

No. 11003

**FRANCE
and
CZECHOSLOVAKIA**

Consular Convention. Signed at Prague on 22 January 1969

Authentic texts : French and Czech.

Registered by France on 8 March 1971.

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[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE FRENCH REPUBLIC AND THE CZECHOSLOVAK SOCIALIST REPUBLIC

The President of the French Republic and the President of the Czechoslovak Socialist Republic, desiring to regulate consular relations between the two States and to further such relations in a spirit of friendship and co-operation, have decided to conclude a consular convention and have for that purpose appointed as their plenipotentiaries:

The President of the French Republic: Mr. Roger Lalouette, Ambassador Extraordinary and Plenipotentiary of the French Republic in the Czechoslovak Socialist Republic;

The President of the Czechoslovak Socialist Republic: Mr. Václav Pleskot, Secretary of State in the Ministry of Foreign Affairs,

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

PART I

DEFINITIONS AND GENERAL PROVISIONS

Article 1

For the purposes of this Convention:

(a) "Consular post" means any consulate-general, consulate or vice-consulate;

(b) "Consular district" means the area assigned to a consular post for the exercise of consular functions;

(c) "Head of consular post" means the person charged by the sending State with the duty of acting in that capacity;

(d) "Consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

(e) "Consular employee" means any person employed in the administrative or technical service of a consular post;

¹ Came into force on 6 February 1971, i.e. on the thirtieth day after the exchange of the instruments of ratification, which took place at Paris on 7 January 1971, in accordance with article 52.

(f) "Member of the service staff" means any person employed in the domestic service of a consular post;

(g) "Member of the consular post" means consular officers, consular employees and members of the service staff;

(h) "Member of the consular staff" means consular officers other than the head of a consular post, consular employees and members of the service staff;

(i) "Member of the private staff" means a person who is employed exclusively in the private service of a member of the consular post;

(j) "Consular premises" means the buildings or parts of buildings and the land adjoining them, irrespective of ownership, used exclusively for the purposes of the consular post;

(k) "Consular archives" includes all papers, documents, correspondence, books, films, tapes and registers of the consular post, together with ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

Article 2

1. A consular post may be established in the territory of the receiving State only with that State's consent.

2. The seat of the consular post, its classification and the consular district shall be determined by the sending State and shall be subject to the approval of the receiving State.

3. Subsequent changes in the seat of the consular post, its classification and the consular district may be made only with the consent of the receiving State.

4. The prior express consent of the receiving State shall also be required for the opening of an office forming part of a consular post elsewhere than at the seat of the post.

Article 3

1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an exequatur, which is delivered after presentation of the consular commission.

2. The consular commission must specify the full name and rank of the head of the consular post, his consular district and the seat of the consular post.

3. A State which refuses to grant an exequatur is not required to inform the sending State of the reasons for such refusal.

4. Pending delivery of the exequatur, the head of the consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of this Convention shall apply.

Article 4

1. If the head of a consular post is unable for any reason to carry out his functions or if the post is temporarily vacant, the sending State may authorize a consular officer belonging to the same or another consular post or a member of the diplomatic staff of its diplomatic mission to serve as acting head of the consular post; the name of the person concerned shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

2. The acting head of a consular post shall enjoy the rights, privileges and immunities accorded to the head of a consular post under this Convention.

3. The appointment of a member of the diplomatic staff of the diplomatic mission of the sending State to a consular post in accordance with paragraph 1 of this article shall not affect the privileges and immunities accorded to him by virtue of his diplomatic status.

Article 5

As soon as a head of a consular post is admitted even provisionally or in the capacity of acting head to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district and take the necessary measures to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of this Convention.

Article 6

Consular officers shall have the nationality of the sending State only.

Article 7

1. The receiving State may at any time, without having to state the grounds for its decision, notify the sending State through the diplomatic channel that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be, recall the person concerned, terminate his functions at the consular post or withdraw his appointment.

