

**No. 7341**

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**CZECHOSLOVAKIA  
and  
MONGOLIA**

**Consular Convention. Signed at Prague, on 8 November  
1963**

*Official texts: Czech, Mongolian and Russian.*

*Registered by Czechoslovakia on 21 July 1964.*

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**TCHÉCOSLOVAQUIE  
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**Convention consulaire. Signée à Prague, le 8 novembre 1963**

*Textes officiels tchèque, mongol et russe.*

*Enregistrée par la Tchécoslovaquie le 21 juillet 1964.*

[TRANSLATION — TRADUCTION]

No. 7341. CONSULAR CONVENTION<sup>1</sup> BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE MONGOLIAN PEOPLE'S REPUBLIC. SIGNED AT PRAGUE, ON 8 NOVEMBER 1963

The President of the Czechoslovak Socialist Republic and the Presidium of the Great People's Khural of the Mongolian People's Republic, desiring further to develop friendly relations and general co-operation in accordance with the wishes and in the interests of the peoples of both countries, have resolved to conclude this Consular Convention. For this purpose they have appointed as their plenipotentiaries :

The President of the Czechoslovak Socialist Republic :

Mr. Václav David, Minister for Foreign Affairs ;

The Presidium of the Great People's Khural of the Mongolian People's Republic :

Mr. Shadavyn Tsagandorzh, Ambassador Extraordinary and Plenipotentiary of the Mongolian People's Republic to the Czechoslovak Socialist Republic,

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

I. DEFINITIONS

*Article 1*

For the purposes of this Convention :

(a) The expression " consular post " means any consulate-general, consulate, vice-consulate or consular agency ;

(b) The expression " head of consular post " means the person appointed by the sending State to act in that capacity ;

(c) The expression " consular officer " means any person, including the head of a consular post, appointed to perform consular functions ;

(d) The expression " consular employee " means any person employed in the administrative or technical service of a consular post ;

<sup>1</sup> Came into force on 10 April 1964, the date of the exchange of the instruments of ratification at Ulan Bator, in accordance with article 26.

(e) The expression “ member of the service staff ” means any person employed in the domestic service of a consular post;

(f) The expression “ members of the consular post ” means consular officers, consular employees and members of the service staff;

(g) The expression “ members of the consular staff ” means consular officers, other than the head of a consular post, consular employees and members of the service staff.

## II. ESTABLISHMENT OF CONSULAR POSTS, APPOINTMENT AND ADMISSION OF HEADS OF CONSULAR POSTS

### *Article 2*

1. Each Contracting Party may establish consular posts in the territory of the other Contracting Party and may appoint heads of consular posts and members of the consular staff.

2. The seat of a consular post and the consular district shall be determined by agreement between the Contracting Parties.

### *Article 3*

1. The head of a consular post shall be admitted to the exercise of consular functions after the presentation by him of a consular commission and the issue to him of an exequatur by the receiving State. The consular commission shall show the full name of the head of the consular post, his category and class, the consular district and the seat of the consular post.

2. The receiving State may permit the head of a consular post to exercise consular functions on a provisional basis before the exequatur is granted.

3. As soon as the head of a consular post receives the exequatur or the permission referred to in paragraph 2 of this article, the competent authorities of the receiving State shall take the necessary measures to enable him to exercise consular functions and enjoy the facilities, privileges and immunities which are granted to the heads of consular posts.

### *Article 4*

Consular officers must be nationals of the sending State.

### *Article 5*

1. If the head of a consular post is temporarily absent or is unable for any other reason to carry out his functions, or in the event of his recall or death, the sending State may authorize a member of the diplomatic staff of its diplomatic

mission, or a consular officer of the same or another consular post, temporarily to exercise the functions of the head of the consular post. The name and principal function of the person so authorized shall be communicated in advance in writing to the Ministry of Foreign Affairs of the receiving State.

