

No. 27320

**CZECHOSLOVAKIA
and
DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA**

**Consular Convention. Signed at Pyongyang on 11 September
1988**

Authentic texts: Czech and Korean.

Registered by Czechoslovakia on 21 June 1990.

**TCHÉCOSLOVAQUIE
et
RÉPUBLIQUE POPULAIRE
DÉMOCRATIQUE DE CORÉE**

**Convention consulaire. Signée à Pyongyang le 11 septembre
1988**

Textes authentiques : tchèque et coréen.

Enregistrée par la Tchécoslovaquie le 21 juin 1990.

[TRANSLATION — TRADUCTION]

CONSULAR CONVENTION¹ BETWEEN THE CZECHOSLOVAK
SOCIALIST REPUBLIC AND THE DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA

The Czechoslovak Socialist Republic and
The Democratic People's Republic of Korea,

With a view to further strengthening and developing the friendly relations and cooperation between the two countries on the basis of the principles of sovereignty, equality, mutual advantages, non-interference in internal affairs and mutual respect, and also in the interest of further strengthening and deepening cooperation in the area of consular activity,

Have decided to conclude this Convention and have agreed as follows:

CHAPTER I. GENERAL PROVISIONS

Article 1. DEFINITIONS

For the purposes of this Convention the following expressions have the meanings given below:

- (1) "Consular post" means a consulate general, consulate, vice-consulate or consular agency.
- (2) "Consular district" means the area designated to the consular post for the exercise of its consular functions.
- (3) "Head of the consular post" means the person empowered by the sending State to perform the duties associated with that function.
- (4) "Consular officer" means any person, including the head of the consular post, empowered to exercise consular functions.
- (5) "Consular employee" means any person employed in the administrative or technical services of a consular post.
- (6) "Member of the service staff" means any person employed in the domestic service of the consular post.
- (7) "Members of the consular post" means the consular officers, consular employees and members of the service staff.
- (8) "Family members" means the spouse, parents and children of a member of a consular post who live with him in a common household.
- (9) "Consular premises" means all buildings, parts of buildings and associated land areas used solely for the purposes of a consular post, irrespective of who their owner is, including the residence of the head of the consular post.

¹ Came into force on 16 June 1989, i.e., the thirtieth day after the exchange of the instruments of the ratification, which took place at Prague on 16 May 1989, in accordance with article 54.

(10) “Consular archives” means all letters, documents, correspondence, books, seals, films, tape recordings, code books, notebooks, registers and various account books and equipment assigned to them for safe keeping and storage.

(11) “Official correspondence” means all correspondence relating to the performance of the functions of the consular post.

(12) “Vessel of the sending State” means any vessel navigating under the authority of the sending State and registered in the sending State, with the exception of warships.

(13) “Aircraft of the sending State” means any aircraft which has the nationality of the sending State, which is registered in that State in accordance with its laws and regulations and which bears its insignia, with the exception of military aircraft.

CHAPTER II. ESTABLISHMENT OF THE CONSULAR POST, APPOINTMENT OF A MEMBER OF THE CONSULAR POST AND PERFORMANCE OF HIS FUNCTIONS

Article 2. ESTABLISHMENT OF THE CONSULAR POST

(1) A consular post may be established in the territory of the receiving State only with its consent.

(2) The site of the consular post, its classification and the consular district shall be determined on the basis of agreement between the sending State and the receiving State.

(3) The site of the consular post, its classification and the consular district may be changed by the sending State only with the consent of the receiving State.

(4) The prior consent of the receiving State shall be required for the establishment of any office which forms part of the consular post which is situated away from the site of that post.

Article 3. NATIONALITY OF CONSULAR OFFICERS

Only a national of the sending State who is not permanently resident in the receiving State may be a consular officer.

Article 4. APPOINTMENT AND ACCEPTANCE OF THE HEAD OF THE CONSULAR POST

(1) The head of the consular post shall be appointed by the sending State, and the authorization for the exercise of his functions shall be granted by the receiving State.

(2) The formalities for the appointment of the head of the consular post shall be carried out with due regard for the provisions of this Convention, in accordance with the laws, regulations and customs of the sending State; the acceptance shall be carried out in accordance with the laws, regulations and customs of the receiving State.