2. If the sending State refuses or fails within a reasonable period of time to carry out its obligations under paragraph 1 of this article, the

receiving State may, as the case may be, withdraw the exequatur from the person concerned or cease to consider him as a member of the consular staff.

Article 8

1. The Ministry of Foreign Affairs of the receiving State shall be notified in writing of :

- (a) The appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;
- (b) The arrival and final departure of a person belonging to the family of a member of the consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;
- (c) The arrival and final departure of members of the private staff and, where appropriate, the termination of their service in that capacity;
- (d) The engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff.

2. When possible, prior notification in writing of arrival and final departure shall also be given.

Article 9

The functions of a member of a consular post shall come to an end *inter alia* :

- (a) On written notification by the sending State to the receiving State that his functions have come to an end;
- (b) On withdrawal of the exequatur;
- (c) On written notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff in the cases referred to in article 7, paragraph 2.

PART II

PRIVILEGES AND IMMUNITIES

Article 10

1. The receiving State shall accord full facilities for the performance of the functions of the consular post and of the consular officers and shall take appropriate measures to enable the latter to enjoy the rights, privileges and immunities accorded under this Convention.

2. The receiving State shall treat members of the consular post with due respect and shall take all appropriate steps to ensure their protection, freedom and dignity.

Article 11

1. The sending State shall have the right to the use of its national flag and coat-of-arms in the receiving State in accordance with the provisions of this article.

2. The national flag of the sending State may be flown and its 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.

3. In the exercise of the right accorded by this article regard shall be had to the laws, regulations and usages of the receiving State.

Article 12

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

Article 13

1. Members of the consular post shall not be amenable to the jurisdiction of the receiving State in matters connected with the exercise of their functions.

2. The provisions of the preceding paragraph shall not, however, apply in respect of a civil action by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

3. Where a member of the consular post possessing the nationality of the sending State has committed, in the territory of the receiving State, and while not acting in his official capacity, an act punishable under the law of that State, the sending State shall be immediately notified through the diplomatic channel.

4. A consular officer shall not be liable to arrest, detention pending trial, imprisonment or any other form of restriction on his personal freedom except in the case of a grave crime punishable under the law of the receiving State by deprivation of liberty for a period of at least five years and pursuant to a decision by the competent judicial authority or the Public Prosecutor's Office unless a judicial sentence of final effect has been imposed on him.

Article 14

1. Members of the consular post may be called on to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interfering with the performance of his functions. It may, when possible, take evidence from a consular officer at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post and members of their family are under no obligation to give evidence concerning matters connected with the exercise of their consular functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 15

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in articles 13 and 14.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular official or a consular employee in a matter where he might enjoy immunity from jurisdiction under article 13 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 16

1. Buildings or parts of buildings and land appurtenant thereto used exclusively for consular purposes as well as the residence of the head of the consular post shall be inviolable. The authorities of the receiving State may not enter such premises without the consent of the head of the consular post, the head of the diplomatic mission of the sending State or a person designated by either.

2. Subject to the provisions of paragraph 1 of this article, the receiving State is under a special duty to take all appropriate steps to protect the

consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

3. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, it shall be carried out without derogation from the rules of international law, and all possible steps shall be taken to avoid impeding the performance of consular functions.

Article 17

The consular archives and documents shall be inviolable at all times and wherever they may be.

Article 18

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services and all public service whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 19

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens, residence and work permits and similar formalities with which aliens in general are required to comply.

2. However, the provisions of paragraph 1 of this article shall not apply to any consular employee who is not a permanent employee of the sending State or who carries on a private gainful occupation in the receiving State, nor to any member of his family.

