

**No. 17139**

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**BELGIUM  
and  
CZECHOSLOVAKIA**

**Consular Convention. Signed at Brussels on 15 June 1976**

*Authentic texts: French, Dutch and Czech.  
Registered by Belgium on 20 October 1978.*

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Enregistrée par la Belgique le 20 octobre 1978.*

## [TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE KINGDOM OF BELGIUM AND THE CZECHOSLOVAK SOCIALIST REPUBLIC

His Majesty the King of the Belgians and the President of the Czechoslovak Socialist Republic,

Desiring to regulate consular relations between the two States and thus to promote the development of friendly relations between them,

Considering that the two Parties have ratified the Vienna Convention on Consular Relations of 24 April 1963<sup>2</sup> and affirming that the provisions of that Convention shall continue to govern matters which have not been expressly settled by this Convention,

Desiring to define consular functions more precisely and thereby to facilitate the protection of the rights and interests of individuals and bodies corporate of each Contracting Party in their respective territories,

Have decided to conclude this Consular Convention and have to that end designated as their plenipotentiaries:

His Majesty the King of the Belgians:

Mr. Renaat Van Elslande, Minister for Foreign Affairs and Cooperation for Development;

The President of the Czechoslovak Socialist Republic:

Mr. Bohuslav Chňoupek, Minister for Foreign Affairs,

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

## CHAPTER I. DEFINITIONS

*Article 1*

For the purposes of this Convention:

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

(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 authorized by the sending State to act in that capacity;

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

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

(f) "Member of the service staff" means any person who performs domestic duties at a consular post;

<sup>1</sup> Came into force on 12 August 1978, i.e., the thirtieth day after the date of the exchange of the instruments of ratification, which took place at Prague on 13 July 1978, in accordance with article 57 (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 596, p. 261.

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

(h) "Consular premises" means the buildings or parts of buildings and the land ancillary thereto which, irrespective of ownership, are used exclusively for the purposes of the consular post;

(i) "Consular archives" means all the papers, documents, correspondence, books, films, recording tapes and registers of the consular post, together with ciphers and codes, card-indexes and furniture intended for their protection and safekeeping;

(j) "Vessel of the sending State" means any water-craft listed or registered in accordance with the legislation of the sending State and flying the flag of that State, with the exception of warships;

(k) "Civil aircraft of the sending State" means any aircraft listed or registered in that State in accordance with its legislation and bearing its distinguishing marks.

## CHAPTER II. ESTABLISHMENT OF CONSULAR POSTS, APPOINTMENT OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES AND EXERCISE OF CONSULAR FUNCTIONS

### *Article 2.* ESTABLISHMENT OF A CONSULAR POST

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 boundaries of its consular district shall be determined by agreement between the sending State and the receiving State.

The same shall apply in respect of any change in the seat, classification or consular district.

### *Article 3.* APPOINTMENT AND ADMISSION OF THE HEAD OF A CONSULAR POST

1. The sending State shall request in advance through the diplomatic channel the consent of the receiving State to the appointment of the head of a consular post.

2. Upon receiving consent to the appointment of the head of a consular post, the diplomatic mission of the sending State shall transmit the consular commission to the Ministry of Foreign Affairs of the receiving State. The consular commission shall specify the full name, nationality and rank of the head of the consular post, as well as the consular district in which he is to exercise his consular functions and the seat of the consular post.

3. The Ministry of Foreign Affairs of the receiving State shall, as soon as possible and free of charge, grant an authorization called an exequatur.

4. As soon as the exequatur has been received, the head of the consular post shall be admitted to the exercise of his functions and shall enjoy the benefit of the provisions of this Convention.

5. Pending delivery of the exequatur, the head of a consular post may be admitted by the receiving State on a provisional basis to the exercise of his functions.

In such case he shall enjoy the benefit of the provisions of this Convention.

*Article 4.* NOTIFICATION OF THE APPOINTMENT OF THE HEAD OF A CONSULAR POST  
TO THE AUTHORITIES OF THE CONSULAR DISTRICT

1. As soon as the head of a consular post is admitted, even provisionally, to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district.

2. The authorities of the receiving State shall take all the necessary measures to enable the head of the consular post to exercise his functions and to enjoy the rights, benefits, privileges, and immunities conferred upon him by this Convention and by the laws, regulations and customs of the receiving State.

*Article 5.* NATIONALITY OF CONSULAR OFFICERS

Consular officers must be nationals of the sending State.

*Article 6.* NOTIFICATION OF THE APPOINTMENT OF MEMBERS OF THE  
CONSULAR STAFF

The sending State shall inform the Ministry of Foreign Affairs of the receiving State in advance through the diplomatic channel of:

1. The appointment of a member of the consular post and his entry upon his functions, his full name, his nationality, the date of his arrival and of his final departure, or of the termination of his functions, and all other changes concerning his functions which have occurred during his activities at the consular post.
2. The date of arrival and final departure of members of the families of members of the consular post who reside with them and the fact that a person becomes or ceases to be a family member.