2. The person authorized under paragraph 1 of this article temporarily to exercise the functions of the head of the consular post shall enjoy all the facilities, privileges and immunities accorded by this Convention to the head of a consular post.

### III. FACILITIES, PRIVILEGES AND IMMUNITIES

#### *Article 6*

The competent authorities of the receiving State shall accord full facilities for the performance of the functions of the consular post and render necessary assistance in connexion with its official activities.

#### *Article 7*

1. Consular officers shall not be subject to the jurisdiction of the judicial or other authorities of the receiving State with the exception of the cases in which the sending State consents thereto. Other members of the consular post shall likewise not be subject to such jurisdiction in matters concerning their official duties.

2. The provisions of paragraph 1 of this article shall, as appropriate, also apply to the spouse and minor children of the persons referred to therein if residing with such persons as a single household.

#### *Article 8*

1. The members of the consular post shall be required to give evidence in civil, family, criminal and administrative matters not connected with their official duties.

2. A consular officer may request that such evidence be taken at the consular office or at his residence or that he be allowed to make a statement in writing.

3. A summons calling upon a person as referred to in paragraph 2 of this article to give evidence shall be in the form of an official letter and must contain no threat of coercive measures.

#### *Article 9*

1. Consular premises shall be inviolable. The authorities of the receiving State shall not enter such premises except with the consent of the head of the consular post.

2. The consular archives shall be inviolable at all times and wherever they may be. Private papers shall not be kept in the archives.

3. The official correspondence of the consular post shall be inviolable and shall not be subject to inspection.

4. The consular post may employ the services of diplomatic couriers and use codes.

#### *Article 10*

The national flag of the sending State may be flown and its national coat-of-arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business; an inscription designating the consular post may be displayed on the building.

#### *Article 11*

The members of the consular post and their spouses and minor children residing with them shall not be subject to the regulations of the receiving State with regard to residence permits and the registration of aliens. They shall also be exempt from all personal and public services and from military obligations such as those connected with requisitioning, military contributions and billeting. This provision shall not apply to nationals of the receiving State.

#### *Article 12*

Consular officers and their spouses and minor children residing with them shall be exempt in the territory of the receiving State from all direct taxes, dues, customs duties and other similar charges; they shall also be exempt from customs inspection to the same extent as members of the diplomatic staff of the diplomatic mission of the sending State. Consular employees and members of the service staff and their spouses and minor children residing with them shall, unless they are nationals of the receiving State, be exempt to the same extent as members of the administrative and technical staff and members of the service staff of the diplomatic mission of the sending State.

#### *Article 13*

1. Immovable property of the sending State intended to be used as premises of the consular post or as living quarters of members of the consular post shall be exempt from taxes and dues and from material obligations.

2. Articles intended for the needs of the consular post shall be exempt from customs duties and other similar charges and shall not require import permits.

#### IV. CONSULAR FUNCTIONS

##### *Article 14*

1. In the performance of their duties, the head of a consular post and the members of the consular staff shall further the development of political, commercial, economic, cultural and scientific relations between the two countries in a spirit of friendship and co-operation.

2. In the performance of its official duties, a consular post may apply directly to the competent authorities in the consular district for assistance.

##### *Article 15*

1. The head of a consular post shall be entitled, within his consular district, to protect the rights and interests of the sending State and of its nationals, both individuals and bodies corporate.

2. The head of a consular post may without special authorization represent, in the courts and before other State authorities, nationals, both individuals and bodies corporate, 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*

1. The head of a consular post shall be entitled to keep a register of nationals of the sending State who are permanently or temporarily resident in his consular district. The foregoing shall be without prejudice to the regulations of the Contracting Parties concerning the registration of aliens.

2. The head of a consular post may issue passports and other travel documents to nationals of the sending State. He may issue visas for entry into, transit through or exit from the sending State.