Article 5. THE CONSULAR PATENT

For each appointment of a head of the consular post the sending State shall, through the diplomatic channel, send to the receiving State a consular patent indicating the functions and the name of the head of the consular post, as well as the classification, the consular district and the site of the consular post.

Article 6. EXEQUATUR

(1) The head of the consular post may exercise his functions only after receiving an exequatur of some form from the receiving State.

(2) If a State refuses to grant an exequatur, it shall not be obliged to inform the sending State of the reasons for its refusal.

Article 7. TEMPORARY CONSENT TO THE EXERCISE OF THE FUNCTIONS OF THE HEAD OF THE CONSULAR POST

The receiving State may temporarily permit the head of the consular post to exercise his consular functions before the granting of an exequatur. In such case the provisions of this Convention shall be applied with respect to the head of the consular post.

Article 8. NOTIFICATION TO THE AUTHORITIES OF THE CONSULAR DISTRICT

As soon as the head of the consular post is accepted or permitted to exercise his functions temporarily, the receiving State shall notify that fact without delay to the competent authorities of the consular district. At the same time, it shall take the necessary steps to ensure that the head of the consular post is able to exercise the duties arising from his office and enjoy the benefits established by this Convention.

Article 9. PROVISIONAL EXERCISE OF THE FUNCTIONS OF THE HEAD OF THE CONSULAR POST

(1) If the head of the consular post is unable to perform his functions or if the office of head of the consular post is temporarily vacant, the provisional head of the consular post may temporarily act as head of the consular post.

The sending State may entrust the functions of provisional head of the consular post to another consular officer of the same post or to another consular officer in the receiving State or to a member of the diplomatic staff of the diplomatic mission in the receiving State.

(2) The name of the provisional head of the consular post must be communicated in advance to the receiving State through the diplomatic channel.

(3) The provisional head of the consular post shall be granted the same advantages, privileges and immunities as are enjoyed under this Convention by the head of the consular post.

(4) If 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 is entrusted in the receiving State with the functions of provisional head of the consular post, he shall continue to enjoy diplomatic privileges and immunities.

Article 10. NOTIFICATION OF THE APPOINTMENT, ARRIVAL AND DEPARTURE TO THE RECEIVING STATE

(1) The sending State shall notify to the Ministry of Foreign Affairs of the receiving State or to an authority designated by that Ministry:

(a) The appointment, the arrival, the final departure and the termination and change of the functions of members of the consular post;

(b) The arrival and the final departure of family members of a member of the consular post and also those cases in which a person becomes or ceases to be a family member.

(2) The arrival and the final departure shall, in so far as possible, be notified in advance.

Article 11. DOCUMENT ISSUED TO A CONSULAR OFFICER
BY THE RECEIVING STATE

The competent authority of the receiving State shall issue to a consular officer, free of charge, a document attesting to the right to perform consular functions in the territory of the receiving State.

Article 12. PERSONS DECLARED TO BE “*PERSONA NON GRATA*”

(1) The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that any consular employee or member of the service staff of the consular post is unacceptable.

In such case the sending State shall, depending on the circumstances of such person, either recall him or terminate his functions at the consular post.

(2) If the sending State refuses to do so or if it fails to fulfil within a specified time-limit its obligations under paragraph (1) of this article, the receiving State may either revoke the exequatur of the person concerned or cease to regard him as a member of the consular post.

(3) A person appointed to the functions of a member of the consular post may be declared to be unacceptable before his arrival in the territory of the receiving State or, if he is already in that State's territory, before he takes up his functions at the consular post. In such case the sending State shall withdraw the appointment.

(4) In the cases referred to in paragraphs (1) and (3) of this article the receiving State shall not be required to inform the sending State of the reasons for its decision.

Article 13. TERMINATION OF THE FUNCTIONS OF A MEMBER
OF THE CONSULAR POST

The functions of a member of the consular post shall be terminated *inter alia*:

(a) By a notification from the sending State to the receiving State that the functions of a member of consular post have been terminated;

(b) By revocation of the exequatur;

(c) By a notification from the sending State to the receiving State that it has ceased to regard him as a member of the consular post.

