

Unofficial Translation

**RULES FOR ESTABLISHING AND CLOSING DOWN CONSULAR POSTS HEADED BY
HONORARY CONSULAR OFFICERS OF FOREIGN STATES
IN THE TERRITORY OF THE CZECH REPUBLIC**

Article 1

Establishing a consular post and appointing an honorary consular officer

- (1) **Proposals to establish** a consular post and to appoint an honorary consular officer of a foreign State in the Czech Republic must be presented through diplomatic channels to the Consular Department of the Ministry of Foreign Affairs of the Czech Republic. The sending State must present a verbal note announcing that its government intends to establish a consular post headed by an honorary consular officer in the territory of the Czech Republic [see (2) (a) – (e) below]. It is not admissible to request the Czech Republic's consent to the appointment of an honorary consular officer, unless the sending State requests or has requested, through its diplomatic mission, the Czech Republic's consent to the establishment of the respective consular post, except in cases where the honorary consular officer is nominated for appointment to a vacant position of head of an existing consular post. The verbal note requesting consent to the appointment of an honorary consular officer must be presented together with or after the note requesting consent to the establishment of the respective consular post [see (2) (f) below].
- (2) **The verbal note must contain the following:**
- (a) the **classification of the consular post** and the class of the head of the consular post;
 - (b) the **seat of the consular post** (the consular post must not be established in a location where the sending State already has a diplomatic mission or a career consular post); **the expression “seat” is understood to mean, in principle, a city that hosts the sessions of a Regional Council and the offices of a Regional Governor, including the Capital City of Prague.** The Capital City of Prague should be chosen as the seat of a consular post headed by an honorary consular officer only in cases where the supervising diplomatic mission accredited to the Czech Republic is established outside the territory of the Czech Republic;
 - (c) the **consular district** encompassing one region or several neighbouring regions; in cases where the supervising diplomatic mission accredited to the Czech Republic is established outside the territory of the Czech Republic, the consular district should preferably encompass the whole territory of the Czech Republic. If the supervising diplomatic mission is established outside the territory of the Czech Republic, the sending State may present its notes requesting the Czech Republic's consent to the establishment of a consular post and appointment of the head of such post only after the head of the supervising diplomatic mission has been duly accredited to the Czech Republic, or only after another member of the staff of the supervising diplomatic mission has been accredited to exercise his/her functions in the territory of the Czech Republic (Article 5 of the Vienna Convention on Diplomatic Relations). Otherwise, the verbal notes presented by the sending State will not be considered and any supporting documents will be returned without further action;

- (d) a **list of the functions** entrusted to the consular post by the sending State **in accordance with Article 5 of the Vienna Convention on Consular Relations**;
 - (e) thorough explanation of the purpose for which the consular post is to be established, detailing the sending State's needs such as specific economic interests or the need to provide consular services to a demonstrably great number of nationals of the sending State;
 - (f) personal data of the nominated honorary consular officer, including his/her first name(s) and surname, surname at birth, place, country and date of birth, present nationality, nationality at birth and any other nationality including, in each case, the date and manner of acquiring the given nationality;
 - (g) the necessary supporting documents, including a photocopy of the nominated honorary consular officer's national identity document or ordinary passport issued in the Czech Republic, and his/her structured CV including registered residence address in the Czech Republic and in any other country where appropriate. If the CV contains a reference to any legal entity, such reference must include verifiable data enabling the identification of the legal entity. If the nominated honorary consular officer is not a beneficial owner of such legal entity, the reference must include information on the legal entity's beneficial owner(s).
- (3) The position of the Ministry of Foreign Affairs of the Czech Republic regarding its consent to the establishment of the consular post will be communicated to the sending State in a verbal note. If the Ministry of Foreign Affairs of the Czech Republic grants its preliminary consent to the appointment of an honorary consular officer to head the consular post, it will request the sending State to present the original of his/her consular commission.
- (4) The consular commission must include the honorary consular officer's full first name(s) and surname, his/her class and functions according to Article 5 of the Vienna Convention on Diplomatic Relations, and the classification, seat and consular district of the respective consular post.
- (5) On receiving the consular commission, the Ministry of Foreign Affairs of the Czech Republic will grant the honorary consular officer an exequatur. The exequatur will be in effect for as long as the consular commission remains in effect, but no more than five years after the date of issue of the consular commission or the note presented by the Ministry of Foreign Affairs of the sending State pursuant to Article 5 (2) below. The Ministry of Foreign Affairs of the Czech Republic will transmit the original of the exequatur, and at the same time return the original of the consular commission, to the sending State through diplomatic channels.
- (6) The **number of consular posts** headed by honorary consular officers that may be established by one sending State in the territory of the Czech Republic is subject to the principles of proportionality and reasonableness; the sending State's proposals to establish a consular post must provide reasons for the given number of consular posts.