*Article 7.* IDENTITY DOCUMENT

1. The Ministry of Foreign Affairs of the receiving State shall issue to every member of a consular post who is neither a national nor a permanent resident of the receiving state an identity card bearing a photograph and certifying his identity and his status as a member of the consular post.

2. The document referred to in paragraph 1 of this article shall also be issued, in accordance with the laws and regulations of the receiving State, to members of the family of a member of a consular post who reside with him.

*Article 8.* EXERCISE OF CONSULAR FUNCTIONS BY MEMBERS OF A  
DIPLOMATIC MISSION

1. The sending State may entrust one or more members of its diplomatic mission in the receiving State with the exercise of consular functions in addition to diplomatic functions. The names of members of the diplomatic mission assigned to the consular section or otherwise entrusted with the exercise of the mission's consular functions shall be notified to the Ministry of Foreign Affairs of the receiving State. The member of the diplomatic mission entrusted with the exercise of consular functions shall continue to enjoy the privileges and immunities to which he is entitled as a member of the diplomatic mission.

2. The provisions of this Convention concerning the rights and obligations of the consular officer shall apply to members of the diplomatic mission who exercise consular functions.

*Article 9.* EXERCISE OF CONSULAR FUNCTIONS ON BEHALF OF A THIRD STATE

After appropriate notification to the receiving State, and provided that that State does not object, a consular post of the sending State may exercise consular functions in the receiving State on behalf of a third State.

*Article 10.* TERRITORIAL LIMITS OF THE EXERCISE OF CONSULAR FUNCTIONS

Consular officers shall have the right to exercise their functions only in the consular district.

With the consent of the receiving State, they may also exercise such functions outside that district.

*Article 11.* TEMPORARY MANAGEMENT OF A CONSULAR POST

1. If the head of a consular post is unable for any reason to carry out his functions or if his position is temporarily vacant, the sending State may entrust the temporary management of the consular post to a consular officer of the same consular post or another consular post of the sending State in the receiving State or to a member of the diplomatic staff of its diplomatic mission in the receiving State. The full name of the person concerned shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

The notification shall indicate whether the person concerned is a member of the diplomatic mission or of a consular post of the sending State.

2. The temporary head of the consular post shall be entitled to exercise all the functions of head of the consular post. He shall enjoy all the rights, privileges and immunities accorded to the head of the post under this Convention.

3. The member of the diplomatic staff of the diplomatic mission entrusted with the temporary management of the consular post shall continue to enjoy the privileges and immunities accorded to him by virtue of his diplomatic status.

*Article 12.* PERSON DECLARED "NON GRATA"

1. The receiving State may at any time, and without being obliged to give the reasons for its decision, inform the sending State through the diplomatic channel that a consular officer is *persona non grata* or that a member of the consular staff is unacceptable.

2. The sending State shall in such case recall the person concerned or terminate his functions at the consular post.

3. If the sending State refuses to carry out its obligations under paragraph 2 of this article or fails to carry them out within a reasonable time, the receiving State may withdraw the exequatur of the person concerned or give notice that it no longer recognizes him as a member of the consular post, as the case may be.

CHAPTER III. FACILITIES, PRIVILEGES AND IMMUNITIES

*Article 13.* FACILITIES, PRIVILEGES AND IMMUNITIES GRANTED BY THE RECEIVING STATE

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

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

*Article 14. NATIONAL FLAG AND COAT OF ARMS*

1. The coat of arms of the sending State, together with the designation of the consular post in the official language or languages of the sending State and the receiving State may be affixed to the buildings occupied by the consular post and to the residence of the head of the post.

2. The flag of the sending State may be flown on the building of the consular post, on the residence of the head of the consular post and on his means of transport when used in the performance of his official functions.

*Article 15. CONSULAR PREMISES AND RESIDENCES*

1. The sending State may, in accordance with the conditions and in all the forms provided for in the legislation of the receiving State:

- (a) Acquire ownership of, own or lease land and buildings or parts of buildings for the needs of the consular post or the residence of members of the consular post who are nationals of the sending State;
- (b) Construct buildings or parts of buildings for the same purposes;
- (c) Dispose of the rights of property referred to in subparagraphs (a) and (b) of this paragraph.

2. The receiving State shall help the sending State, if necessary, to acquire consular premises and housing for the members of the consular post.

3. The sending State shall not be exempt from the obligation to comply with the receiving State's construction and town-planning legislation applicable to the area in which the immovable property is situated.

*Article 16. INVIOABILITY OF THE CONSULAR PREMISES*

*AND OF THE RESIDENCE OF THE HEAD OF THE CONSULAR POST*

1. The consular premises and the residence of the head of the consular post shall be inviolable.

2. The authorities of the receiving State shall not enter them except with the consent of the head of the consular post or the head of the diplomatic mission of the sending State or the person authorized by one of them.

3. The receiving State shall take all necessary steps to ensure the protection of the consular premises and of the residence of consular officers.

*Article 17. INVIOABILITY OF ARCHIVES*

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

*Article 18. FREEDOM OF COMMUNICATION*

1. The receiving State shall permit and protect the freedom of communication of the consular post for all official purposes. In communicating with the Government, diplomatic missions and other consular posts of the sending State, wherever they may be, the consular post may employ all appropriate means of communication, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install or use a wireless transmitter only with the consent of the receiving State.