CHAPTER III. CONSULAR FUNCTIONS

Article 14. BASIC CONSULAR FUNCTIONS

Consular functions shall consist *inter alia*:

(a) In protecting the rights and interests of the sending State and its nationals and bodies corporate in the receiving State;

(b) In supporting the development of economic, commercial, cultural, scientific, technical and tourism contacts between the sending State and the receiving

State and the development of friendly relations between the two countries in other areas as well;

(c) In determining the status and development of economic, commercial, cultural and scientific life and life in the area of tourism in the receiving State and in furnishing reports on the subject to the government of the sending State and information to interested persons.

Article 15. PERFORMANCE OF CONSULAR FUNCTIONS

(1) A consular officer shall be entitled to perform in the consular district, in accordance with the legal provisions of the receiving State, the consular functions referred to in this Convention.

(2) A consular officer may, with the consent of the receiving State, perform consular functions outside the consular district as well.

Article 16. COMMUNICATION WITH THE AUTHORITIES OF THE RECEIVING STATE

Consular officers may, in the performance of their functions, communicate with:

(a) The competent local authorities of their consular district;

(b) The competent central authorities, where that is permitted by the laws, regulations and customs of the receiving State or by relevant international treaties.

Article 17. REGISTRATION OF NATIONALS OF THE SENDING STATE

A consular officer shall be entitled to register nationals of the sending State who are permanently or temporarily resident in his consular district.

Article 18. ISSUANCE OF PASSPORTS AND VISAS

(1) A consular officer shall be entitled, in accordance with the legal provisions of the sending State, to issue, extend, alter, invalidate, revoke or suspend the travel documents of nationals of the sending State.

(2) A consular officer shall be entitled to issue appropriate visas to persons who wish to travel to the receiving State and to extend or terminate their validity.

Article 19. NOTARIAL FUNCTIONS

(1) A consular officer shall be entitled to perform at the consular post, at the residence of a national of the Contracting State or on board an aircraft or vessel of the sending State the following functions, provided that that is not contrary to the laws and regulations of the receiving State:

(a) Draw up, receive and certify declarations of nationals of the sending State and contracts between them;

(b) Draw up, authenticate and accept for safe keeping the wills and other documents of nationals of the sending State;

(c) Translate and certify any papers and documents issued by offices of the sending State or the receiving State and certify translations and copies of and extracts from such documents;

(d) Certify the signatures of nationals of the sending State;

(e) Receive for safe keeping documents, papers, money, valuables and other movable property belonging to or intended for nationals of the sending State.

(2) Under the circumstances referred to in paragraph (1) of this article, the papers and documents referred to in this paragraph shall have the same validity in the receiving State as papers and documents certified by the competent authority of that State.

Article 20. FUNCTIONS IN MATTERS RELATING TO PERSONAL STATUS

(1) A consular officer shall, within the limitations established by the legal provisions of the sending State, be entitled:

(a) To solemnize marriages and, where necessary, register divorces between nationals of the sending State and issue the relevant documents relating thereto;

(b) To provide certificates of birth and death and other documents relating to nationals of the sending State and copies of such documents;

(c) To receive declarations relating to the family relations of nationals of the sending State;

(d) To receive requests and declarations in matters relating to the nationality of nationals of the sending State and issue the appropriate documents.

(2) The competent authorities of the receiving State shall, upon request, send to the consular post, without delay and free of charge, such copies of and extracts from civil registers as relate to nationals of the sending State.

Article 21. FUNCTIONS IN MATTERS OF SUCCESSION

(1) The competent authority of the receiving State shall without delay notify the consular post of the sending State of the death of a national of the latter State in the territory of the receiving State, shall send to it, free of charge, a certificate of death and shall communicate to it the available information concerning the heirs and the will, in so far as they are available. Where the national of the sending State has left property in a third State, the competent authorities of the receiving State shall, if that fact becomes known to them, notify the consular post of the sending State.

(2) If in the territory of the receiving State property is inherited by an heir or legatee who is a national of the sending State, the competent authorities of the receiving State shall without delay notify the fact to the consular post of the sending State.

(3) The competent authority of the receiving State shall notify the consular post of the sending State of the steps taken for the protection and administration of the estate left in the territory of the receiving State by a deceased national of the sending State.