Article 20

1. Subject to the provisions of paragraph 3 of this article, members of the consular post and members of their family forming part of their households shall be exempt, with respect to services rendered by them for the sending State, from any social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall also apply to members of the private staff who are in the sole employ of members of the consular post, on condition :

- (a) That they are not nationals of or permanently resident in the receiving State; and
- (b) That they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall comply with the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

Article 21

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all taxes and charges, personal or real, national, regional or municipal, except :

- (a) Indirect taxes of a kind normally incorporated in the price of goods or services;
- (b) Taxes and charges on private immovable property situated in the territory of the receiving State, subject to the provisions of article 24;
- (c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of article 23;
- (d) Taxes and charges on private income of any kind having its source in the receiving State, including capital gains derived from the transfer of inherited property;
- (e) Taxes and charges levied for specific services rendered;
- (f) Registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 24;

2. Members of the service staff shall be exempt from taxes and charges on the wages which they receive for their services.

3. Members of the consular post who employ persons whose salaries or wages are not exempt from income tax in the receiving State shall comply with the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

Article 22

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs

duties, taxes and related charges other than charges for storage, cartage and similar services, on :

- (a) Articles, including automobiles, for the official use of the consular post;
- (b) Articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from customs inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph (b) of paragraph 1 of this article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

Article 23

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State shall :

- (a) Permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
- (b) Not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 24

1. Consular premises and the residence of the head of the consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal

taxes and charges whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this article shall not apply to such taxes and charges if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

Article 25

1. The receiving State shall permit and protect freedom of communication by the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts of the sending State, wherever situated, the consular post may use all appropriate means, including diplomatic couriers, diplomatic or consular bags and messages in code or cipher.

2. The official correspondence of the consular post shall be inviolable. "Official correspondence" means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than official correspondence or documents or articles intended exclusively for official use, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The consular bag may be entrusted to the captain of a ship or of a commercial aircraft which is scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or aircraft or to deliver a bag to him.

Article 26

Subject to its laws and regulations concerning zones into which entry is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

PART III

COMPETENCE AND CONSULAR FUNCTIONS

Article 27

The functions of consular officers shall be :

- (a) To protect in the receiving State the rights and interests of the sending State and of its nationals, including bodies corporate;
- (b) To further the development of commercial, economic, cultural and scientific relations between the High Contracting Parties and to promote friendly relations between them;
- (c) To ascertain by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, to report thereon to the Government of the sending State and to give information to persons interested.

Article 28

In the exercise of their functions, consular officers may seek the assistance of :

- (a) The competent local authorities of their consular district;
- (b) The competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

Article 29

1. A consular officer shall be entitled, subject to the laws and regulations of the receiving State, to represent or to arrange appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests. The same provisions shall apply to bodies corporate of the sending State.

2. The representation provided for in paragraph 1 of this article shall cease when the persons represented appoint their own agents or themselves assume the defence of their rights and interests.

3. Where a consular officer is exercising the functions of representation referred to in paragraph 1 of this article, he shall be subject, in the exercise of the said functions, to the laws of the receiving State and to the jurisdiction of its judicial and administrative authorities under the same conditions and to the same extent as a national of that State.

Article 30

Consular officers shall be entitled :

- (a) To keep a register of nationals of the sending State;
- (b) To issue passports or other travel documents to nationals of the sending State and to renew them;
- (c) To issue visas and appropriate documents to persons wishing to travel to the sending State and to renew them.

Article 31

1. A consular officer shall, to the extent permitted by the laws of the sending State have authority :

- (a) To draw up and issue certificates of birth and death of nationals of the sending State;
- (b) To solemnize marriages and to issue the appropriate certificates where the prospective spouses are both nationals of the sending State, provided that the competent authorities of the receiving State are informed thereof if the law of that State so requires;
- (c) To record or register the dissolution of a marriage, in accordance with the law of the sending State.

2. The foregoing provisions shall not exempt the persons concerned from the obligation to make the declarations required by the laws of the receiving State.

3. The competent authorities of the receiving State shall transmit to the consular post without delay and free of charge any copies of or extracts from the civil status documents of nationals of the sending State which they are asked to supply for administrative purposes.

