

No. 7246

**CZECHOSLOVAKIA
and
YUGOSLAVIA**

**Convention on consular relations. Signed at Prague, on
24 June 1963**

Official texts: Czech and Serbo-Croat.

Registered by Czechoslovakia on 13 May 1964.

**TCHÉCOSLOVAQUIE
et
YOUgoslavie**

Convention consulaire. Signée à Prague, le 24 juin 1963

Textes officiels tchèque et serbo-croate.

Enregistrée par la Tchécoslovaquie le 13 mai 1964.

[TRANSLATION — TRADUCTION]

No. 7246. CONVENTION¹ ON CONSULAR RELATIONS BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA. SIGNED AT PRAGUE, ON 24 JUNE 1963

The Czechoslovak Socialist Republic and the Socialist Federal Republic of Yugoslavia, desiring to regulate and develop consular relations in a spirit of mutual friendship and co-operation, have decided to conclude a Convention on consular relations. For that purpose they have appointed as their plenipotentiaries :

The Czechoslovak Socialist Republic :

Karel Vojáček, Department Head in the Ministry of Foreign Affairs ;]

The Socialist Federal Republic of Yugoslavia :

Milan Matijašević, Department Head in the State Secretariat for Foreign Affairs,

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

CHAPTER I

GENERAL PROVISIONS

Article 1

For the purposes of this Convention, the following expressions shall have the meanings hereunder assigned to them :

(a) "Consulate" means a consulate-general, consulate, vice-consulate or consular agency ;

(b) "Head of consulate" means a person authorized by the sending State to act as such in the capacity of consul-general, consul, vice-consul or consular agent ;

(c) "Consular officer" means a person employed at a consulate who has consular rank but is not the head of the consulate ;

(d) "Consular employee" means any person employed at a consulate other than those referred to under (b) and (c) ;

¹ Came into force on 21 February 1964, the date of the exchange of the instruments of ratification at Belgrade, in accordance with article 34 (1).

(e) "Consular staff" means the head of consulate, consular officers and consular employees ;

(f) "Consular archives" means all papers, documents, correspondence, books, films, tapes and registers of a consulate, together with ciphers and codes, card-indexes, and any equipment or furniture intended for their storage and safekeeping ;

(g) "National" refers also to bodies corporate.

Article 2

1. Each Contracting Party shall be entitled to establish consulates in the territory of the other Contracting Party in accordance with this Convention.

2. The establishment of consulates, their seats and the consular districts shall be agreed between the Contracting Parties in each individual case. The size of the consular staff shall be commensurate with the volume of work.

Article 3

1. The head of a consulate may enter upon the exercise of his functions after he has presented the consular commission and the receiving State has issued an exequatur.

2. The consular commission shall show the given name and surname of the head of the consulate, his rank, the seat of the consulate and the consular district.

3. The receiving State may grant the head of the consulate provisional permission to exercise consular functions pending issue of the exequatur.

Article 4

1. The function of the head of a consulate shall be terminated by his recall, his death or the withdrawal of his exequatur.

2. In the event of the recall or death of the head of a consulate or the withdrawal of his exequatur or in any other circumstances which prevent him from exercising his consular functions, the sending State may authorize a member of the staff of the same consulate, of another of its consulates or of its diplomatic mission to serve as acting head of the consulate. Such action shall be notified beforehand to the Ministry of Foreign Affairs of the receiving State. An acting head of consulate must be a national of the sending State and shall as a rule hold consular or diplomatic rank.

3. An acting head of consulate shall enjoy the same rights, privileges and immunities as those accorded to heads of consulates by this Convention.

Article 5

1. Heads of consulates and consular officers must be nationals of the sending State.
2. Consular employees may also be nationals of the receiving State.

CHAPTER II

PRIVILEGES AND IMMUNITIES

Article 6

1. The receiving State shall take all necessary steps to enable the head of a consulate to exercise his consular functions and to enjoy the rights, privileges and immunities provided for by this Convention.
2. The receiving State shall treat the heads of consulates and consular officers with due respect and shall ensure the protection of their person, freedom and dignity.

Article 7

1. Consular staff shall not be subject to the jurisdiction of the courts and administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.
2. In respect of other acts, heads of consulates and consular officers may not be deprived of liberty unless convicted, with final effect, of a serious criminal offence or charged with a particularly serious criminal offence.
3. Where the head of a consulate or a consular officer is charged with a criminal offence or taken into custody, prior notice to that effect shall be given, unless the person concerned has been caught *flagrante delicto*, to the diplomatic mission or the head of the consulate of the sending State.
4. Where a consular employee who is a national of the sending State is charged with a criminal offence or taken into custody, the competent authority of the receiving State shall immediately so notify the head of the consulate.

Article 8

1. The national coat-of-arms and the designation of the consulate in the official language of the sending State may be placed on the consulate building and at the entrance thereto.
2. The flag of the sending State may be flown from the consulate building and from the residence of the head of the consulate.

3. The flag of the sending State may be flown on motor vehicles, vessels and aircraft when the head of the consulate uses them himself in the exercise of consular functions.