A consular officer may, direct or through an authorized representative, provide assistance in taking steps for the protection of the rights of nationals of the sending State to an estate, including supervision of the transport of valuables, which shall be carried out in conformity with the legal provisions of the receiving State.

(4) In dealing with an estate left in the territory of the receiving State, the movable property or the proceeds of the sale of movable or immovable property left to a national of the sending State who is an entitled person or an heir and who is not permanently resident in the receiving State and has not taken part in, nor been represented in, the proceedings shall, after the payment of inheritance dues and taxes and death duties, be delivered to the consular post of the sending State.

(5) If a national of the sending State dies during a temporary stay in the receiving State, all his personal effects and money, together with a list thereof, shall, after payment of his debts be delivered to the consular post, provided that this is not prohibited by the laws and regulations of the receiving State.

Article 22. FUNCTIONS IN MATTERS OF GUARDIANSHIP

(1) A consular officer may assume custody over a minor or other national of the sending State who has no capacity for legal action, particularly where such persons require guardianship or curatorship.

(2) As soon as the authorities of the receiving State learn of any case in which it is necessary to appoint a guardian or curator for a national of the sending State, it shall notify the fact to the competent consular post in writing.

(3) Where the question of the property of minors or of persons not possessing full capacity for legal action has not been settled, the consular officer may request the competent authorities of the receiving State to appoint an administrator for the said property and to take the appropriate steps.

Article 23. REPRESENTATION OF NATIONALS OF THE SENDING STATE BEFORE THE COURTS AND OTHER AUTHORITIES OF THE RECEIVING STATE

(1) The consular officer may, in conformity with the legal provisions of the receiving State, represent nationals of the sending State, or take steps to ensure suitable representation for them, before the courts and other authorities of the receiving State in those cases in which, owing to absence or for other reasons, they are not in a position to take charge of the defence of their rights and interests in good time. The same shall apply in the case of bodies corporate of the sending State.

(2) The representation in accordance with paragraph (1) of this article shall cease as soon as the persons represented appoint their own agent or themselves undertake the defence of their rights and interests.

Article 24. SERVICE OF JUDICIAL AND NON-JUDICIAL DOCUMENTS AND EXECUTION OF ORDERS

Consular officers shall be entitled to serve judicial and non-judicial documents and execute judicial orders and the orders of other State authorities in accordance with international treaties which are binding on both Contracting parties or, if no such treaties exist, in some other manner which is in conformity with the legal provisions of the receiving State.

Article 25. FUNCTIONS RELATING TO MARITIME AND RIVER TRANSPORT

(1) A consular officer may, within his consular district, provide assistance to vessels of the sending State if they are in the internal or territorial waters of the receiving State. The authorities of the receiving State shall, upon request, provide him with the necessary assistance.

(2) A consular officer shall have the right to communicate with the master of the vessel, with the members of its crew and with its passengers. He may come on board the vessel, inspect documents, including those which relate to the cargo of the vessel, its itinerary and its destination, and may investigate events which took place on board the vessel. He shall be entitled to take steps relating to the navigation of the vessel and to events occurring on board the vessel, provided that such measures are

in conformity with the laws and regulations of the sending State and are not contrary to the laws and regulations of the receiving State.

(3) The master of the vessel and a member of its crew acting in his stead shall have the right to communicate with the consular officer without special permission.

(4) If the authorities of the receiving State intend to conduct an inspection or investigation or to take enforcement action, on board a vessel of the sending State, they shall notify a consular officer in advance, in order that he may be present. If he cannot be present, a detailed record of the conduct of the said measures must be sent to him.

(5) If it becomes necessary to take emergency measures or if measures are taken at the request of the master of the vessel, the consular officer must be informed of the fact without delay.

(6) The provisions of paragraphs (4) and (5) of this article shall not apply in the case of customs inspection, frontier inspection and health inspection, nor in the case of the inspection of the vessel's papers and of the documents relating to the qualifications of the vessel's crew.

Article 26

(1) If a vessel of the sending State is wrecked or stranded, runs aground or is damaged in any other way in the internal or territorial waters of the receiving State, the competent authorities of the receiving State shall without delay communicate the fact to the consular officer and inform him what measures have been taken for the rescue and protection of the passengers, the crew, the cargo and the vessel.