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 may be neither opened nor detained. However, if the competent authorities of the receiving State have serious reasons to believe that the consular bag contains articles other than the correspondence, documents and articles referred to in paragraph 4 of this article, they may request that the bag should be opened in their presence by an authorized representative of the sending State. If the authorities of the latter State refuse the request, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag must bear visible external marks of their character and may contain nothing but official correspondence, documents and articles destined exclusively for official use.

5. The consular courier must be provided with an official document indicating his character as such and the number of packages constituting the consular bag.

Except with the consent of the receiving State, he may not be a national of the receiving State, nor, unless he is a national of the sending State, be a permanent resident of the receiving State. The courier shall be protected by the receiving State in the exercise of his functions. He shall enjoy personal inviolability and may not be subjected to any form of detention or arrest.

6. The sending State and its diplomatic missions and consular posts may appoint *ad hoc* consular couriers. In such case the provisions of paragraph 5 of this article shall also be applicable, on the understanding that the immunities referred to therein shall cease to apply as soon as the courier has delivered the consular bag in his charge to the recipient.

7. The consular bag may be entrusted to the master of a vessel or the captain of a civil aircraft scheduled to land at an authorized point of entry. He must be provided with an official document indicating the number of packages constituting the consular bag, but shall not be regarded as a consular courier.

Upon arrangement with the competent local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the master of the vessel or the captain of the aircraft or deliver it to him.

#### *Article 19.* FREEDOM OF MOVEMENT

Subject to the laws and regulations concerning zones entry into which is prohibited or restricted 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 and to the members of their families residing with them.

#### *Article 20.* COMMUNICATION WITH THE AUTHORITIES OF THE RECEIVING STATE

In the exercise of their official functions, consular officers may apply directly, in writing or orally, to:

- (a) Any competent authority of their consular district;
- (b) The central authorities of the receiving State in conformity with the laws, regulations and usages of that State.

*Article 21.* PERSONAL INVIOABILITY AND IMMUNITY FROM JURISDICTION

1. The head of the consular post shall enjoy personal inviolability.

He shall not be subject to the jurisdiction of the receiving State except in the following cases:

- (a) Real actions relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purpose of exercising his consular functions;
- (b) Actions relating to succession, in which he is acting as executor, administrator, heir or legatee in a private capacity and not on behalf of the sending State;
- (c) Actions relating to any professional or commercial activity carried on by him in the receiving State outside his official functions;
- (d) Actions arising out of a contract concluded by him otherwise than on behalf of the sending State;
- (e) Civil actions brought by a third party for damage arising from an accident in the receiving State caused by a means of transport.

No measures of execution may be taken against him except in the cases specified in subparagraphs (a), (b), (c), (d) and (e) of this paragraph and provided that the execution can be done without infringing the inviolability of his person or his residence.

2. The members of the consular post shall not be subject to the jurisdiction of the receiving State in respect of any act performed in the exercise of their official duties.

Such immunity shall not apply in respect of actions arising out of a contract concluded by a member of the consular post in which he did not contract on behalf of the sending State or a civil action brought by a third party for damage arising from an accident in the receiving State caused by a means of transport.

3. Consular officers other than the head of the consular post shall not be liable to arrest or any other form of deprivation of freedom unless they have been charged with a serious offence by the judicial authorities of the receiving State or a judicial sentence has been imposed on them and has become final. "Serious offence" means any offence committed with intent which is punishable under the laws of the receiving State by deprivation of freedom for a term of not less than five years, or a more severe penalty.

4. If criminal proceedings are instituted against a consular officer, they shall be conducted with the respect due him by reason of his official position and, except when he is charged with a serious crime, in a manner which will hamper the exercise of consular functions as little as possible. When in the case of a charge of a serious crime it has become necessary to detain a consular officer, the proceedings against him must be instituted as speedily as possible.

5. If a member of a consular post, outside the exercise of his official functions, commits in the territory of the receiving State an act punishable under the laws of that State, the sending State shall be informed as soon as possible through the diplomatic channel. The head of the consular post shall be informed at the same time.

6. Where a member of the consular post other than the head of post is the object of criminal proceedings, arrest, detention or restriction of freedom in any form, the receiving State shall notify the head of the consular post without delay.



7. The provisions of paragraphs 1 and 3 of this article shall apply, *mutatis mutandis*, to the members of the family of the head of the consular post or of the consular officer who reside with them, unless they are nationals or permanent residents of the receiving State or exercise a private gainful occupation there.

*Article 22.* OBLIGATION TO APPEAR AS WITNESSES

1. Members of a consular post may be called upon, at the invitation of the judicial or administrative authorities of the receiving State, to appear as witnesses. However, no coercive measure may be applied to a consular officer or consular employee.

2. The judicial or administrative authorities of the receiving State which invite a consular officer or consular employee to appear as a witness shall take all necessary measures to avoid hampering the operation of the consular post and shall, in the case of a consular officer, if possible take oral or written depositions at the consular post or at his residence.

