAQUIE**  
et  
**RÉPUBLIQUE POPULAIRE DE CHINE**

**Convention consulaire. Signée à Prague, le 7 mai 1960**

*Textes officiels tchèque et chinois.*

*Enregistrée par la Tchécoslovaquie le 7 août 1961.*

[TRANSLATION — TRADUCTION]

No. 5787. CONSULAR TREATY<sup>1</sup> BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE PEOPLE'S REPUBLIC OF CHINA. SIGNED AT PRAGUE, ON 7 MAY 1960

The President of the Czechoslovak Republic and the President of the People's Republic of China, on the basis of the principles of proletarian internationalism and endeavouring, in conformity with the desire and interests of the peoples of the two countries, further to broaden friendly relations and general co-operation, have decided to conclude this Treaty and have appointed as their plenipotentiaries :

The President of the Czechoslovak Republic :

Mr. Václav David, Minister for Foreign Affairs,

The President of the People's Republic of China :

Mr. Tsao Ying, Ambassador Extraordinary and Plenipotentiary of the People's Republic of China in the Czechoslovak Republic.

The plenipotentiaries of the two Contracting Parties, having exchanged their full powers, found in good and due form, have agreed as follow :

I. ESTABLISHMENT OF CONSULATES, APPOINTMENT AND ACCEPTANCE OF CONSULS

*Article 1*

(1) Each Contracting Party may established consulates-general and consulates (hereinafter referred to as "consulates") in the territory of the other Contracting Party and may appoint consuls-general and consuls (hereinafter referred to as "consuls").

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

*Article 2*

(1) The sending State shall, before appointing the head of a consulate, request the consent of the receiving State to the appointment of the person in question.

(2) The diplomatic mission of the sending State shall present the consular commission of the head of the consulate to the Ministry of Foreign Affairs of the receiving State. The consular commission shall show the consul's place of residence and consular district as determined by agreement between the two Contracting Parties.

<sup>1</sup> Came into force on 8 June 1961, upon the exchange of the instruments of ratification at Peking, in accordance with article 21.

(3) The head of the consulate shall enter upon his duties after the issue of the exequatur by the receiving State.

### *Article 3*

(1) In the event that the head of a consulate is temporarily absent or is unable for the other reason to perform his official duties, or in the event of his recall or death, the sending State may authorize an officer of its diplomatic mission, or a responsible officer performing consular functions at the same or another consulate, temporarily to perform the functions of the head of the consulate. The said officer's name and previous functions shall be communicated in advance to the Ministry of Foreign Affairs of the receiving State.

(2) An officer authorized to perform temporarily the functions of the head of a consulate shall enjoy all the rights, privileges and advantages accorded by this Treaty of the heads of consulates.

## II. RIGHTS, PRIVILEGES AND ADVANTAGES OF CONSULS

### *Article 4*

(1) The competent authorities of the receiving State shall ensure that consuls and consular officers are able to carry out their official duties successfully and shall render them the necessary assistance in the performance thereof.

(2) Consuls shall enjoy the appropriate privileges and advantages arising out of this Treaty and prescribed by the legislation of the receiving State.

### *Article 5*

Consuls shall not be subject to the jurisdiction of the courts of the receiving State in respect of acts performed in their official capacity.

### *Article 6*

Consuls shall be required to attend as witnesses before the courts of the receiving State in proceedings not connected with their official duties. Where consuls are, for various reasons, unable to appear, they may make a deposition at their consulate premises or residences or may send a deposition in writing.

### *Article 7*

(1) Consular offices shall be inviolable. The authorities of the receiving State shall not use force, in any form whatsoever, in the official premises of a consulate.

(2) The official document archives of consulates shall be inviolable. Private papers shall not be kept in the official document archives of consulates.

(3) Correspondence and telegrams dispatched and received by consuls in connexion with their official duties shall be inviolable and shall not be subject to inspection.

(4) The heads of consulates may use cipher.

#### *Article 8*

Consuls shall be entitled to affix to consulate buildings the coat of arms of the sending State and an inscription designating the consulate. The State flag of the sending State may be flown from consulate buildings and on the automobile of the head of a consulate.

#### *Article 9*

(1) Consuls and consular officers who are nationals of the sending State, and their spouses and minor children, shall be exempt from personal and material service and from direct taxes.

