

¹ TRADUCTION. — TRANSLATION.No. 3009. — CONSULAR CONVENTION² BETWEEN FRANCE AND CZECHOSLOVAKIA. SIGNED AT PARIS, JUNE 3, 1927.

French official text communicated by the President of the Council, Minister for Foreign Affairs of the French Republic. The registration of this Convention took place August 2, 1932.

THE PRESIDENT OF THE FRENCH REPUBLIC and THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, being desirous of reaching an agreement concerning the reciprocal admission of Consuls and other Agents of the Consular Service, determining their privileges and immunities and defining their powers, have resolved to conclude a Convention and for this purpose have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Aristide BRIAND, Deputy, Minister for Foreign Affairs ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Stefan OSUSKY, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Paris ;

M. Karel HALFAR, Head of the International Treaties Department at the Ministry of Foreign Affairs of the Czechoslovak Republic ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

Article 1.

Each of the High Contracting Parties shall be entitled to establish Consulates-General, Consulates, Vice-Consulates and Consular Agencies on the territory of the other Party. They, nevertheless, reserve the right to designate the places which they may deem it desirable to except, provided that the said reservation shall apply equally to all Powers.

Article 2.

1. Heads of Consulates-General, Consulates, Vice-Consulates and Consular Agencies shall be admitted and recognised by the Government of the country in which they reside according to the rules and formalities established in that country, on presentation of their credentials and for the district specified therein. The exequatur necessary for the free exercise of the functions of the said agents shall be issued to them without delay and without charge.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place June 2, 1932.

2. The Government of the country in which they reside shall immediately inform the competent authorities of the consular district of the appointment of the Agents in question, which authorities shall, on the strength of such notification or on production of the exequatur, immediately take all necessary steps to enable the Agents to discharge the duties entrusted to them and to give them the benefit of the privileges and immunities granted under the present Convention.

3. It is understood that Heads of Consular Agencies may be appointed by Heads of Consulates-General, Consulates and Vice-Consulates, if the legislation of the State to which such Agents belong allows. Heads of Consular Agencies shall be provided with authorisation in writing issued by the Consul in whose district the locality, port or town, or Consular Agency, is situated and under whose orders they are placed. The exequatur will be issued to them on production of the said authorisation.

Article 3.

1. Should the Head of a Consulate-General, Consulate, Vice-Consulate and Consular Agency be absent or die or be prevented for any reason from exercising his functions, the Agents appointed either under the regulations of the State which created the post or by the competent authority of that State, shall be admitted as of full right to discharge the duties of Head of a Consular Office *ad interim*.

2. The local authorities, when duly notified, shall render them assistance and protection and shall accord them during their temporary conduct of business the benefits of the privileges and immunities reciprocally conferred upon titular Consuls by the present Convention.

3. By the term Head of a Consular Office as employed in the present Convention is meant : titular or temporary Heads of consular offices.

Article 4.

1. Heads of Consular Offices (Consulates-General, Consulates, Vice-Consulates and Consular Agencies) and Agents of the Consular Service (acting and assistant Consuls, Vice-Consuls, chancery attachés and Secretaries, chief clerks, chancery assistants, consular attachés and secretaries, interpreters, chancery clerks) whatever their nationality, shall not be amenable to the jurisdiction of the judicial or administrative authorities of the country in which they reside, in respect of acts done by them within the limits of the powers conferred upon them by the present Convention. Should an Agent put forward this plea before an authority of the country in which he resides, such authority shall not take any decision on the matter, since all difficulties of this character must always be settled through the diplomatic channel.

2. These Agents shall appear as witnesses when called upon to attend by the authorities of the country in which they reside, but without any threat of penalties in the event of non-appearance. Nevertheless, the Head of the Consular Office may, if necessary, adduce the fact that he is prevented from appearing by the requirements of his service as a legitimate reason for postponing his attendance to a later, but not very distant, date. The same shall apply to Agents of the consular service if the postponement of their attendance, under the same conditions, is requested by the Head of the Consular Office for the same reasons.

3. These agents may refuse to give evidence or to produce documents in their possession (a) in the cases provided for by local law, or (b) on the ground that they would be guilty of a violation of professional or State secrecy. Should the judicial or administrative authority consider that the latter excuse or plea (b) is not warranted, it shall refrain from employing any measures of constraint against the Agent, since difficulties of this kind must always be settled through the diplomatic channel.

4. These Agents shall be exempt from any military requisition in respect of the premises used for their chancery and archives.

Article 5.