Article 32

A consular officer shall be authorized :

- 1. To receive and certify declarations from nationals of the sending State;
- 2. To draw up, attest and accept for safekeeping the wills and other instruments and declarations of nationals of the sending State;
- 3. To certify or legalize the signatures of nationals of the sending State;
- 4. To translate and legalize all instruments and documents issued by the authorities of the sending State or the receiving State and to certify translations, copies of or extracts from such documents.

Article 33

A consular officer shall be authorized to perform the following acts at the consular post, at his residence, at the residences of nationals of his country and on board vessels or aircraft of the sending State :

1. To draw up and authenticate instruments and agreements between nationals of the sending State, provided that such instruments and agreements are not contrary to the law of the receiving State and do not relate to the establishment or transfer of rights to immovable property situated in that State;

2. To draw up and authenticate instruments and agreements, irrespective of the nationality of the parties thereto, provided that such instruments and agreements relate exclusively to property or rights in the sending State or to business to be transacted in that State and provided that such instruments and agreements are not contrary to the law of the receiving State.

Article 34

A consular officer shall be authorized to accept for safekeeping from nationals of the sending State documents, money, valuables and other property belonging to them.

Such documents, money, valuables and property may not be exported from the receiving State except as provided by the laws of that State.

Article 35

The instruments and documents referred to in articles 32 and 33 shall have the same legal effect and evidential value in the receiving State as documents authenticated, legalized or certified by the judicial or other competent authorities of that State.

Article 36

The receiving State shall accept without authentication the signatures of consuls on documents which they issue or which they certify as being true and correct copies of an original issued by a competent authority, provided that such documents bear their official seal and are drawn up in such a way as to indicate that they are authentic.

Article 37

Consular officers shall have authority to transmit judicial and extra-judicial instruments and to execute letters rogatory in accordance with international agreements in force or, in the absence of such agreements, in any manner consistent with the laws and regulations of the receiving State.

Article 38

1. Where a national of the sending State dies in the territory of the receiving State, the competent authority of the latter State shall notify the consular post without delay.

2. Similarly, notification shall be given in cases where a statutory or testamentary heir to a succession opened in the territory of the receiving State is a national of the sending State not resident in the receiving State and not legally represented there.

3. (a) The consular post of the sending State may request the competent authority of the receiving State to take immediate measures for the protection and administration of an estate left in that State by a deceased national of the sending State and to inform it of such measures where they have already been taken;

(b) The consular officer may assist, directly or through a representative, in carrying out the measures referred to in subparagraph (a).

4. If, after the completion of succession proceedings in the receiving State, the movable estate or the proceeds of the sale of the movable or immovable estate are to descend to a statutory or testamentary heir who is a national of the sending State and who is not resident in the receiving State and has not appointed a representative, such estate or proceeds shall be delivered to the consular post of the sending State, provided that :

- (a) The status of the statutory or testamentary heirs has been proved;
- (b) The competent authorities of the receiving State have authorized delivery of the estate or proceeds where such authorization is required;
- (c) All claims on the estate presented in the period prescribed by the laws of the receiving State have been paid or secured;
- (d) The estate duties have been paid or secured.

5. If a national of the sending State not permanently resident in the receiving State dies while travelling in the territory of the latter State, any personal effects, money or valuables carried by the deceased which have not been claimed by an heir who is present shall be delivered to the consular post of the sending State, without formal proceedings, for temporary safekeeping subject to the right of the administrative or judicial authorities of the territory to take possession of the property in question in the interests of justice.

The consular post shall deliver such personal effects and money to any authority of the receiving State appointed to arrange for the administration or disposal of the property. It must observe the laws of the receiving State with regard to the export of the effects and the transfer of money.

6. The provisions of article 29 of this Convention shall also apply in respect of cases of succession.

Article 39

1. Where the authorities of the receiving State have knowledge of a case in which it is necessary to appoint a guardian or trustee for a national of the sending State, they shall so inform the competent consular post.

