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No. 6096

**POLAND
and
CZECHOSLOVAKIA**

Consular Convention. Signed at Prague, on 17 May 1960

Official texts: Polish and Czech.

Registered by Poland on 13 March 1962.

**POLOGNE
et
TCHÉCOSLOVAQUIE**

Convention consulaire. Signée à Prague, le 17 mai 1960

Textes officiels polonais et tchèque.

Enregistrée par la Pologne le 13 mars 1962.

[TRANSLATION — TRADUCTION]

No. 6096. CONSULAR CONVENTION¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE CZECHOSLOVAK REPUBLIC. SIGNED AT PRAGUE, ON 17 MAY 1960

The Council of State of the Polish People's Republic and
The President of the Czechoslovak Republic,

Desiring further to develop consular relations in a spirit of friendship and co-operation between the peoples of the two countries, have decided to conclude a Consular Convention, and for that purpose have appointed as their plenipotentiaries :

The Council of State of the Polish People's Republic :

Franciszek Mazur, Ambassador Extraordinary and Plenipotentiary of the Polish People's Republic at Prague;

The President of the Czechoslovak Republic :

Václav David, Minister for Foreign Affairs of the Czechoslovak Republic,

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

PART I

ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULS

Article 1

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

Article 2

1. Consuls may enter upon their official duties after the presentation of the consular commission and the issue of an exequatur by the receiving State. The consular commission shall show the consul's surname, first name and consular rank, the location of the consulate, and the consular district.

¹ Came into force on 22 March 1961, thirty days from the date of the exchange of the instruments of ratification which took place at Warsaw on 20 February 1961, in accordance with the provisions of article 27.

2. The receiving State may permit a consul to perform his official duties before the exequatur has been issued.

3. As soon as a consul receives the exequatur or the permission referred to in paragraph 2, the competent authorities of the receiving State shall make the necessary arrangements to enable him to perform his official duties and enjoy the rights, privileges and immunities to which he is entitled.

Article 3

1. Consuls and consular staff performing consular functions must be nationals of the sending State.

2. Consular staff performing administrative, technical and similar duties may be nationals of either the sending or the receiving State.

Article 4

1. In the event of a consul's recall, death or illness or of his inability for any other reason to perform his official duties, a member of the consulate in question, of another consulate or of the diplomatic mission of the sending State shall be authorized to perform the duties of consul temporarily, provided that the competent authorities of the receiving State have been notified beforehand in writing of his assumption of those duties.

2. The person referred to in paragraph 1 shall enjoy while in temporary charge of the consulate the rights, privileges and immunities accorded to consuls.

PART II

PRIVILEGES AND IMMUNITIES

Article 5

1. The coat-of-arms of the sending State and the title of the consulate may be displayed on the building in which the consulate is installed.

2. The flag of the sending State may be flown from the building in which the consulate is installed. The flag of the sending State may also be flown on vehicles, vessels and aircraft while they are being used by the consul in the performance of his official duties.

Article 6

1. The consular offices shall be inviolable. The authorities of the receiving State may enter them only with the consent of the consul and with due regard to the principle of the inviolability of consular archives defined in article 7, paragraph 1.

2. The consular offices shall be separate from the living quarters of consuls and consular staff.

Article 7

1. The consular archives shall be inviolable. The term "consular archives" shall be deemed to include official correspondence, documents and records, and office equipment used for their storage.

2. The private belongings and papers of consuls and consular staff may not be kept in the consular archives.

Article 8

1. Correspondence sent or received by a consulate shall be inviolable, and the authorities of the receiving State may not examine or detain it.

2. Consulates may employ the services of couriers and use codes.

Article 9

1. Consuls and consular staff who are nationals of the sending State shall not, except with the consent of the sending State, be subject to the jurisdiction of the courts and other authorities of the receiving State in respect of acts performed in their official capacity.