3. Members of the consular post and members of their families residing with them, including those who are nationals or permanent residents of the receiving State, may refuse to give evidence concerning matters connected with the exercise of their official activities or to produce correspondence, documents or articles relating thereto. They shall also be entitled to refuse to give evidence as expert witnesses on the domestic law of the sending State.

*Article 23.* WAIVER OF PRIVILEGES AND IMMUNITIES

1. The sending State may waive, in respect of a member of the consular post or a member of his family residing with him, the privileges and immunities provided for in articles 21 and 22.

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

3. If a member of the consular post or a member of his family residing with him initiates proceedings in a matter in which he would enjoy immunity from jurisdiction under article 21, he may not invoke immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution of the judgement; for the latter a separate waiver shall be necessary.

*Article 24.* EXEMPTION FROM PERSONAL SERVICES

Members of the consular post and members of their families residing with them shall, provided that they are not nationals of the receiving State, be exempt from military service in that State.

They shall also be exempt from any other compulsory public service, provided that they are neither nationals nor permanent residents of the receiving State.

*Article 25.* EXEMPTION FROM ALIEN REGISTRATION AND RESIDENCE PERMITS

Members of the consular post and members of their families residing with them shall, if they are not permanent residents of the receiving State and do not engage in any private gainful activity there, be exempt from all the formalities provided for in

the laws and regulations of the receiving State with regard to the registration of aliens and to residence permits.

*Article 26. EXEMPTION FROM WORK PERMITS*

1. Members of the consular post shall, in respect of services rendered to the sending State, be exempt from any obligations with regard to work permits imposed by the laws and regulations of the receiving State in connection with the employment of foreign labour.

2. Members of the private staff of consular officers and consular employees shall, if they do not carry on any other private gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this article.

*Article 27. EXEMPTION FROM SOCIAL SECURITY PROVISIONS*

1. Subject to the provisions of paragraph 3 of this article, members of the consular post and the members of their families residing with them, shall, in respect of the services rendered by them to the sending State, be exempt from the social security provisions in force in the receiving State.

2. Nationals and permanent residents of the receiving State shall not, however, enjoy such exemption.

3. The exemption provided for in paragraph 1 of this article shall apply also to persons employed exclusively in the private service of members of the consular post, on condition:

- (a) That they are neither nationals nor permanent residents of 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.

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

5. The exemption provided for in paragraphs 1 and 3 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 28. EXEMPTION OF THE SENDING STATE FROM TAXATION*

1. In conformity with the laws and regulations of the receiving State, the sending State shall be exempt in the receiving State from all taxes and charges in respect of:

- (a) The acquisition of ownership or leasehold of land, buildings or parts of buildings intended for the official purposes of the consular post or for the residence of consular officers and consular employees who are neither nationals nor permanent residents of the receiving State;
- (b) The construction of buildings or parts of buildings for the same purposes;
- (c) The ownership or possession of land, buildings or parts of buildings for the same purposes;

(d) The acquisition, ownership, possession or use of all movable property, including means of transport, intended or used exclusively for the official purposes of the consular post.

2. The exemption referred to in paragraph 1 of this article shall not apply to taxes and charges imposed or collected as payment for specific services rendered.

3. The exemption referred to in paragraph 1 of this article shall not apply to taxes and charges which, under the legislation of the receiving State, are payable by persons who have contracted with the sending State.

*Article 29.* EXEMPTION OF MEMBERS OF THE CONSULAR POST FROM TAXATION

Members of the consular post and members of their families residing with them shall, if they are neither nationals nor permanent residents of the receiving State, be exempt from taxes and charges of any kind imposed or collected in the receiving State in respect of income and salaries received from the sending State as remuneration for their official functions.

*Article 30.* EXEMPTION OF CONSULAR OFFICERS AND CONSULAR EMPLOYEES FROM TAXATION

1. Consular officers and consular employees and members of their families residing with them shall, if they are neither nationals nor permanent residents of the receiving State, be exempt from taxes and charges of any kind imposed or collected in the receiving State.

2. The exemptions referred to in paragraph 1 of this article shall not apply to:

- (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 28;
- (c) Estate or other similar duties, subject to the provisions of article 31;
- (d) Taxes and charges on private income having its source in the receiving State;
- (e) Registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 28;
- (f) Taxes and charges collected as payment for specific services rendered.

3. The exemptions referred to in this article shall not apply to taxes and charges which, under the legislation of the receiving State, are payable by persons who have contracted with the persons referred to in this article.

4. Members of the consular post who employ persons whose salaries or wages are not exempt from income tax in the receiving State must comply with the obligations which the laws of that State impose upon employers in connection with the collection of income tax.

*Article 31.* ESTATE OF A MEMBER OF THE CONSULAR POST OR A MEMBER OF HIS FAMILY

1. In the event of the death of a member of the consular post, or of a member of his family residing with him, who is neither a national nor a permanent resident of the receiving State, the movable property forming part of the estate and situated in the receiving State shall be exempt from estate or other similar duties if the presence of the property in the receiving State was due solely to the presence in the receiving State of the deceased as a member of the consular post or as a member of his family residing with him.

