

No. 17905

**CZECHOSLOVAKIA
and
ITALY**

Consular Convention. Signed at Prague on 10 October 1975

Authentic texts: Czech and Italian.

Registered by Czechoslovakia on 20 July 1979.

**TCHÉCOSLOVAQUIE
et
ITALIE**

Convention consulaire. Signée à Prague le 10 octobre 1975

Textes authentiques : tchèque et italien.

Enregistrée par la Tchécoslovaquie le 20 juillet 1979.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE ITALIAN REPUBLIC

The President of the Czechoslovak Socialist Republic and the President of the Italian Republic,

Wishing to establish rules applicable in consular relations between the two States and to develop those 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 Czechoslovak Socialist Republic: Dr. Dušan Spáčil, Deputy Minister for Foreign Affairs;

The President of the Italian Republic: Mr. Francesco Cattanei, Under Secretary of State for Foreign Affairs,

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

CHAPTER I. DEFINITIONS AND GENERAL PROVISIONS

Article 1. For the purposes of this Convention, the following expressions shall have the meanings hereunder assigned to them:

(a) "Consular post" means any 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 any person authorized by the sending State to act 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.

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

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

(h) "Members 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) "Members of the family" means close relations of the persons in question, living in their household as their dependants.

¹ Came into force on 6 January 1979, i.e., the thirtieth day after the exchange of the instruments of ratification, which took place at Rome on 7 December 1978, in accordance with article 55.

(k) "Consular premises" means the buildings and parts of buildings and the land ancillary thereto, used exclusively for the purposes of the consular post, irrespective of ownership.

(l) "Consular archives" includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the 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 established 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 or the consular district may be made by the sending State 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 an existing consular post elsewhere than at the seat thereof.

Article 3. 1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State granted to him, following presentation of the consular commission, in the form of an exequatur.

2. The consular commission shall show the full name and rank of the head of the consular post, the consular district and the seat of the consular post.

3. A State which refuses to grant an exequatur is not obliged to give the sending State reasons for such refusal.

4. Pending delivery of the exequatur, the head of a 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 the position of head of the consular post is vacant, the sending State may entrust a consular officer belonging to the same or another consular post or a member of the diplomatic staff of its diplomatic mission with the functions of temporary head of the consular post. The name of such person shall be notified in advance to the Ministry of Foreign Affairs of the receiving State.

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

3. When, in the circumstances referred to in paragraph 1 of this article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as temporary head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

Article 5. 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 and shall take the necessary measures to

enable him 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.

Article 7. 1. The receiving State may at any time and without being obliged to give the reasons for its decision, notify the sending State 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 recall the person concerned or terminate his functions at the consular post. If the receiving State gives such notification before the person appointed a member of a consular post arrives in its territory, the sending State shall withdraw his appointment.

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this article, the receiving State may, as the case may be, either 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 a consular post 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;
- (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. Prior notification of arrival and final departure shall also be given within a reasonable period.

Article 9. The functions of a member of a consular post shall come to an end *inter alia*:

- (a) On 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 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 provided for in article 7, paragraph 2.

CHAPTER 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 employees. It shall take the necessary steps to enable the consular post and consular officers and employees to enjoy the rights, privileges and immunities provided for in this Convention.

2. The receiving State shall treat consular officers with the respect due to them 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 given to the laws, regulations and usages of the receiving State.

Article 12. 1. The receiving State shall either facilitate the acquisition in 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. Consular officers and consular employees shall be exempt from the jurisdiction of the receiving State in respect of acts performed in the exercise of consular functions.

2. However, such immunity shall not extend to obligations of consular officers and employees deriving from breach of contract or damage caused by a vehicle, vessel or aircraft.

Article 14. 1. Where a consular officer is the object of criminal proceedings, the proceedings shall be conducted with the respect due to him by reason of his official position and in a manner which will impede the performance of his functions as little as possible.

2. A consular officer shall not be liable to arrest or detention pending trial unless he has been charged with an offence for which the maximum prescribed penalty is not less than five years of deprivation of freedom and such offence was committed with intent. An order depriving a consular officer of his personal freedom must, in all cases, be issued by the ordinary judicial authority.

3. If a consular officer or employee is the object of criminal proceedings or is placed under arrest or detention pending trial, the competent authority shall immediately inform the head of the consular post of the sending State.