2. If a consul performs, otherwise than in his official capacity, an act which is punishable under the laws of the receiving State, proceedings of any kind to be taken against him shall in all cases be agreed beforehand between the Contracting Parties.

Article 10

1. Consuls and consular staff may refuse to testify before courts or other authorities of the receiving State concerning matters connected with their official duties, and may also refuse to produce official correspondence and other official documents.

2. Subject to the provisions of paragraph 1, consuls and consular staff may be summoned to testify in civil, criminal and administrative cases. A summons addressed to a consul or to a member of a consulate who is a national of the sending State shall be in the form of an official letter and must contain no threat of coercive measures.

3. A consul may request to be heard at a later time or at the consular offices or his residence.

Article 11

Consuls and consular staff and their spouses and minor children residing with them who are nationals of the sending State shall not be subject to the regulations of the receiving State with regard to residence permits and the registration of aliens.

Article 12

1. Consuls and consular staff and their spouses and minor children residing with them who are nationals of the sending State shall be exempt from direct taxes and dues and from personal services or material obligations of a military or other public nature.

2. Immovable property of the sending State which is intended for the needs of the consulate or for the living quarters of the consul and consular staff, and means of transport belonging to that State which serve the needs of the consulate, shall be exempt from taxes and dues and from material obligations of a military or other public nature.

3. The exemptions referred to in paragraphs 1 and 2 shall not apply to fees charged for services rendered.

Article 13

1. Articles intended for the needs of a consulate shall be exempt from customs duties.

2. Subject to reciprocity, consuls-general, consuls, vice-consuls and consular attachés and their spouses and minor children residing with them who are nationals of the sending State shall be exempt from customs duties in respect of articles which are their property or are intended for them to the same extent as diplomatic staff of the diplomatic mission of the sending State, while other consular staff and their spouses and minor children residing with them who are nationals of the sending State shall be exempt to the same extent as non-diplomatic staff of the diplomatic mission of that State.

PART III

FUNCTIONS OF CONSULS

Article 14

In the performance of their duties, consuls shall further the development of political, economic and cultural relations between the two countries.

Article 15

1. Consuls shall protect the rights and interests of the sending State and its nationals (individuals and bodies corporate), in accordance with law and international usage, and shall watch over the welfare of nationals of the sending State. They may for that purpose apply directly to the courts and other State authorities of their districts.

2. Consuls may without special authorization represent, in the courts and before other State authorities, nationals of the sending State who, owing to absence or for other valid reasons, are unable to protect their rights and interests themselves at the proper time and have not appointed representatives.

Article 16

Consuls may :

- (a) Register nationals of the sending State;
- (b) Issue passports and other travel documents to nationals of the sending State;
- (c) Issue visas.

Article 17

At the request of the authorities of the sending State, consuls may hear nationals of that State as parties, witnesses or experts and serve official documents on them in the manner prescribed by the law of the sending State. No coercive measures may be applied in connexion with such acts.

Article 18

1. Consuls may register the births and deaths of nationals of the sending State and issue the appropriate certificates.

2. The provisions of paragraph 1 shall not affect the laws and regulations of the receiving State relating to the registration of births and deaths with the competent civil registry authorities of that State.

Article 19

A marriage may be solemnized before a consul if both parties to the marriage are nationals of the sending State. Consuls shall notify the competent authority of the receiving State of marriages solemnized before them.

Article 20

1. Consuls may :

- (a) Draw up and receive for safe custody the wills of nationals of the sending State;
- (b) Draw up and attest deeds executed by nationals of the sending State; they may not, however, draw up or attest any deed which relates to immovable property situated in the territory of the receiving State;
- (c) Draw up and attest deeds relating to transactions between nationals of the sending State and nationals of the receiving State or of a third State, provided that such deeds are to have legal effects in the territory of the sending State;
- (d) Certify the signatures of nationals of the sending State on documents not specified in sub-paragraphs (b) and (c);
- (e) Certify extracts from and copies of documents;
- (f) Prepare and certify translations of documents;
- (g) Legalize documents drawn up or attested in the receiving or the sending State, and documents drawn up or attested in a third State provided that they relate to nationals of the sending State;
- (h) Receive for safe custody money, documents and other articles from nationals of the sending State, provided that they are dealt with in accordance with the laws and regulations of the receiving State;
- (i) Perform other administrative functions for which they may be authorized by the sending State, provided that the authorities of the receiving State express no objection thereto.