2. The receiving State shall permit the export of the movable property of the deceased, with the exception of property which was acquired in that State and whose export is prohibited or restricted.

*Article 32. EXEMPTION FROM CUSTOMS DUTIES AND CUSTOMS INSPECTION*

1. The receiving State shall, in conformity with its laws and regulations, permit the import and re-export of the following and shall grant exemption from all customs duties, taxes and related charges, other than charges for storage, cartage and similar services, collected on the import or in connection with the import:

- (a) All goods, including means of transport, intended for the official needs of the consular post;
- (b) All goods, including means of transport, intended for the personal use of consular officers and members of their families residing with them, if the latter are neither nationals nor permanent residents of the receiving State.

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

3. Articles intended for consumption must not exceed the quantities necessary for direct utilization by the persons concerned.

4. Personal baggage accompanying consular officers and members of their families residing with them shall, if the latter are neither nationals nor permanent residents of the receiving State, be exempt from customs inspection.

It shall not be subject to inspection unless there is serious reason to believe that it contains articles other than those referred to in paragraph 1 (b) of this article, or articles whose import or export is prohibited or restricted by the laws and regulations of the receiving State or which are subject to quarantine laws and regulations. Such an inspection must be carried out in the presence of the consular officer concerned, a member of his family or his agent.

*Article 33. CONSULAR FEES AND CHARGES*

1. In the exercise of their functions, consular officers may collect such fees and charges as are provided for by the laws of the sending State.

2. The collection of such fees and charges shall be exempt from all taxes and charges imposed or collected in the receiving State.

*Article 34. COMPLIANCE WITH THE LAWS AND REGULATIONS  
OF THE RECEIVING STATE*

1. Without prejudice to their privileges and immunities, the consular post and all persons enjoying the above-mentioned privileges and immunities must comply with the laws and regulations of the receiving State, including road-traffic and vehicle insurance regulation.

They must also refrain from interfering in the internal affairs of the receiving State.

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

*Article 35.* SPECIAL PROVISIONS RELATING TO THE EXERCISE  
OF A PRIVATE GAINFUL OCCUPATION

1. Consular officers shall not carry on in the receiving State any professional or commercial activity for their personal profit.

2. The privileges and immunities provided for in this chapter shall not be accorded to:

- (a) Consular employees and members of the service staff who carry on a private gainful occupation in the receiving State;
- (b) Members of the family of a person referred to in subparagraph (a) of this paragraph and members of his private staff;
- (c) Members of the family of a member of the consular post who themselves carry on a private gainful occupation in the receiving State.

CHAPTER IV. CONSULAR FUNCTIONS

*Article 36.* CONSULAR FUNCTIONS IN GENERAL

Consular officers, provided that they respect the legislation of the receiving State, shall be entitled to:

- 1. Protect the rights and interest of the sending State and of its nationals, including bodies corporate;
- 2. Further the development of economic, commercial, cultural and scientific relations between the two States and promote friendly relations between them.

*Article 37.* FUNCTIONS IN RESPECT OF CIVIL REGISTRATION

1. Consular officers shall be entitled to:

- (a) Keep a register of nationals of the sending State and issue certificates attesting to their registration;
- (b) Receive applications and declarations in respect of and issue documents relating to the nationality of nationals of the sending State;
- (c) Solemnize marriages between nationals of the sending State in conformity with the legislation of that State;
- (d) Receive declarations relating to the family relationships of nationals of the sending State in conformity with the legislation of that State;
- (e) Register the births and deaths of nationals of the sending State.

2. If the laws and regulations of the receiving State so require, consular officers shall notify the competent authorities of that State of all the acts they have drawn up in pursuance of paragraph 1 (c) and (e) of this article.

*Article 38.* FUNCTIONS RELATING TO LEGALIZATION

Consular officers shall be entitled to:

- (a) Legalize the signatures and seals affixed to any document emanating from the authorities or public officials of the sending State and of the receiving State;
- (b) Legalize signatures affixed to documents by nationals of the sending State.

*Article 39.* MISCELLANEOUS ADMINISTRATIVE FUNCTIONS

Consular officers shall, provided that they are so authorized by the legislation of the sending State, be entitled to:

- (a) Issue extracts and plain or certified copies of any document which they have drawn up within the limits of their competence;
- (b) Certify any other documents;
- (c) Translate acts and documents or certify the translation thereof;
- (d) Accept any declaration or issue any certificate which may be required by the legislation of the sending State or of the receiving State, provided that the receiving State makes no objection thereto;
- (e) Draw up all acts and exercise all consular functions compatible with the legislation of the receiving State;
- (f) Issue certificates of origin or provenance and other similar documents relating to goods;
- (g) Display in the consular premises notices concerning any matter relating to the rights, obligations or interests of nationals of the sending State;
- (h) Carry out the formalities required for the participation of nationals of the sending State in the referendums and elections of that State;
- (i) Transmit judicial and extra-judicial documents or execute letters rogatory in accordance with the international agreements in force or, in the absence of such agreements, in any manner compatible with the laws and regulations of the receiving State.