If the latter is himself the object of one of the aforesaid measures, the receiving State shall inform the sending State through the diplomatic channel.

The procedures in question shall be conducted and completed as speedily as possible.

4. The outcome of any criminal proceedings in respect of a consular officer or employee of the sending State shall be notified immediately to the consular post by the competent authority. However, if the head of the consular post is himself the object of the proceedings, such notification shall be given by the receiving State to the sending State through the diplomatic channel.

Article 15. 1. Members of a consular post may be called upon 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 interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post and the members of their families are under no obligation to give evidence concerning matters connected with the exercise of 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 16. 1. The sending State may waive any of the privileges and immunities provided for in articles 13 and 14, with regard to a member of the consular post.

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 officer 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 directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not 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 17. 1. Buildings or parts of buildings and land appurtenant thereto used exclusively for consular purposes 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 one of them.

The same provisions shall also apply to the residence of the head of the consular post, provided that it is intended exclusively for that purpose and is situated in the same building as the consular premises.

2. The receiving State shall be under a duty to take all appropriate steps to protect the consular premises against any attack 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, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

Article 18. The consular archives and consular documents shall be inviolable at all times and wherever they may be.

Only official documents may be kept in the consular archives.

Article 19. The receiving State shall exempt members of the consular post and members of their families from all personal services and from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 20. 1. Consular officers and consular employees and members of their families shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

Article 21. 1. Subject to the provisions of paragraph 3 of this article, members of the consular post with respect to services rendered by them for the sending State, and members of their families, shall be exempt from social security provisions in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall apply also 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 observe 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 22. 1. Consular officers and consular employees and members of their families shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) Indirect taxes which are normally incorporated in the price of goods or services;
- (b) Dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of article 25;
- (c) Estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of article 24 (b);
- (d) Dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- (e) Charges levied for specific services rendered;
- (f) Registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 25.

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

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

Article 23. 1. The receiving State shall, in accordance with such legal provisions 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 motor cars, for the official use of the consular post;
- (b) Articles for the personal use of a consular officer or members of his family, 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 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 paragraph 1 (b) 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 24. In the event of the death of a member of the consular post or of a member of his family, the receiving State:

- (a) Shall 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) Shall 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 25. 1. Consular premises and the residence of the head of the consular post, owned or rented by the sending State or by any other person acting on behalf of that State, shall be exempt from all national, regional or municipal dues and taxes 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 dues and taxes which, under the laws and regulations of the receiving State, are payable by persons who have contracted with the sending State or with a person acting on behalf of that State.

Article 26. 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 and 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 packages constituting the consular bag must bear visible external marks of their character and may contain nothing but official correspondence and documents and articles intended exclusively for official use.

4. The consular bag may be neither opened nor detained. However, if the competent authorities of the receiving State have serious reason to believe that the bag contains articles other than official correspondence or documents or articles intended exclusively for official use, 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.

5. 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. By 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 captain of the aircraft or deliver it to him.

Article 27. Subject to its 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.

CHAPTER III. CONSULAR JURISDICTION AND FUNCTIONS

Article 28. Consular officers shall be entitled to:

- (a) Protect in the receiving State the rights and interests of the sending State and those of its nationals, including bodies corporate;
- (b) Further the development of commercial, economic, cultural and scientific relations between the Contracting Parties and promote friendly relations between them;
- (c) Ascertain by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested.

Article 29. In the exercise of their functions, consular officers may address:

- (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 permitted by the laws, regulations and usages of the receiving State or by international agreements on the subject.

Article 30. 1. Consular officers shall be entitled, in conformity with the laws and regulations of the receiving State, to represent nationals of the sending State and arrange for appropriate representation for them before the courts or 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 foregoing shall also 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 have appointed an attorney or have themselves assumed the defence of their rights and interests.

3. A consular officer performing the representational functions referred to in paragraph 1 of this article shall be subject, in the performance of such functions, to the laws and regulations of the receiving State and to the jurisdiction of the judicial and administrative authorities of that State, on the same conditions and to the same extent as a national of that State.

Article 31. Consular officers shall be entitled to:

- (a) Register nationals of the sending State;
- (b) Issue passports or other travel documents to nationals of the sending State and renew them;
- (c) Issue visas and appropriate documents to persons wishing to visit the sending State and renew them.