Article 9

1. Consular staff and their spouses and children residing with them in a common household shall, if they are nationals of the sending State, be exempt from all direct taxes and charges and from personal and material obligations imposed for public purposes on nationals of the receiving State, provided that exemption therefrom is also granted to the same or similar categories of the staff of diplomatic missions in the receiving State.

2. The exemption referred to in paragraph 1 shall not apply to income received otherwise than in the performance of official business or to payment for services rendered by organizations, undertakings or agencies.

Article 10

1. Consular staff and their spouses and children residing with them in a common household shall not be subject to the regulations of the receiving State concerning the registration of aliens and residence permits.

2. The arrival of the persons referred to in paragraph 1, their personal particulars, their functions and their departure shall be communicated in writing to the Ministry of Foreign Affairs of the receiving State.

Article 11

1. Immovable property belonging to the sending State which is used as consular premises or as the living quarters of consular staff shall be exempt from all taxes and charges.

2. Vehicles, radio and television sets, and other movable property belonging to the sending State and required for the use of a consulate shall also be exempt from all taxes and charges.

3. The exemptions referred to in paragraphs 1 and 2 shall not apply to payment for services rendered by organizations, undertakings or agencies.

Article 12

Articles intended for the official needs of a consulate shall be exempt from customs duties and related charges. This exemption shall not, however, preclude customs inspection.

Article 13

Consular staff and their spouses and children residing with them in a common household shall, if they are nationals of the sending State, enjoy the same customs privileges as the same or similar categories of the staff of diplomatic missions in the receiving State.

Article 14

1. Consular staff shall be required to appear as witnesses when summoned by the judicial or administrative authorities of the receiving State. If they are nationals of the sending State, no coercive measures may be applied to them.

2. Consular staff may refuse to give evidence concerning matters connected with their official functions.

3. If a member of the consular staff who is a national of the sending State is prevented by the exigencies of his service or by other circumstances from appearing as a witness, he shall so notify the authority which summoned him and, if the said authority so requests, shall give evidence in writing.

4. The head of a consulate may request permission to give evidence on the consular premises or at his residence.

Article 15

1. In their communications with the authorities of the sending State, consulates shall be entitled to use codes and courier services.

2. Consulates shall be entitled to the same privileges as diplomatic missions in the receiving State in the use of public postal and telecommunications services.

Article 16

1. The offices of a consulate shall be inviolable. The authorities of the receiving State may not enter or take any action in such offices without the consent of the head of the consulate, a person duly empowered by him or the head of the diplomatic mission.

2. The residence of the head of a consulate shall be inviolable. The authorities of the receiving State may not enter or take any action in the residence of the head of a consulate without his consent, save in the cases specified in article 7, paragraph 2, of this Convention.

Article 17

1. Consular archives shall be inviolable at all times and wherever they may be.

2. Official correspondence of consulates, including messages transmitted by telecommunications, shall be inviolable and shall not be subject to examination.

CHAPTER III

POWERS AND FUNCTIONS OF THE HEAD OF A CONSULATE

Article 18

1. The head of a consulate shall, through his actions, help to strengthen friendly relations between the Contracting Parties and to develop their political, economic, cultural and scientific relations.

2. The head of a consulate shall, within his consular district, protect the rights and interests of the sending State and of its nationals. For this purpose he may apply directly to the courts and other competent authorities of the receiving State.

Article 19

1. The head of a consulate may, without a special power of attorney, represent before the courts and other authorities nationals of the sending State who, owing to absence or for other reasons, are unable to protect their own rights and interests within the appropriate time-limits and have not appointed an agent for the purpose. This representation shall continue until such time as the person represented appoints his own agent or assumes the protection of his own rights and interests.

2. The provisions of paragraph 1 shall not affect the regulations of the receiving State concerning compulsory representation by counsel.

Article 20

1. The head of a consulate shall be entitled to keep a register of nationals of the sending State and to issue or renew their passports or other documents serving in place of passports. The head of a consulate shall also be entitled to carry on other activities connected with the registration of nationals of the sending State.

2. The head of a consulate shall be entitled to issue and renew visas.

Article 21

1. The head of a consulate shall be entitled to keep civil registers of the births and deaths of nationals of the sending State if he has been duly authorized for the purpose by the sending State.

2. A marriage may be solemnized before the head of a consulate who has been duly authorized for the purpose by the sending State, provided that both parties to the marriage are nationals of the sending State. Where one of the parties is a national of the sending State, the marriage may be solemnized only if such action is not contrary to the laws of the receiving State. The head of a consulate may enter marriages solemnized before him in a civil register of marriages. If the regulations of the receiving State so require, the head of the consulate shall notify the competent authorities of such registration.

3. The head of a consulate may also record the dissolution of marriages in a civil register, provided that such dissolution is provided for by a final decision which is valid under the laws of the sending State.

4. The provisions of the foregoing paragraphs shall not exempt the persons concerned from the obligation to make such declarations as may be required by the regulations of the receiving State.