*Article 40. NOTARIAL FUNCTIONS*

Consular officers, provided that they are so authorized by the legislation of the sending State and that the acts and contracts referred to below are not contrary to the legislation of the receiving State, shall be entitled, in the receiving State, to draw up in notarized form or to authenticate:

- (a) Instruments and contracts concluded between nationals of the sending State and unilateral instruments of such nationals, provided that the said instruments and contracts do not relate to the establishment, transfer or termination of rights to immovable property situated in the receiving State;
- (b) The wills of nationals of the sending State;
- (c) Instruments and contracts relating exclusively to property situated, or business to be transacted, in the sending State, irrespective of the nationality of the parties.

*Article 41. ISSUE OF TRAVEL DOCUMENTS AND VISAS*

Consular officers shall be entitled to:

- (a) Issue passports or other travel documents to nationals of the sending State and permanent residents of that State and to renew, alter, extend or revoke them;
- (b) Issue entry visas or transit visas to persons wishing to travel to or pass through the sending State.

*Article 42. PROTECTION OF MINORS AND OTHER PERSONS LACKING CAPACITY FOR LEGAL ACTION*

1. (a) When arrangements must be made for the protection of a minor or other person lacking capacity for legal action who is a national of the sending State and is resident in the receiving State, the authorities of the latter State must, as soon as they have knowledge of the situation, inform the consular post. The same proce-

dures shall apply if a national of the sending State is confined by reason of mental illness.

(b) Consular officers shall be entitled to make arrangements for the protection of minors and other persons lacking capacity for legal action who are nationals of the sending State, in conformity with the legislation of that State.

(c) Consular officers must inform the authorities of the receiving State as soon as possible that they will make arrangements for such protection.

(d) The judicial and administrative authorities of the receiving State shall be entitled, in conformity with the legislation of that State and with a view to safeguarding the interests of the minor or of the person lacking capacity for legal action, to arrange for protection when the consular officers inform the authorities that they will not do so. In such case the consular officers may indicate what measures they feel should be taken if the interests of the minor or of the person lacking capacity for legal action require it.

2. In all emergencies, the authorities of each contracting State in whose territory the minor or the person lacking capacity for legal action or any property belonging to them is found shall take the necessary measures of protection.

The measures taken in pursuance of the preceding subparagraph shall cease to have effect as soon as the authorities which are competent according to this article have taken the measures the situation requires.

#### *Article 43. ESTATES*

1. In the event of the death of a national of the sending State in the receiving State, the competent authority of the receiving State must notify the consular officer of the sending State without delay and transmit to him free of charge the death certificate or any other document attesting to the death.

2. (a) Where the authority of the receiving State learns of the existence in that State of an estate the beneficiary of which is a national of the sending State not resident in the receiving State and not represented there, the authority shall notify the consular officer of the sending State without delay;

(b) The consular officer shall notify the authorities of the receiving State if the information has reached him from another source.

3. (a) In the case referred to in paragraph 2 and provided that the estate property is situated in the territory of that State, the competent authorities of the receiving State shall take measures for the preservation and administration of the estate property and shall transmit to the consular officer, in accordance with the laws and regulations of the receiving State, all available information regarding the estate;

(b) The consular officer may assist, directly or through a representative, in the implementation of the measures referred to in subparagraph (a) of this paragraph.

4. If a national of the sending State has an interest in an estate left in the territory of the receiving State but does not reside in the latter State and is not represented there, the consular officer shall be entitled, in conformity with the legislation of the receiving State, to represent him before the competent authorities of that State.

5. If, after execution of the formalities relating to the estate in the territory of the receiving State, the movable assets of the estate or the proceeds of the sale of movable and immovable assets devolve to an heir or legatee who is a national of the sending State, is not resident in the receiving State and has not appointed an attor-

ney, such assets or the proceeds of the sale thereof shall be delivered to the consular officer of the sending State, provided that:

- (a) The person concerned has been proved to be an heir or legatee;
- (b) The competent authorities have, where necessary, authorized the delivery of the assets or the proceeds of the sale thereof;
- (c) All debt-claims against the estate presented within the period prescribed by the legislation of the receiving State have been paid or secured;
- (d) The estate duties have been paid or secured.

6. If a national of the sending State who does not habitually reside in the receiving State dies during a stay in the territory of the latter State, his personal effects, movable property and securities which have not been claimed by an heir who is present or by the attorney for the rightful claimants shall be delivered without further formality to the consular officer of the sending State, provided that the claims of the creditors of the deceased in the receiving State have been satisfied or secured.

7. The consular officer shall be entitled, subject to the laws and regulations of the receiving State, to export the estate assets referred to in paragraphs 5 and 6 above.

8. The consular officer acting as the representative of the persons concerned may not be personally called to account on that ground before the competent authorities in connection with any matter concerning the estate.