(2) The consular officer may request the competent authorities of the receiving State to take measures for the rescue and protection of the passengers, the crew, the cargo and the vessel. If the events referred to in paragraph (1) of this article take place, the competent authorities of the receiving State must provide the consular officer with the necessary assistance in the preparations for and the execution of the relevant measures.

(3) If the operator of the vessel, the master of the vessel or any entitled person on board the vessel is unable to take the necessary steps for the maintenance and management of the vessel or of its cargo, the consular officer may, on behalf of the owner of the vessel, take such steps as the operator himself may take direct.

(4) The provisions of paragraph (3) of this article shall also apply to any article which belongs to nationals of the sending State and becomes separated from the cargo of a vessel of the sending State or of a third State, together with objects which have been found on or near the coast of a receiving State or which have been brought into a port within a consular district.

(5) The damaged vessel, its cargo and its on-board equipment shall be exempt from the payment of customs duties and taxes unless they are unloaded for use or consumption in the territory of the receiving State.

Article 27. FUNCTIONS RELATING TO CIVIL AIRCRAFT

The provisions of articles 25 and 26 of this Convention shall apply *mutatis mutandis* to the civil aircraft of the sending State unless this is contrary to the laws and regulations of the receiving State.

Article 28. OTHER CONSULAR FUNCTIONS

The consular officer may also perform other consular functions which had been entrusted to him by the sending State and which are not covered by this Convention, provided that the receiving State consents thereto in advance.

Article 29. CONSULAR PAYMENTS AND FEES

(1) The consular post may collect in the territory of the receiving State such payments and fees for its consular actions as are established by the laws and regulations of the sending State.

(2) The payments and fees referred to in paragraph (1) of this article and receipts attesting to their payment shall be exempt from any fees or taxes in the receiving State.

CHAPTER IV. PRIVILEGES, FACILITIES AND IMMUNITIES

Article 30. FACILITATION OF THE WORK OF THE CONSULAR POST AND PROTECTION OF CONSULAR OFFICERS

(1) The receiving State shall facilitate the performance of the functions of the consular post and of consular officers and shall take the necessary steps to enable them to enjoy the privileges, facilities and immunities established by this Convention.

(2) The receiving State shall treat the consular officers of the sending State with due respect and shall take all necessary steps to safeguard their personal safety, freedom and dignity.

Article 31. USE OF THE STATE COAT OF ARMS AND THE STATE FLAG

(1) The State coat of arms of the sending State and a sign with the designation of the consular post in the language of the sending State and the language of the receiving State may be affixed to the building of the consular post and to its entrance.

(2) The State flag of the sending State may be flown from the building of the consular post, the residence of the head of the consular post and the means of transport used by the head of the consular post for official purposes.

(3) In the exercise of the rights granted under this article, the consular post shall comply with the laws, regulations and customs of the receiving State.

Article 32. ACQUISITION, LEASING AND USE OF LAND AND BUILDINGS BY THE SENDING STATE

(1) In accordance with the laws and regulations of the receiving State, the sending State may acquire buildings and parts of buildings, including parcels of land, lease them, construct them or use them in any other manner established by the said laws and regulations for the needs of the consular post or for the residence of members of the consular post who are nationals of the sending State.

(2) The receiving State shall provide all necessary assistance to the sending State in acquiring land and buildings or parts of buildings for the purposes referred to in paragraph (1).

(3) In the event of the construction of the building of the consular post, part of the building of the consular post or auxiliary buildings in accordance with para-

graph (1) of this article, the sending State must comply with the laws and regulations relating to construction and land planning and other conditions in force in the relevant areas.

Article 33. INVIOIABILITY OF THE CONSULAR PREMISES

- (1) The consular premises shall be inviolable.
- (2) The authorities of the receiving State may not enter the consular premises except with the consent of the head of the consular post, the head of the diplomatic mission of the sending State or a person designated by either of them.
- (3) The receiving State shall have a special obligation to take all appropriate measures for the protection of the consular premises against any attack or damage and to prevent disturbances of its tranquillity or violations of its dignity.
- (4) The consular premises, their equipment, the property of the consular post and its means of transport shall not be subject to any form of requisition for the purposes of national defence or public use.