Article 32. 1. To the extent permitted by the laws of the sending State, consular officers shall be authorized to:

- (a) Draw up and record certificates of the birth and death of nationals of the sending State and copies thereof;
- (b) Solemnize marriages and draw up appropriate certificates, where the future spouses are both nationals of the sending State, provided that the competent authorities of the receiving State are duly informed, if the laws and regulations of that State so require;
- (c) Record or register the dissolution of a marriage in accordance with the laws and regulations of the sending State.

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

3. The competent authorities of the receiving State shall transmit to the consular post, without delay and free of charge, copies of or extracts from any civil register document relating to nationals of the sending State requested of them for administrative purposes.

Article 33. Within the limits prescribed by the laws and regulations of the sending State, consular officers shall be entitled to:

- (a) Accept any declarations by nationals of the sending State and certify them;
- (b) Draw up, certify and accept for safekeeping wills and other documents, as well as declarations, of nationals of the sending State;
- (c) Authenticate or legalize signatures of nationals of the sending State;

- (d) Translate any instruments or documents issued by the authorities of the sending State or of the receiving State, and certify translations and copies of and extracts from such documents.

Article 34. Within the limits prescribed by the laws and regulations of the sending State, a consular officer shall be entitled to perform the following acts at the consular post, at his residence or at the residence of any of his compatriots and also on board a vessel or aircraft of the sending State:

- (a) Draw up and authenticate instruments and contracts concluded between nationals of the sending State, provided that such instruments and contracts are not contrary to the public policy of the receiving State and do not relate to the establishment or transfer of rights to immovable property situated in such State;
- (b) Draw up and authenticate instruments and contracts, irrespective of the nationality of the parties, in so far as such instruments and contracts relate exclusively to property situated in the sending State or concern rights to be exercised or transactions to be made in that State, provided that such instruments and contracts are not contrary to the public policy of the receiving State.

Article 35. Consular officers shall be entitled to accept for safekeeping, from nationals of the sending State, documents, sums of money, valuables and other property belonging to them.

The aforesaid documents, sums of money, valuables and other property may be exported from the receiving State only in compliance with the law of that State.

Article 36. The instruments and documents referred to in articles 33 and 34 shall have the same legal effects and evidentiary value in the receiving State as documents authenticated, legalized or certified by the judicial authorities or other competent authorities of that State.

Article 37. The receiving State shall recognize as valid and effective the signatures appended by Consuls to documents issued by them or copies certified by them as conforming to the original issued by the competent authority, without the need for certification, provided that such documents bear their official stamp.

Article 38. Consular officers shall be entitled to transmit judicial and extra-judicial documents and 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 or regulations of the receiving State.

Article 39. In the event of the death of a national of the sending State in the territory of the receiving State, the competent authorities of the latter State shall report that fact to the consular post as soon as possible and in any case within three days after the date on which the event came to their knowledge.

The aforesaid authorities shall also report to the consular post any information coming to their knowledge concerning the estate of the deceased, any testamentary provisions, the financial situation of the deceased, or the existence of lawful heirs.

Article 40. 1. Where succession proceedings are opened in the receiving State in the case of a national of the sending State resident in the territory of the first-mentioned State, the competent authorities of the receiving State shall inform the consular post of the sending State.

2. The competent authorities of the receiving State shall give notice, as soon as possible, of the measures taken for the protection and administration of property forming part of the estate of a national of the sending State and situated in the territory of the receiving State.

3. If the deceased national of the sending State has not appointed an executor and the quality and quantity of the property and the complexity of the financial situation so require, a consular officer of the sending State, of which the deceased was a national, may perform the functions of executor in accordance with the laws of the receiving State.

This provision shall apply wherever the property of the estate includes immovable property.

4. If, after completion of the partition of and execution of the formalities relating to the estate, there should be any movable property or sums of money deriving from the sale of immovable property devolving to an heir or legatee of the sending State who is not resident in the receiving State or who has not appointed an attorney, such property or sums of money shall be transmitted to the consular post of the sending State for delivery to the persons entitled to them.

The transmittal of such property shall be subject to:

- (a) Payment of the portion of the claims on the estate payable by the beneficiary;
- (b) Payment of the portion of estate duties owed by the beneficiary.

These payments may be replaced by effective security.

Where one or more lawsuits for the apportionment of the estate or part of the property belonging to it are pending, the application of the provisions of this article shall be deferred until the conclusion of such lawsuits.