#### *Article 44.* PROPERTY DEPOSITED FOR SAFEKEEPING

Consular officers shall be entitled to accept for safekeeping, in so far as the legislation of the receiving State permits, money, documents, including wills, and articles of any kind, which have been delivered to them by or for nationals of the sending State. Such property deposited for safekeeping may be exported from the receiving State only in conformity with the laws and regulations of that State.

#### *Article 45.* EVIDENTIARY VALUE

Acts and documents prepared, certified or authenticated by the consular officer, as well as translations of such acts and documents made or certified by the consular officer in the receiving State, shall have the same authenticity and evidentiary value as if those acts, documents and translations had been prepared, certified, authenticated or made by the competent authorities of the receiving State, provided that any formalities which may apply in the matter in that State have been complied with.

#### *Article 46.* COMMUNICATION WITH NATIONALS OF THE SENDING STATE

In order to facilitate the exercise of consular functions relating to nationals of the sending State, consular officers shall be entitled to communicate orally or in writing with nationals of the sending State and to visit them.

Nationals of the sending State shall have the same right to communicate with consular officers and to visit them.

The receiving State shall in no way limit the access of nationals of the sending State to the consular post.

#### *Article 47.* COMMUNICATION WITH NATIONALS OF THE SENDING STATE IN CASES OF DEPRIVATION OF FREEDOM

1. The competent authorities of the receiving State shall without delay notify the consular post of the sending State of the arrest or detention of a national of the



latter State or the restriction of his freedom in any way. Such notification may not be deferred by the competent authorities for more than three days from the date of arrest, detention or restriction of freedom.

2. Consular officers shall be authorized to visit as soon as possible any national of the sending State who, in the receiving State, has been arrested or detained or has been deprived of freedom in any way, to talk with him in one of the languages of the sending State or of the receiving State and to communicate with him.

The exercise of the rights referred in the preceding subparagraph may not be delayed by the competent authorities of the receiving State for more than seven days from the date of arrest or detention or of the beginning of any restriction of personal freedom. Any communication from such a national to the consular officer must be transmitted to the latter by the authorities of the receiving State within the same period.

3. Consular officers shall be entitled, on reasonable conditions and within a reasonable time, to visit a national of the sending State who has been convicted and is serving a sentence of imprisonment and to exchange communications with him, following notification of the competent authority and in conformity with prison regulations.

4. The competent authorities of the receiving State shall without delay notify any national of the sending State who has been arrested or restricted in his personal freedom in any way, or who is serving a sentence of deprivation of freedom, of the provisions referred to in paragraphs 1 to 3 of this article.

5. The rights referred to in paragraphs 2 and 3 of this article must be exercised in conformity with the laws and regulations of the receiving State, it being understood that the said laws and regulations must permit the full realization of the purposes for which the rights are accorded.

*Article 48.* REPRESENTATION BEFORE TRIBUNALS AND OTHER AUTHORITIES

1. Consular officers shall be entitled, in conformity with the legislation of the receiving State, to take measures to provide, before the tribunals and other authorities of the receiving State, appropriate representation for nationals of the sending State, including bodies corporate, when the said nationals, because of absence or for any other valid reason, are unable to defend their rights and interests at the proper time.

2. Such representation shall cease when the persons represented have appointed an attorney or have themselves assumed responsibility for defending their rights and interests.

*Article 49.* ASSISTANCE IN JUDICIAL MATTERS

Consular officers shall be entitled to assist any national of the sending State in his relations with the judicial or administrative authorities of the receiving State, to help him in proceedings before those authorities and to secure for him the assistance of a lawyer for that purpose.

*Article 50.* CONSULAR FUNCTIONS IN RESPECT OF SHIPPING

1. The consular officer shall be entitled, within the consular district, to extend assistance of every kind to a vessel of the sending State which is in the ports or the internal or territorial waters of the receiving State and to its crew and passengers.

2. During the exercise of his functions, the consular officer may, in respect of matters concerning a vessel of the sending State, its crew and its passengers, request assistance from the competent authorities of the receiving State.

3. The consular officer shall be entitled to establish contact with the master of the vessel of the sending State and members of the crew and to proceed on board the vessel as soon as it has received *pratique*.

The master of the vessel and members of the crew may, on the same conditions, communicate with the consular officer or proceed to the consular post, subject to compliance with the legislation of the receiving State concerning the admission, stay and departure of foreign nationals.

*Article 51. COMPETENCE OF THE CONSULAR OFFICER IN RESPECT OF A VESSEL OF THE SENDING STATE*

Within the consular district, the consular officer shall be entitled, in respect of a vessel of the sending State, to:

- (a) Inquire into all events occurring on board the vessel, question the master or any member of the crew, examine and stamp the vessel's papers, take statements regarding its voyage and destination and facilitate its arrival, its stay in port or its departure;
- (b) Settle disputes of any kind between the master and members of the crew, including those relating to wages and contracts of service, to the extent provided for in the legislation of the sending State;
- (c) Make all arrangements for the medical treatment, including hospitalization, and the repatriation of the master and any member of the crew and of passengers who are nationals of the sending State;
- (d) Make all arrangements for the engagement and discharge of the master or any member of the crew;
- (e) Render aid and assistance to the master or members of the crew of the vessel in their relations with the judicial and administrative authorities of the receiving State and, for that purpose, to secure for them the services of a lawyer, and to act as interpreter or designate an interpreter to assist them;
- (f) Receive, draw up, sign or certify any declaration or other document or issue or renew any document prescribed by the legislation of the sending State concerning the vessel;
- (g) Ensure the application of the shipping legislation of the sending State on board vessels.