Article 34. EXEMPTION FROM TAXATION OF THE CONSULAR PREMISES, OF THE RESIDENCES OF THE MEMBERS OF THE CONSULAR POST AND OF MOVABLE PROPERTY

- (1) The consular premises and the residences of the members of the consular post which are owned or leased by the sending State or by any person acting on its behalf shall be exempt from all national, regional or local taxes and charges, with the exception of payments charged for the performance of services.
- (2) The exemptions referred to in paragraph (1) of this article shall also apply to movable property which is owned by the sending State or which is used by it and is intended for consular purposes.

Article 35. INVIOIABILITY OF THE CONSULAR ARCHIVES

The consular archives shall be inviolable at all times and places.

Article 36. FREEDOM OF COMMUNICATION

- (1) The receiving State shall permit and protect the consular post's freedom of communication for official purposes.

In communicating with the government, diplomatic missions and other consular posts of the sending State, wherever they may be found, the consular post may use any appropriate means, including diplomatic and consular couriers, diplomatic and consular bags and messages in code or cipher. The consular post may, however, construct radio sending stations only with the consent of the receiving State.

- (2) In the use of public communications media, the conditions applicable to the consular post shall be the same as those applicable to the diplomatic mission.
- (3) The official correspondence of the consular post and the consular bag shall be inviolable and may not be opened or confiscated. The consular bag must be provided with a visible external marking of its nature. It may contain only official correspondence, documents and articles intended for official use.

- (4) The consular courier must be provided with an official document indicating his status and the number of parcels constituting the consular bag. The consular courier shall be a national of the sending State. With the consent of the

receiving State, a national of the receiving State or a national of a third State who is permanently resident in the receiving State may also be a consular courier. In the performance of his functions he shall enjoy the protection of the receiving State, shall enjoy personal inviolability and may not in any way be detained, taken into custody or otherwise limited in his personal freedom.

(5) The consular bag may be intrusted to the master of a vessel or the captain of a civil aircraft which has docked or landed at a permitted location. The master or captain shall be furnished with an official document indicating the number of parcels constituting the consular bag. He shall not, however, be regarded as a consular courier.

A consular officer may freely receive the consular bag direct from the master of the vessel or the captain of the aircraft or deliver the bag to him.

*Article 37. COMMUNICATION AND CONTACT WITH NATIONALS
OF THE SENDING STATE*

(1) In order to facilitate the performance of consular functions relating to nationals of the sending State:

(a) Consular officers shall have the right to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same right to communication and contact with consular officers of the sending State;

(b) The competent authorities of the receiving State shall without delay, but not later than within three days, inform the consular posts of the sending State of occasions on which the national of the sending State has been detained, taken into custody or otherwise limited in his personal freedom within its consular district. The said authorities shall help the national of the sending State who has been detained, taken into custody or otherwise limited in his personal freedom to establish communication with his consular post;

(c) The consular officer shall have the right, not later than seven days after the date on which he makes a request to that effect to the competent authorities of the receiving State, to visit a national of the sending State who has been detained, prosecuted or otherwise limited in his personal freedom, to speak with him and to ensure his legal representation.

(2) The rights referred to in paragraph (1) of this article shall be exercised in accordance with the laws and regulations of the receiving State, provided, however, that the laws and regulations make possible the full attainment of the purposes for which the rights in accordance with the full attainment of article were granted.

Article 38. FREEDOM OF MOVEMENT

The receiving State shall ensure to all members of the consular post freedom of movement and travel in its territory, with the exception of areas access to which is prohibited or limited by laws and regulations or arranged only subject to State security.

Article 39. INVIOABILITY OF CONSULAR OFFICERS

The person and the private residence of the consular officer shall be inviolable. The consular officer may not in way be taken into custody or otherwise limited in his personal freedom.

Article 40. EXEMPTION OF CONSULAR OFFICERS FROM JURISDICTION

(1) A consular officer shall be exempt from the criminal jurisdiction of the receiving State. He shall likewise be exempt from civil and administrative jurisdiction with the exception of cases involving:

(a) An action relating to private immovable property;

(b) An action relating to succession in which the consular officer is concerned as a private person;

(c) An action relating to the exercise of a professional or commercial activity which he exercises in the receiving State apart from his official functions;

(d) An action brought by a third party and relating to damage occurring in the receiving State as a result of an accident caused by a motor vehicle, vessel or aircraft.