2. The provisions of article 29 of this Convention shall apply with respect to the protection and defence of the rights and interests of minors or other persons lacking legal capacity.

3. A consular officer may apply to the competent authorities of the receiving State with regard to the appointment of guardians or trustees and, in particular, may propose candidates for the exercise of those functions, provided that he is authorized to do so by the laws of the receiving State.

4. Where no provision has been made for administering the property of a minor or other person lacking legal capacity, the consular officer may make arrangements to appoint an administrator for such property or request the competent authorities of the receiving State to take the necessary measures for that purpose.

Article 40

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State :

(a) Consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers.

(b) The competent authorities of the receiving State shall, without delay and in any case within 10 days, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or his personal freedom is restricted in any other way. Any communication addressed to the consular post by the person who has been arrested or whose personal freedom has been restricted in any other way shall also be forwarded by the said authorities within 10 days.

The said authorities shall inform the person concerned without delay of his rights under this subparagraph.

(c) Consular officers shall have the right to visit the national concerned, to converse and correspond with him and to arrange for his legal representation. The exercise of these rights may not be deferred for more than 15 days from the date of the arrest of the person concerned or the beginning of any restriction on his personal freedom.

If, however, the consular officer requests such a visit more than 10 days after the beginning of the deprivation of or restriction on the personal

freedom of the national concerned, the visit shall be allowed within a period of not more than five days from the date of the request.

(d) If, pursuant to a judicial decision, the national in question is serving a sentence of imprisonment or is subject to a restriction on his freedom, consular officers shall have the right to visit him on a recurrent basis. On each such visit the consular officer must be able to converse with the prisoner.

2. The rights referred to in paragraph 1 of this article may be exercised only in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must not render these rights inoperative.

Article 41

1. Consular officers may extend aid and assistance to sea-going vessels and river craft flying the flag of the sending State which enter or are in a port or other place of anchorage within the limits of the consular district. They may go on board such vessels as soon as they have received *pratique* and communicate freely with the master, the members of the crew and passengers who are nationals of the sending State.

2. The master or any member of the crew shall be entitled to proceed freely to the consular post if it is situated in the port where the vessel is anchored. If the consular post is not situated in the port, such communication shall be subject to the consent of the competent local authority.

3. A consular officer may, without prejudice to the rights of the authorities of the receiving State, investigate any incident occurring on board a vessel of the sending State during its voyage, question the master and any member of the crew, examine the vessel's papers, take statements with regard to its voyage and destination, settle, to the extent that he is authorized to do so by the laws of the sending State, disputes of any kind between the master, the officers and the seamen, make arrangements for the hospitalization or repatriation of the master or any other member of the crew, facilitate the arrival and departure of the vessel and its stay in the port.

The consular officer may, when performing these duties, request the co-operation and assistance of the authorities of the receiving State.

4. The authorities of the sending State shall not intervene in any matter arising on board the vessel, with the exception of disorder liable to disturb the peace and public order, on shore or in the port, or to endanger public health or security, or in which persons other than crew members are involved.

5. Where the competent authorities of the receiving State intend to search, carry out an investigation or take coercive measures on board

a vessel of the sending State which is in the waters of the receiving State, they shall notify the consular post before such measures are initiated in order that a consular officer may be present. The notification sent for this purpose shall specify an exact time. Where the consular officer or his representative has not been present at the proceedings, he shall be entitled, on application to the authorities in question, to receive full information regarding what has taken place.

The provisions of the preceding subparagraph shall also apply in cases where the master or a member of the crew of the vessel is to be interrogated by the authorities of the receiving State.

6. Where urgent measures are taken or where an investigation is carried out at the request of the master, the consular officer shall be informed thereof during the investigation and as soon as possible.

At his request, he shall also be informed of the investigatory measures taken in his absence.

7. The provisions of paragraphs 5 and 6 of this article shall not be used against the authorities of the receiving State in any case involving the application of customs laws and regulations and other control measures relating to public health, port police, the security of goods or the entry of aliens.