2. Documents drawn up, attested or legalized by a consul under the provisions of paragraph 1 in the form prescribed by the law of the sending State shall have in the receiving State the same legal effect and validity as evidence as documents drawn up, attested or legalized by the authorities of that State.

Article 21

1. Consuls may extend all possible assistance to vessels of the sending State. They may communicate with the vessel's crew and passengers, visit the vessel, ask the master and other members of the crew for information concerning the vessel, its cargo and the purpose and progress of the voyage, draw up, certify and verify ship's papers, settle disputes between the master and other members of the crew, and take steps to ensure order and discipline on board the vessel.

2. Where a vessel of the sending State is involved in an accident in the inland or territorial waters of the receiving State, or arrives in such waters in

damaged condition, the authorities of the receiving State shall forthwith notify the consul and inform him of the measures taken to safeguard the vessel, the crew, the passengers and the cargo.

Article 22

1. The authorities of the receiving State may not intervene in the affairs of a vessel of the sending State except at the request or with the consent of the consul. The consul's consent shall not be required in customs, passport or health control matters, or where an occurrence on board the vessel is disturbing the peace or threatening the security of the port.

2. Where the authorities of the receiving State intend to carry out coercive measures on board a vessel, they shall notify the consul in time for him to be present when the measures are carried out, unless the urgency of the matter is such that his presence cannot be ensured. If the consul is not present or represented on board the vessel, the authorities of the receiving State shall immediately provide him with full information concerning the application of the coercive measures. The provisions of this paragraph shall not apply to normal measures of customs, passport or health control.

Article 23

1. Consuls may extend all possible assistance to aircraft of the sending State. In particular, they may, in the case of a forced landing, assist the crew and passengers in their dealings with the authorities of the receiving State and take measures to enable them to resume the flight.

2. Where an aircraft of the sending State is involved in an accident, the authorities of the receiving State shall forthwith notify the consul, who may take steps to assist the crew and passengers and to safeguard the aircraft and its cargo. The consul may also request the authorities of the receiving State to take any necessary measures.

3. The provisions of article 22 shall apply *mutatis mutandis* to aircraft.

Article 24

Consuls may charge for official services the fees prescribed by the laws of the sending State.

PART IV

FINAL PROVISIONS

Article 25

The provisions of part III of this Convention concerning the rights and obligations of consuls shall apply *mutadis mutandis* to the head of the consular department of the diplomatic mission of each Contracting Party, provided that notice of his appointment to that post is given to the other Contracting Party. This shall not affect the diplomatic privileges and immunities of such persons.

Article 26

Each Contracting Party shall accord the other Contracting Party most-favoured-nation treatment in all matters relating to the privileges, immunities and rights of consuls and consular staff. However, neither Contracting Party may invoke the most-favoured-nation clause for the purpose of requesting privileges, immunities and rights other or more extensive than those which it itself accords to the consuls and consular staff of the other Contracting Party.

Article 27

This Convention shall be subject to ratification and shall enter into force on the expiry of thirty days from the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

Article 28

This Convention is concluded for a term of five years from the date of its entry into force. It shall remain in force for successive terms of five years unless one of the Contracting Parties gives notice in writing of its termination six months before the expiry of the current term.

DONE at Prague on 17 May 1960, in duplicate in the Polish and Czech languages, both texts being equally authentic.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries have signed this Convention and have thereto affixed their seals.

For the Council of State
of the Polish People's Republic:

F. MAZUR

For the President
of the Czechoslovak Republic:

V. DAVID