Article 41. If a national of the sending State dies while temporarily in the territory of the receiving State the personal effects, money and valuables in his possession shall be delivered to the consular post of the sending State without formal proceedings, unless they are claimed by a member of his family accompanying him.

The delivery and, where necessary, the export of such property shall be effected in accordance with the laws of the receiving State.

Article 42. 1. The authorities of the receiving State shall notify the competent consular post in writing of any cases coming to their knowledge in which it is necessary to arrange for the appointment of a guardian or trustee for a national of the sending State.

2. The provisions of article 30 of this Convention shall apply in matters concerning the protection and defence of the rights and interests of minors and other persons lacking full legal capacity.

3. A consular officer may apply to the competent authorities of the receiving State concerning the appointment of guardians or trustees and, in particular, propose candidates for the performance of those functions.

4. If, however, the competent authority of the sending State considers that the interests of the minor so require, it may proceed to appoint a guardian and take all appropriate steps for the protection of his person and property, in accordance with the provisions of its own national laws.

In such cases the competent authority of the receiving State shall implement all measures prescribed by the authority of the sending State with regard to the

guardianship arrangement, any modification thereof or the cessation of such guardianship, thereby cancelling any arrangements it may have made prior to the appointment of the guardian by the sending State.

Article 43. 1. To facilitate the performance of consular functions pertaining to nationals of the sending State:

(a) Consular officers shall be entitled to communicate 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.

(b) The competent authorities of the receiving State shall notify the consular post of the sending State forthwith, and in any case within three days, when a national of the latter State is arrested, or subjected to any other form of restriction on his personal freedom, in its consular district.

The aforesaid authorities shall ensure that any communication addressed to the consular post by the person arrested or subjected to any other restriction on his personal freedom is delivered within five days at the latest.

The authorities in question must immediately inform the person concerned of his rights under this paragraph.

(c) Consular officers shall be entitled, on a recurrent basis and at least once every 21 days, to visit such a national of the sending State as is referred to in subparagraph (b), to converse and correspond with him and to arrange for his legal defence. The exercise of such rights may not be postponed by the receiving State beyond a time-limit of 10 days reckoned from the date of arrest of the person concerned or the date on which the restriction on his personal freedom began; however, if the consular officer requests permission to make such a visit more than five days after the date on which the deprivation of or restriction on the personal freedom of its national began, the visit must be authorized within a time-limit not exceeding five days reckoned from the date of submission of the request.

(d) If, after sentencing, such national is serving a sentence entailing deprivation of freedom or if his freedom has been restricted, consular officers shall be entitled to visit him at least once a month. During any such visit the consular officers shall be permitted to converse with the prisoner.

2. The rights provided for in paragraph 1 of this article shall be exercised in accordance with the procedures prescribed by the laws and regulations of the receiving State, unless such laws and regulations contain provisions which preclude or substantially limit the exercise of the rights recognized in paragraph 1.

Article 44. 1. Consular officers shall be entitled to render assistance and aid to seagoing vessels and river vessels flying the flag of the sending State entering or being in a port or other place of anchorage, within their consular district. They may board the vessel as soon as it has received pratique and communicate freely with the master, and the members of the crew, and also with passengers who are nationals of the sending State.

2. In the interests of navigation, the master of a vessel of the sending State which is in a port of the receiving State or a crew member designated by him, may be authorized, upon request, to visit the consular post of the sending State.

3. Without prejudice to the powers of the authorities of the receiving State, a consular officer may investigate any incident occurring during the voyage on board a

vessel of the sending State, question the master and any member of the crew, examine the ship's papers, take statements concerning the voyage and the destination, settle disputes of any kind between the master, officers and crew members, in so far as the laws and regulations of the sending State permit, arrange for the hospitalization or repatriation of the master or any other member of the crew, and facilitate the entry and departure of the vessel as well as its stay in the port.

The consular officer may request the co-operation and assistance of the authorities of the receiving State in the performance of such functions.

4. Where the competent authorities of the receiving State intend to make inspections, carry out investigations or take coercive measures on board a vessel of the sending State which is in the waters of the receiving State, such authorities, before the action is taken, shall notify the consular post so that a consular officer may be present. Such notification shall indicate an exact date and time. If the consular officer or his representative was not present, he may apply to the aforesaid authorities and obtain any information concerning the action taken.