1. In addition to the privileges and immunities mentioned in Article 4, Heads of Consulates and Agents of the Consular Service, when citizens of the State which has appointed them, shall be exempt from : (a) any military requisition, whether personal or in respect of movable or immovable property for their personal use ; (b) from direct imposts on movable property in the nature of a personal tax, imposed by any authority of the State in question ; but they must pay any dues which are of the nature of remuneration for a special service rendered. The Governments of the two High Contracting Parties shall jointly determine the imposts specified under (b), exemption from which in each of the two States is granted in application of the present paragraph.

2. If, however, these Agents are in possession of immovable property or movable securities, engage in commerce or carry on any industry or profession, or have capital invested in industrial or commercial undertakings, they are not entitled to claim any privilege in respect of these activities, and shall be subject to the same dues, charges and taxes as any other private persons under the same conditions, subject to the provisions of the preceding paragraph.

3. These Agents may not be subjected to preventive detention except for offences which, under the local legislation, are punishable with imprisonment for not less than one year. In the case of arrest or prosecution, the Government of the State in which they reside shall as soon as possible advise the diplomatic representative under whose authority the above-mentioned officials are placed.

4. They shall be immune from arrest both in civil matters and in connection with isolated commercial acts (such as signing or endorsing a bill of exchange), and if they are engaged in commerce they may only be arrested for acts exclusively connected with their business, and not for civil matters.

Article 6.

1. Heads of Consular Offices and Agents of the consular service of the two High Contracting Parties shall be entitled to place above the outer door of the consular building the coat-of-arms of their country with the inscription :

“ Consulate-General, Consulate, Vice Consulate or Consular Agent . . . ”

2. They may also fly the flag of the State which has appointed them on the consular building and on any vessel which they may employ on days of public solemnities and on other customary occasions, it being understood that these external signs shall never be interpreted as constituting a right of asylum.

Article 7.

1. Seals, shields, flags, emblems of State, books, archives, official documents and printed documents for the work of the office (not including articles of stationery) sent by the Governments of the High Contracting Parties to the Heads of the consular office shall be admitted free of Customs duty or other charge.

2. Heads of Consular offices and Agents of the Consular service, being citizens of the State which has appointed them and permanent officials (*consules missi*), shall be exempt from Customs duties and all other charges in respect of furniture for their personal use which they may import in order to instal themselves in the State in which they are to reside.

Article 8.

1. Consular archives shall at all times be inviolable and the local authorities may not, under any pretext, examine or seize any papers, documents or files forming part thereof. These papers,

documents and files shall always be kept completely separate from books, papers and documents of a personal character or relating to the commerce or industry in which the respective consular officials may be engaged.

2. If a Head of a consular office or an Agent of the consular service of one of the two High Contracting Parties, who is called upon by the local judicial or administrative authorities to hand over or to produce papers, documents, or files kept in his archives refuses to do so, the judicial or administrative authority shall refrain from employing any measure of constraint, all difficulties of this nature having to be settled through the diplomatic channel.

Article 9.

Subject to the privileges and immunities mentioned in the preceding Articles, Heads of consular offices and Agents of the consular service shall be amenable to the same treatment as nationals of the State to which they belong.

Article 10.

1. Consuls-General, Consuls, Vice-Consuls and consular Agents shall be entitled to protect the nationals of the State which has appointed them and to defend, in accordance with international law and usage, all the rights and interests of such nationals.

2. To this end they may address themselves to any authority in their area for the purpose of protecting against any breach of treaties or conventions existing between the two countries, or any abuse of which their nationals may have to complain. Should their protests not be heeded by such authorities, they may apply direct to the Government of the State in which they reside, but only in the absence of any diplomatic representative of the country which has appointed them.

3. Communications with the local authorities shall be in the official language of the country of residence.

Article 11.

Consuls-General, Consuls, Vice-Consuls and consular Agents shall, if the law of the State which has appointed them allows, be entitled to receive declarations of births and deaths of nationals of that State in their offices, but the persons concerned shall be obliged to make the declarations required by the law of the country in question.

Article 12.

On the death of a national of either of the Contracting States in the territory of the other, the local authority shall immediately advise the Consul-General, Consul, Vice-Consul or consular Agent in whose area the death takes place and forward to him as soon as possible without charge, a copy of the death certificate.

The present provision shall not affect special agreements concerning the exchange of documents relating to the civil status of the respective nationals.

Article 13.

1. Should a French national leave property in Czechoslovakia or a Czechoslovak national leave property in France and should the heirs, or some of their number, be unknown or absent, Consuls-General, Consuls, Vice-Consuls and consular Agents shall be entitled to demand that seals be affixed to the effects, papers and other movable property of the deceased and to be present

when this formality is carried out. They shall take steps to ensure that the competent authorities make investigations for the purpose of discovering whether a will exists, and shall receive communication of all information and documents which may enable them to ascertain the heirs. They may require that an inventory be drawn up and shall have the right to be present at the drafting thereof. They may, further, should they think it desirable, demand the appointment by the competent local authorities of an administrator or curator of the estate, who shall be chosen at their suggestion from among the persons designated by law or custom to carry out such duties.