8. The provisions of this article shall not apply to warships.

Article 42

1. Where a vessel of the sending State is wrecked, runs aground or is otherwise damaged in the receiving State, the competent authorities of that State shall notify the consular post as soon as possible of the occurrence and of the measures taken or contemplated to save the passengers, the vessel and the cargo.

A consular officer may extend all possible assistance to the vessel, the members of its crew and its passengers and may take measures to safeguard the cargo and repair the vessel. He may also request the authorities of the receiving State to take such measures.

2. Where neither the owner, the master or any other authorized person is in a position to make the necessary arrangements for the custody and administration of the vessel or its cargo, a consular officer may, on behalf of the owner of the vessel, make such arrangements as the owner himself could have made for such purposes.

3. The provisions of paragraph 2 of this article shall also apply to any article belonging to a national of the sending State and forming part of the cargo of a vessel of the sending State or of a third State which is found on or near the coast of the receiving State or brought into a port in the consular district.

4. The competent authorities of the receiving State shall extend the necessary assistance to the consular officer in all measures taken in connexion with the damage to the vessel.

5. The damaged vessel and its cargo and supplies shall not be subject to customs duty in the territory of the receiving State unless they are transferred for use or consumption in that State.

Article 43

A consular officer may perform such control and inspection duties in relation to aircraft of the sending State and their crews as are provided for by the laws of that State. He may also extend assistance to such aircraft and crews.

Article 44

1. The consular post may levy in the territory of the receiving State the fees and charges provided for by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this article, and the receipts for such fees and charges, shall be exempt from all taxes and charges in the receiving State.

Article 45

In addition to the functions provided for by this Convention, a consular officer may exercise other consular functions which are not contrary to the laws of the receiving State.

PART IV

FINAL PROVISIONS

Article 46

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

Article 47

Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

Article 48

1. Members of the consular post who are nationals or permanent residents of the receiving State or who carry on a private gainful occupation in that State shall be entitled only to the immunities provided for in article 13, paragraph 1, and article 14, paragraph 3, of this Convention.

2. The provisions of Part II of this Convention, with the exception of article 14, paragraph 3, shall not apply to :

- (a) Members of the family of the persons referred to in paragraph 1 of this article;
- (b) Members of the family of a member of the consular post who are themselves nationals or permanent residents of the receiving State or who carry on a private gainful occupation in that State.
- (c) Members of the private staff who are themselves nationals or permanent residents of the receiving State or who carry on a private gainful occupation in that State.

3. The receiving State shall exercise its jurisdiction over the persons referred to in paragraphs 1 and 2 of this article in such a way as not to impede unduly the exercise of the functions of the consular post.

Article 49

1. The provisions of this Convention shall also apply, to the extent that the context allows, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to work in the consulate or otherwise accredited to exercise the consular functions of the mission shall be notified in writing to the Ministry of Foreign Affairs of the receiving State.

3. The privileges and immunities of the members of the diplomatic mission referred to in paragraph 2 of this article shall be determined by the rules of international law concerning diplomatic relations.

Article 50

This Convention replaces and supersedes the Consular Convention between France and Czechoslovakia signed at Paris on 3 June 1927.¹

Article 51

This Convention is subject to ratification. The exchange of the instruments of ratification shall take place at Paris.

Article 52

This Convention shall enter into force on the thirtieth day after the exchange of the instruments of ratification and shall remain in force until such time as one of the High Contracting Parties denounces it after giving the other High Contracting Party six months' advance notice.

IN WITNESS WHEREOF the plenipotentiaries of the High Contracting Parties have signed this Convention and have thereto affixed their seals.

DONE at Prague on 22 January 1969, in duplicate in the French and Czech languages, both texts being equally authentic.

For the President of the French Republic :

ROGER LALOUETTE

For the President of the Czechoslovak Socialist Republic :

VÁCLAV PLESKOT

¹ League of Nations, *Treaty Series*, vol. cxxxI, p. 177.