##### *Article 17*

1. A marriage may be solemnized before the head of a consular post in accordance with the legal provisions of the sending State if both parties to the marriage are nationals of the sending State. If only one party to the marriage is a national of the sending State, the head of the consular post may solemnize the marriage only with the consent of the competent authority of the receiving State.

2. The head of a consular post may register the births and deaths of nationals of the sending State and issue the appropriate certificates. These provisions shall not, however, exempt the persons concerned from the obligation to comply with the relevant legal provisions of the receiving State.

#### *Article 18*

1. If a national of one Contracting Party dies in the territory of the other Contracting Party, the diplomatic mission or consular post of the State of which the deceased person was a national shall forthwith be notified.

2. The competent authorities of the Contracting Party in whose territory a deceased national of the other Contracting Party leaves property shall take measures to protect and preserve such property in accordance with the legal provisions of their State.

#### *Article 19*

The head of a consular post may, on behalf of the authorities of the sending State, take evidence from the nationals of that State as parties, witnesses or experts, and serve official documents on the nationals of the sending State in accordance with the legal provisions of that State. He may not in this connexion apply coercive measures.

#### *Article 20*

1. The head of a consular post shall be entitled, on the consular premises, in his own residence, in the residence of a national of the sending State or on board an aircraft displaying the flag or national device of the sending State :

(a) To draw up, certify and receive for safe keeping wills and unilateral legal instruments of nationals of the sending State;

(b) To draw up and certify declarations by nationals of the sending State;

(c) To draw up and certify documents concerning legal transactions between nationals of the sending State or 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 to acts that are to be carried out in the territory of that State, and on condition that nothing in the said documents is contrary to the legal provisions of either Contracting Party;

(d) 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 originating from authorities, officials or 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;

(e) To receive for safe keeping money and valuables belonging to nationals of the sending State, on condition that this is not contrary to the legal provisions of the receiving State;

(f) To perform other functions for which he is authorized by the sending State, on condition that such functions are not contrary to the legal provisions of the receiving State.

2. Documents drawn up or certified in accordance with the provisions of paragraph 1 and in the form prescribed by the law of the sending State shall have the same legal effect and evidential value in the receiving State as documents drawn up or certified by the authorities of that State.

#### Article 21

The head of a consular post shall be entitled, in virtue of the authority vested in him by the sending State, to appoint a curator or guardian for nationals of the sending State. In such cases, the head of the consular post shall exercise supervision over such curatorship or guardianship.

#### Article 22

1. The head of a consular post may extend assistance to aircraft of the sending State and to members of the crew and passengers of such aircraft.

2. If an aircraft of the sending State crashes or suffers an accident, the head of the consular post may take steps, or request that steps be taken, to assist or rescue the members of the crew and the passengers and to protect the aircraft and its cargo.

#### Article 23

The head of a consular post may levy the fees and charges prescribed by the legal provisions of the sending State for consular acts.

#### Article 24

The head of a consular post may entrust particular consular functions as aforesaid to other consular officers and to consular employees of the consular post under his charge.

### V. FINAL PROVISIONS

#### Article 25

The provisions of this Convention concerning the rights and obligations of heads of consular posts and of other consular officers shall apply *mutatis mutandis*



to the members of the diplomatic staff of the diplomatic mission of the sending State who are authorized to perform consular functions. This provision shall not affect the diplomatic privileges and immunities of such persons.

*Article 26*

This Convention shall be subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Ulan Bator.

*Article 27*

This Convention is concluded for a period of five years. Upon the expiry of this period, it shall remain in force for successive periods of five years unless one of the Contracting Parties gives notice, not less than six months before the expiry of the current five-year period, of its intention to terminate the Convention.

DONE at Prague on 8 November 1963 in duplicate in the Czech, Mongolian and Russian languages; in case of any divergence of interpretation, the Russian text shall prevail.

For the President  
of the Czechoslovak Socialist  
Republic :  
V. DAVID

For the Presidium  
of the Great People's Khural  
of the Mongolian People's Republic :  
S. TSAGANDORZH