2. The administrator or curator shall, whenever he is called upon to do so, communicate to the Consul-General, Consul, Vice-Consul or Consular Agent, all information connected with the winding up of the estate.

3. The consular authorities may no longer intervene when it is ascertained that none of the heirs are of the nationality of the State which appointed the consular Agent or that all the heirs are present or represented.

Article 14.

1. The provisions of Article 13 shall apply when nationals of one of the Contracting States, who are absent or without capacity, and not legally represented, are interested in a succession open on the territory of the other State, whatever be the nationality of the deceased. The consular authorities, however, may no longer intervene when the heirs of the nationality of the State which has appointed the Agent are present or represented.

2. The stipulations of the present Article do not however affect rights granted by former treaties to the Agents of the consular service of the State of which the deceased was a national.

Article 15.

1. Heads of consular offices and Agents of the consular service may, if the law of the State which has appointed them allows and in accordance with the powers conferred upon them by such law, receive :

(a) Testamentary dispositions and contracts of marriage of nationals of that State ;

(b) Any document, provided that it does not refer to property, transactions or claims in the territory of the State of residence.

2. Copies and extracts of documents received in virtue of the preceding paragraph shall, when duly certified by the said Agents and sealed with the seal of the consular office, possess the same force both in courts of law and elsewhere, in Czechoslovakia and in France, as the originals, and shall have the same authenticity and value as evidence as if they had been done by a notary or other public official of either State, provided that such acts have been drawn up in the form prescribed by the laws of the State which has appointed such Agents, and fulfil all the requirements as regards stamping, registration and other formalities in the State where the act is to become operative. Should any doubt arise concerning the authenticity of copies or extracts of acts drawn up in the chancellery of one of the Consulates, the consular authority may not refuse to compare the copy with the original at the request of the party concerned, such party shall be entitled to be present, if he so desire, when the comparison is made.

Article 16.

1. Consuls-General, Consuls, Vice-Consuls and consular Agents of the two High Contracting Parties may translate and legalise any kind of document emanating from authorities or officials

of the State which appointed them or from authorities or officials of third States, but in the latter case only if the said documents concern their nationals.

2. Translations made by them shall have the same force and the same authority as if they had been drawn up by sworn translators of that State.

3. The said consular Agents may also legalise the signature of their nationals.

Article 17.

The judicial and administrative authorities of the State in which they reside shall be entitled to request Consuls-General, Consuls, Vice-Consuls and consular Agents of the two High Contracting Parties to act as interpreters or to designate an interpreter to assist their nationals.

Article 18.

Consuls-General, Consuls, Vice-Consuls and consular Agents may issue passports and other personal documents to their nationals and visa all passports and other documents. These passports and documents may be used before the local authorities to the extent allowed by custom, by law or by regulation in the State in which they reside.

Article 19.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may, without resort to coercion, enlist any of their nationals who voluntarily submit to the formality of recruiting.

Article 20.

Allowances or compensation due for occupational accidents may be paid to Consuls-General, Consuls, Vice-Consuls and consular Agents of the State of which the person entitled is a national, should he not be at the moment in the territory of the State in which the above-mentioned Agents reside. Insurance companies and other concerns shall be relieved of liability on obtaining receipts given by the said Agents.

Article 21.

1. Consuls-General, Consuls, Vice-Consuls and consular Agents may receive for safe custody sums of money, documents and articles of any kind which may be handed over to them by their nationals. Articles, etc., so deposited shall not enjoy the privileges provided for in Article 8 for consular archives.

2. These Agents may, on the occasion of any act performed by them in the exercise of their duties, levy any consular fee or charge prescribed by the law of the State which has appointed them.

Article 22.

It is further agreed that Heads of consular offices and Agents of the consular service of either State shall, subject to reciprocity, enjoy in the other State all privileges and immunities which are or may hereafter be granted to officials of the same class belonging to the most-favoured-nation.

Article 23.

The present Convention shall be ratified.

It shall come into force one month after the exchange of ratifications.

It shall cease to have effect on the expiration of a period of six months dating from the notice of denunciation given by either of the High Contracting Parties.

In faith whereof, the undersigned, duly authorised for the purpose, have signed the present Convention and have thereto affixed their seals.

Done at Paris, in duplicate, June 3, 1927.

(L. S.) (*Signed*) A. BRIAND.
Stefan OSUSKY.
Karel HALFAR.