(2) Immovable property of the sending State which is intended for consulate premises or for the living quarters of consuls and consular officers shall be exempt from taxes and from material service.

#### *Article 10*

The baggage of consuls and articles imported for their use and for the use of consulates shall, subject to reciprocity, be exempt from customs duties to the extent to which such exemption is enjoyed by diplomatic officers and diplomatic missions.

### III. FUNCTIONS OF CONSULS

#### *Article 11*

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

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

#### *Article 12*

(1) Consuls shall be entitled to keep a register of nationals of the sending State who are permanently or temporarily resident in their consular districts.

The foregoing shall be without prejudice to the 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 visas for entry into, transit through or exit from the sending State.

### *Article 13*

Consuls shall be entitled to carry on the following activities at consulates, at their own residences or those of nationals of the sending State, and on board vessels or aircraft flying the flag or bearing the national insignia of the sending State :

1. To draw up, certify and keep the wills and unilateral legal instruments of nationals of the sending State;
2. To receive, draw up or certify written declarations by nationals of the sending State;
3. To draw up or certify documents concerning legal transactions between nationals of the sending State or between nationals of the sending State and nationals of the receiving State, provided that such legal 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 provided that nothing in the said documents is contrary to the legal provisions of either Contracting Party;
4. To certify the signatures of nationals of the sending State on documents of any kind; to certify copies and translations of and extracts from documents issued by authorities, officials or private individuals of the sending or of the receiving State; and to certify the signatures and seals of authorities or officials of the sending or of the receiving State on documents of any kind;
5. To accept for safekeeping money and valuables belonging to nationals of the sending State, without prejudice, however, to the legal provisions of the receiving State;
6. To perform such other acts as may be entrusted to consuls by the sending State, provided that such acts are not contrary to the relevant legal provisions of the receiving State.

### *Article 14*

Documents referred to in article 13 which have been drawn up or certified by a consul, or translations thereof, shall not, in principle, require re-certification by the competent authority of the receiving State for use in that State, with the exception of such documents as the legal provisions of the receiving State may require to be certified by the competent authorities of that State.

*Article 15*

A marriage may be solemnized before a consul in accordance with the laws of the sending State if both the parties are nationals of the sending State. Consuls may issue certificates of the birth or death of nationals of the sending State. The foregoing provisions shall not, however, exempt the persons directly and indirectly involved from the obligation to comply with the relevant legal provisions of the receiving State.

*Article 16*

Consuls may, in virtue of the authority vested in them by the sending State, appoint a curator or guardian for nationals of the sending State. In such cases, consuls may supervise such curatorship or guardianship.

*Article 17*

Consuls may extend assistance to vessels of the sending State, communicate with a vessel's crew and passengers, issue, certify and examine ship's papers, prepare a report concerning the cargo, the purpose of the voyage and any special incidents, and settle disputes between the officers and the crew.

*Article 18*

If a vessel of the sending State is involved in an accident or is wrecked in a consular district, the competent authorities of the receiving State shall be under a duty so to notify the consul, to inform him of the measures already taken and to render him the necessary assistance in his action in connexion with the accident to the vessel.

*Article 19*

(1) Consuls may extend assistance to aircraft of the sending State. Consuls may apply to the competent authorities of the receiving State and extend assistance to the members of the crew and the passengers.

(2) If an aircraft of the sending State is damaged or is involved in an accident in a consular district, consuls may take steps, or request that steps be taken to assist or rescue the members of the crew and the passengers, to protect baggage, merchandise and mail and to repair the aircraft.

## IV. FINAL PROVISIONS

*Article 20*

The provisions of this Treaty concerning the rights and duties of consuls shall apply *mutatis mutandis* to officers of diplomatic missions who have been

assigned to consular functions. This provision shall not affect the diplomatic privileges and advantages of such officers.

*Article 21*

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

*Article 22*

This Treaty 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, six months before the expiry of the current term, of its desire to terminate the Treaty.

DONE at Prague on 7 May 1960, in duplicate in the Czech and Chinese languages, both texts being equally authentic.

For the President  
of the Czechoslovak Republic :  
V. DAVID

For the President  
of the People's Republic of China :  
TSAO Ying