(2) The consular officer shall not be subject to enforcement measures with the exception of the cases referred to in paragraph (1), items (a), (b), (c) and (d), of this article, provided that the said measures can be taken without infringing the inviolability of his person and of his private residence.

(3) The provisions of paragraphs (1) and (2) of this article shall also apply to family members of consular officers if they are nationals of the sending State and are not permanently resident in the receiving State.

(4) The consular officer's exemption from the jurisdiction of the receiving State shall not imply his exemption from the jurisdiction of the sending State.

Article 41. EXEMPTION OF CONSULAR EMPLOYEES FROM JURISDICTION

(1) Consular employees shall not be subject to the criminal jurisdiction of the receiving State. They shall not be subject to the civil and administrative jurisdiction of the receiving State in matters relating to the performance of their official functions.

(2) The provisions of paragraph (1) of this article shall, however, not apply to civil cases;

(a) Arising from a contract concluded by the consular employee which he did not expressly or evidently conclude as a representative of the sending State, or

(b) Initiated by a third party in the event of damage occurring in the receiving State as a result of an accident caused by a motor vehicle, vessel or aircraft.

Article 42. OBLIGATION TO GIVE EVIDENCE

(1) A consular officer shall not be required to give evidence as a witness.

(2) Consular employees or members of the service staff may be summoned to appear as witnesses in the course of a judicial or administrative proceeding. A consular employee or a member of the service staff may not, with the exception of the cases referred to in paragraph (3) of this article, refuse to give evidence.

(3) Consular employees or members of the service staff shall not be required to give evidence relating to matters connected with the performance of their functions or to exhibit official correspondence and documents relating to such matters.

Article 43. EXEMPTION FROM ALIEN REGISTRATION AND RESIDENCE PERMITS

(1) Members of the consular post and their family members shall be exempt from all obligations imposed by the laws and regulations of the receiving State which relate to the registration of aliens and to residence permits.

(2) The provisions of paragraph (1) of this article shall, however, not apply to consular employees and members of the service staff who are not permanent employees of the sending State or who are engaged in private gainful employment in the receiving State, or to their family members.

Article 44. EXEMPTION FROM SOCIAL SECURITY

(1) Members of the consular post and their family members shall, in matters relating to the service they are performing for the sending State, be exempt from the provisions relating to social security which are in force in the receiving State.

(2) The exemption referred to in paragraph (1) of this article shall not preclude voluntary participation in the social security system of the receiving State, provided that the receiving State permits such participation.

Article 45. EXEMPTION FROM TAXATION

(1) Consular officers, consular employees, their family members and members of the service staff shall, in the receiving State, be exempt from all taxes and charges, whether national, regional or local, relating to persons and articles, with exception of the following cases:

(a) Indirect taxes which are normally incorporated into the price of goods and services;

(b) Taxes and charges on private immovable property in the territory of the receiving State, subject to the provisions of article 34;

(c) Estate or inheritance charges levied on property which are collected by the receiving State subject to the provisions of article 48, subparagraph (b);

(d) Taxes and charges on private income from a source within the receiving State;

(e) Charges collected for the performance of special services;

(f) Registration, judicial, document, mortgage and stamp charges, subject to the provisions of article 34.

Article 46. EXEMPTION FROM CUSTOMS DUTIES AND CUSTOMS INSPECTION

(1) The receiving State shall, in accordance with its laws and regulations, permit the import of the following and shall grant exemption from all customs duties, taxes and charges associated therewith, with the exception of storage, preparation and similar services:

(a) Articles intended for the official use of the consular post, including motor vehicles;

(b) Articles intended for the personal use of the consular officers and their family members, including motor vehicles. Articles intended for consumption shall not exceed the quantity necessary for direct consumption by the persons concerned.

(2) Consular employees and members of the service staff shall enjoy the privileges and immunities referred to in paragraph (1), item (b), of this article, in respect of articles imported at the time of their first arrival at the consular post.