The provisions of the foregoing paragraph shall also apply in cases when the master or any other member of the crew has to be questioned by the authorities of the receiving State.

5. In the event of any emergency measures or if an investigation is carried out at the request of the master, a consular officer shall be notified in the course of the investigation and as soon as possible. At his request, he shall in such cases also be informed of any investigation procedures carried out in his absence.

6. The provisions of paragraphs 4 and 5 of this article may not be invoked against the authorities of the receiving State in matters concerning enforcement of the customs laws and regulations or other control measures pertaining to public health, harbour policies, the safety of merchandise or the admission of aliens.

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

Article 45. 1. Where a vessel of the sending State is wrecked, runs aground or is otherwise damaged in the territorial or inland waters of the receiving State, the competent authorities of that State shall notify the consular post as soon as possible of the occurrence and shall inform it of the measures taken or to be taken to save the passengers, the vessel and the cargo.

Consular officers 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. They may also request the authorities of the receiving State to take such measures.

2. If the owner of the vessel, the master or any other authorized person is not in a position to make the necessary arrangements for the preservation and management of the vessel and its cargo, a consular officer may, on behalf of the owner of the vessel, make such arrangements as the owner might have made for the same purpose.

3. The provisions of paragraph 2 of this article shall also apply to any article belonging to a national of the sending State and coming from the cargo of a vessel of the sending State or of a third State and which is found on the coast 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 consular officers in any measures to be taken in connection with the damage to the vessel.

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

Article 46. Subject to compliance with the legal provisions in force in the receiving State, consular officers may perform such functions pertaining to control and inspection of civil aircraft of the sending State and their crew members as are prescribed in the rules and regulations of that State. They may also extend assistance to the aforesaid aircraft and their crew members.

The provisions of articles 44 and 45 of this Convention shall apply *mutatis mutandis* to the aforesaid aircraft in so far as they are compatible with the other conventions in force between the two Contracting Parties.

Article 47. 1. In the territory of the receiving State, the consular post may collect the fees and charges prescribed in 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 relating thereto shall be exempt from all taxes and charges in the receiving State.

Article 48. In addition to the functions provided for in this Convention, consular officers may perform any other consular functions assigned to them by the sending State which are not contrary to the public policy of the receiving State.

CHAPTER IV. FINAL PROVISIONS

Article 49. 1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying consular privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the affairs of that State.

2. The consular premises may not be used in any manner incompatible with the exercise of consular functions or contrary to the laws and regulations of the receiving State.

Article 50. 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 51. 1. Consular employees who are nationals or permanent residents of the receiving State, or who carry on any private gainful activities there shall enjoy only the immunities provided for in article 13, paragraph 1, and article 15, paragraph 3, of this Convention.

2. The provisions of chapter II of this Convention, except for those laid down in article 15, paragraph 3, shall not apply to:

- (a) The family members of members of the consular post who are nationals or permanent residents of the receiving State or who carry on any private gainful activity there;
- (b) The family members of a member of the consular post who are themselves nationals or permanent residents of the receiving State, or who carry on any private gainful activity there;

(c) Members of the service staff and private staff who are themselves nationals or permanent residents of the receiving State, or who carry on any private gainful activity there.

3. The receiving State shall exercise jurisdiction over the persons referred to in paragraphs 1 and 2 of this article in such a way as not to impede the functions of the consular post without good cause.

Article 52. 1. The provisions of this Convention shall also apply, in so far as the circumstances permit, to the performance of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of 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 a diplomatic mission referred to in paragraph 2 of this article shall continue to be governed by the rules of international law concerning diplomatic relations.

Article 53. This Convention shall replace and supersede the Consular Convention between Czechoslovakia and Italy signed at Rome on 1 March 1924.¹

Article 54. This Convention shall be ratified. The exchange of the instruments of ratification shall take place at Rome.

Article 55. This Convention shall enter into force on the thirtieth day following the exchange of the instruments of ratification and shall remain in force until one of the Contracting Parties denounces it after giving six months' notice to that effect to the other Contracting Party.

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

DONE at Prague on 10 October 1975, in duplicate in the Czech and Italian languages, both texts being equally authentic.

For the President
of the Socialist Republic
of Czechoslovakia:

Dr. DUŠAN SPÁČIL

For the President
of the Italian Republic:

FRANCESCO CATTANEI

¹ League of Nations, *Treaty Series*, vol. XXXIV, p. 55.