*Article 52. INTERVENTION OF THE COMPETENT AUTHORITIES OF THE RECEIVING STATE IN MATTERS RELATING TO SHIPPING*

1. When the competent authorities of the receiving State envisage taking coercive measures with regard to or on board a vessel of the sending State or to institute any formal inquiry on board, they shall notify the consular officer in advance so that he or his representative may be present during the implementation of such measures, except when the urgency of the matter precludes prior notification.

If the consular officer or his representative was not present, the competent authorities shall, on his request, provide him with full information concerning the measures they have taken.

2. The provisions of paragraph 1 shall also apply when members of the crew must be questioned on land by the authorities of the receiving State regarding events which occurred on board the vessel.

3. The provisions of this article shall not apply to any routine examination with regard to public health, passports, customs, the safety of human life at sea and water pollution.

#### *Article 53. DAMAGE, STRANDING OR SHIPWRECK*

1. If a vessel of the sending State is wrecked, stranded or otherwise damaged in the receiving State, or if part of the cargo or any other article which had been on board has become separated from it and is found on or near the coast of the receiving State or is brought into a port of that State, the authorities of the receiving State shall notify the consular officer without delay. They shall also inform him of the measures taken to safeguard human life, the vessel, the cargo and other articles on board, as well as the parts of the vessel, parts of the cargo and articles which have become separated from the vessel.

2. The consular officer may render every assistance to such a vessel and its master, crew members and passengers. For that purpose he may turn to the competent authorities of the receiving State. The consular officer shall be entitled to take the measures provided for in paragraph 1, including measures to repair the vessel. He may ask the competent authorities of the receiving State to take or continue such measures.

3. Where a wrecked vessel of the sending State, its cargo or any other article which had been on board is found on or near the coast of the receiving State or is brought into a port of that State and neither the master nor the owner of the vessel nor his agent nor the underwriter is in a position to make arrangements for the preservation or disposal of the vessel, the cargo or the article, the consular officer shall be authorized to make on behalf of the owner of the vessel such arrangements as the owner could have made for the same purposes, in conformity with the legislation of the receiving State.

4. Where an article belonging to a national of the sending State and having been on board a vessel of any nationality is found on or near the coast of the receiving State or on board the vessel which has been damaged, stranded, wrecked or brought into a port of the latter State and where neither the owner of the article nor his agent nor the underwriter is in a position to make arrangements for the preservation or disposal of such an article, the consular officer shall be authorized to make on behalf of the owner of the said article such arrangements as the owner could have made for the same purposes, in conformity with the legislation of the receiving State.

The competent authorities of the receiving State must without delay notify the consular officer of the presence of such an article.

5. The consular officer shall be entitled to be present at the investigation conducted to determine the causes of the damage, stranding or shipwreck, provided that there is nothing contrary thereto in the legislation of the receiving State.

#### *Article 54. FUNCTIONS IN RESPECT OF AVIATION*

The provisions of articles 50 to 53 of this Convention shall also apply *mutatis mutandis* to a civil aircraft of the sending State, provided that they are not contrary to the laws and regulations of the receiving State or of other conventions in force between the Contracting Parties.

Subject to the same reservations, the provisions of the above-mentioned articles shall also apply to another aircraft of the sending State on special mission under a prior arrangement between that State and the receiving State.

*Article 55.* OTHER CONSULAR FUNCTIONS

In addition to the functions listed in this Convention, consular officers shall also be authorized to exercise any other consular functions, provided that:

- (a) They have been entrusted to the consular officers by the sending State;
- (b) They involve no conflict with the legislation of the receiving State;
- (c) The authorities of the receiving State, having been informed, raise no objection to the exercise of such functions.

CHAPTER V. GENERAL PROVISIONS

*Article 56.* DISPUTES

Any dispute relating to the interpretation of the provisions of this Convention which may arise between the Contracting Parties shall be settled through the diplomatic channel.

CHAPTER VI. FINAL PROVISIONS

*Article 57.* RATIFICATION, ENTRY INTO FORCE AND DENUNCIATION

1. This Convention is subject to ratification, and the instruments of ratification shall be exchanged at Prague as soon as possible.

It shall enter into force on the thirtieth day after the date of the exchange of the instruments of ratification.

2. The Convention shall continue in force until six months from the date on which either Contracting Party denounces it; denunciation must be made in writing through the diplomatic channel.

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

DONE at Brussels on 15 June 1976, in duplicate in the French, Dutch and Czech languages, all texts being equally authentic.

For His Majesty  
the King of the Belgians:  
R. VAN ELSLANDE

For the President  
of the Czechoslovak Socialist Republic:  
B. CHŇOUPEK