Article 22

1. Heads of consulates shall be entitled to perform the following acts :

(a) To receive, draw up or certify declarations by nationals of the sending State ;

(b) To draw up, certify and accept for safekeeping the wills of nationals of the sending State ;

(c) To certify documents and copies, extracts and translations of documents issued by the authorities of the sending or the receiving State ;

(d) To attest the signatures of nationals of the sending State.

2. Heads of consulates may also, where such acts are not contrary to the laws of the receiving State ;

(a) Draw up or certify agreements and unilateral legal declarations of nationals of the sending State, with the exception of agreements or declarations transferring the ownership of or establishing or transferring rights *in rem* in respect of immovable property situated in the territory of the receiving State ;

(b) Draw up or certify agreements between nationals of the sending and of the receiving State, provided that such agreements are to produce legal effects exclusively in the territory of the sending State or are to be executed in that territory ;

(c) Accept money, other valuables and documents from nationals of the sending State for safekeeping or for their account ;

(d) Perform any other acts required of them by the sending State.

3. Money and other valuables received by the head of a consulate may be taken out of the receiving State solely in conformity with the regulations of that State.

4. The head of a consulate may perform acts referred to in this article at the consulate, at his residence, at the residence of nationals of the sending State, or on board a vessel or aircraft flying the flag or bearing the national insignia of the sending State.

Article 23

The instruments and documents, copies and translations thereof, and extracts therefrom referred to in article 22 of this Convention which have been drawn up or certified and duly stamped by the head of a consulate shall have the same validity and evidential use in the receiving State as if they had been drawn up, translated or certified by the competent authorities or institutions of the receiving State.

Article 24

1. The competent authorities of the receiving State shall notify the head of a consulate of the deaths of nationals of the sending State occurring in his consular district.

2. The competent authorities of the receiving State shall notify the head of a consulate of any succession proceedings in respect of the estate of nationals of the sending State and of any such proceedings involving the inheritance rights and interests of nationals of the sending State. They shall also communicate to him all available information concerning heirs and all necessary information concerning the estate and the will, if one exists, so that he may take the necessary steps to protect the rights and interests of nationals of the sending State.

Article 25

1. The head of a consulate may appoint a national of the sending State to serve as a guardian and may supervise his activities, provided that he is authorized to do so by the regulations of the sending State.

2. If the head of a consulate learns that property of a national of the sending State is without supervision, he may appoint a curator for such property if he is authorized to do so by the regulations of the sending State.

Article 26

1. The head of a consulate shall extend every assistance to vessels sailing under the flag of the sending State which are in ports in his consular district. He may communicate with the crews of such vessels and with passengers who are nationals of the sending State.

2. If there is a consulate at the port entered by the vessel, the master or a member of the crew acting for him may visit the head of the consulate without special authorization. If the consulate is outside the said port, authorization by the competent authority of the receiving State shall be required for the visit.

Article 27

If the authorities of the receiving State intend to carry out coercive measures on board a vessel sailing under the flag of the sending State, they shall notify the head of the consulate in advance so that he may be present when the said measures are carried out. In urgent cases or where such measures are taken at the request of the master of the vessel, the head of the consulate shall be notified forthwith. The foregoing shall not apply to passport, customs or health control.

Article 28

1. If a vessel sailing under the flag of the sending State is wrecked or damaged in the waters of the receiving State, the competent authority shall so notify the head of the consulate as soon as possible and shall at the same time inform him of the measures taken to save or protect the passengers and crew, the cargo and the vessel.

2. The competent authorities of the receiving State shall assist the head of the consulate in his action in connexion with the shipwreck or damage.

Article 29

The provisions of articles 26, 27 and 28 of this Convention shall also apply, *mutatis mutandis*, to aircraft. Either Contracting Party may refuse to apply any provisions which conflict with its obligations under international agreements.

Article 30

The head of a consulate may collect fees for consular services in accordance with the regulations of the sending State.

Article 31

The head of a consulate may authorize a consular officer to exercise the functions assigned to him under articles 18-30 of this Convention.

CHAPTER IV
FINAL PROVISIONS

Article 32

The provisions of this Convention relating to the powers and functions of the head of a consulate shall also apply to members of the diplomatic mission who are assigned to consular functions. The Ministry of Foreign Affairs of the receiving State must be informed of such assignment. The diplomatic privileges and immunities of members of the diplomatic mission shall not be affected by such assignment.

Article 33

On the date of the entry into force of this Convention, the Consular Convention between the Czechoslovak Republic and the Kingdom of the Serbs, Croats and Slovenes, concluded at Prague on 7 November 1928,¹ shall cease to have effect.

Article 34

1. This Convention shall be subject to ratification. It shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Belgrade.

2. The Convention is concluded for an indefinite period. It shall cease to have effect upon the expiry of one year from the date on which it is denounced by either Contracting Party.

DONE at Prague on 24 June 1963, in duplicate in the Czech and Serbo-Croat languages, both texts being equally authentic.

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

For the Czechoslovak Socialist
Republic :
Karel VOJÁČEK

For the Socialist Federal
Republic of Yugoslavia :
Milan MATIJAŠEVIĆ

¹ League of Nations, *Treaty Series*, Vol. XCVIII, p. 297.