(3) Personal baggage brought by consular officers and their family members shall be exempt from inspection. They may be inspected only if there are substantial reasons to believe that they contain articles other than those referred to in paragraph (1), item (b), of this article or articles whose import or export is prohibited by the laws and regulations of the receiving State or to which that State's laws and regulations concerning quarantine are applicable. The said inspection shall be conducted only in the presence of the consular officer or his family member.

Article 47. EXEMPTION FROM SERVICE AND OBLIGATIONS

The receiving State shall exempt the members of the consular post and their family members from all personal and public service and work and from all military obligations.

Article 48. PROPERTY OF A MEMBER OF THE CONSULAR POST
OR OF ONE OF HIS FAMILY MEMBERS

The receiving State shall, in the event of the death of member of a consular post or of one of his family members;

(a) Permit the export of the movable property of the deceased, with the exception of property which was acquired in the receiving State and whose export was prohibited at the time of his death;

(b) Shall not collect any national, regional or local estate or inheritance taxes or charges, or any charges in respect of property in so far as concerns movable property which belonged to the member of the consular post, or to his family member who died in the territory of the receiving State.

Article 49. SPECIAL PROVISIONS RELATING TO PRIVILEGES,
FACILITIES AND IMMUNITIES

(1) The provisions of this Convention which relate to privileges, facilities and immunities shall not be applicable to a consular employee or a member of the service staff who is a national of the receiving State or is a national of the sending State who is permanently resident in the receiving State, or who is a national of a third State.

(2) Family members of a consular employee or of a member of the service staff, provided that they are not nationals of the receiving State, nationals of the sending State permanently resident in the receiving State or nationals of a third State or [*sic*] are not engaged in private gainful activity shall enjoy the facilities and immunities which are granted in accordance with this Convention to a consular employee or a member of the service staff.

(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 interfere with the performance of the functions of the consular post.

CHAPTER V. FINAL PROVISIONS

Article 50. COMPLIANCE WITH THE LAWS AND REGULATIONS OF THE RECEIVING STATE

(1) Without prejudice to the facilities and immunities of all persons enjoying such facilities and immunities, it shall be their obligation to comply with the laws and regulations of the receiving State. They shall also have an obligation not to interfere in the internal affairs of the receiving State.

(2) The receiving State shall ensure protection of the consular premises.

(3) The consular post, the members of the consular post and their family members shall comply with the laws and regulations of the receiving State which relate to the insurance of vehicles which they own or use.

Article 51. EXERCISE OF CONSULAR FUNCTIONS BY DIPLOMATIC MISSIONS

(1) The provisions of this Convention shall apply *mutatis mutandis* to the exercise of consular functions by members of the diplomatic mission to the sending State in the receiving State.

(2) The names of the members of the diplomatic mission who are entrusted with work at the consular sections or who are otherwise entrusted with the exercise of consular functions of the mission must be communicated to the Ministry of Foreign Affairs of the receiving State or to the authority designated by that Ministry.

(3) In the exercise of consular functions, the diplomatic mission may communicate with:

(a) The local authorities in the consular district;

(b) The competent central authorities, provided that this is permitted by the laws, regulations and customs of the receiving State or by relevant international treaties.

(4) The facilities and immunities of the members of the diplomatic mission which are referred to in paragraph (1) of this article shall continue to be governed by the rules of international law which relate to diplomatic relations.

Article 52

The provisions of this Convention which relate to nationals of the sending State shall also apply to its bodies corporate.

Article 53. RATIFICATION

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

Article 54. VALIDITY AND DENUNCIATION

This Convention shall enter into force on the thirtieth day after the date of the exchange of the instruments of ratification. It shall remain in effect until the expiry of six months after the date on which either of the Contracting Parties informs the other Contracting Party in writing that it intends to denounce the Convention.

DONE on 11 February 1988 at Pyongyang, in two original copies, each in the Czech and Korean languages, both texts being equally authentic.

For the Czechoslovak Socialist
Republic:

[BOHUSLAV CHŇOUPEK]

Plenipotentiary
of the Czechoslovak Socialist
Republic

For the Democratic People's
Republic of Korea:

[KIM YONG NAM]

Plenipotentiary
of the Democratic People's Republic
of Korea