Article 2

Status of an honorary consular officer of a foreign State in the Czech Republic

- (1) Honorary consular officers are individuals entrusted with the exercise of some consular functions in the Czech Republic. They are not career consular officers.

- (2) Their status is governed by international law, in particular by the Vienna Convention on Consular Relations (Chapter III), the legislation of the Czech Republic, the rules laid down herein, and the established practice.
- (3) In the exercise of their functions, honorary consular officers should maintain contact with the Consular Department, the respective geographic desk and the Diplomatic Protocol of the Ministry of Foreign Affairs of the Czech Republic.
- (4) In the exercise of their functions, honorary consular officers must respect the laws and regulations of the Czech Republic and the standards of international law; they must not act outside the scope of their authority as specified by the sending State in its verbal note requesting the Czech Republic's preliminary consent to the establishment of the respective consular post and appointment of its head and in the consular commission.

Article 3

Opening a consular post headed by an honorary consular officer

- (1) The consular post should be opened without undue delay as soon as the exequatur is granted, in any case no later than six months after the exequatur has been transmitted to the sending State. The date of opening the consular post must be notified by the sending State to the Ministry of Foreign Affairs of the Czech Republic.
- (2) If the above time limit elapses without the consular post being opened, the consular post is deemed to have never been established. The Ministry of Foreign Affairs of the Czech Republic, acting through its Consular Department, will notify the sending State that it has withdrawn the consent to the establishment of the consular post and the exequatur granted to the head of the post.

Article 4

Registering with the Diplomatic Protocol

- (1) A new honorary consular officer must register promptly as soon as the consular post is opened.
- (2) **The diplomatic mission accredited to the Czech Republic that supervises the new consular post must present to the Ministry of Foreign Affairs of the Czech Republic a verbal note stating the date of opening the post, the address, full contact details and opening hours of the post. The verbal note must be accompanied by two copies of the honorary consular officer's registration form, duly filled in, and a photocopy of the personal data page of his/her identity document (passport or national identity document).**
- (3) The ID card issued to the honorary consular officer will be valid for as long as his/her exequatur remains in effect. Detailed registration rules can be found in **Diplomatic Protocol Handbook I – Privileges and Immunities** (www.mzv.cz/protokol).

Article 5

Extending an honorary consular officer's term of office

- (1) The sending State must **present the new consular commission** to the Consular Department of the Ministry of Foreign Affairs of the Czech Republic no later than two months before the expiry of the exequatur, to ensure that the new exequatur can be issued while the existing one is still in effect. In case the new exequatur is not issued before the expiry date of the existing one, the Czech Republic will regard the consular post as closed.
- (2) In cases where the sending State has not determined the time for which the consular commission is to remain in effect, the **Ministry of Foreign Affairs of the sending State must present a verbal note confirming that the honorary consular officer remains in office**; this note must be presented no later than **two months** before the expiry date of the exequatur issued by the Ministry of Foreign Affairs of the Czech Republic. The note must be accompanied by the honorary consular officer's updated CV.
- (3) If the sending State does not present a new consular commission or a verbal note as required in (1) and (2) above, the Diplomatic Protocol of the Ministry of Foreign Affairs of the Czech Republic will delete the honorary consular officer's data from the Diplomatic List and from the website of the Ministry of Foreign Affairs of the Czech Republic. On the expiry date of the exequatur, the Diplomatic Protocol will notify the above information to the sending State's diplomatic mission accredited to the Czech Republic.

Article 6

Terminating the functions of an honorary consular officer

The functions of an honorary consular officer will come to an end

- (a) on the expiry of his/her term of office,
- (b) on notification by the sending State to the Czech Republic that his/her functions have come to an end,
- (c) on withdrawal of his/her exequatur, or on notification by the Czech Republic to the sending State that the Czech Republic has ceased to consider him/her as head of the respective consular post,
- (d) on his/her death,
- (e) on the closure of the consular post headed by him/her.

Article 7

**Terminating the functions of a consular post
headed by an honorary consular officer**

- (1) The functions of the consular post will come to an end
 - (a) when the Czech Republic withdraws its consent to the establishment of the post,
 - (b) when the sending State closes down the post,

- (c) when a consular post headed by a career consular officer (Article 4 (3) of the Vienna Convention on Consular Relations) or a diplomatic mission is opened in the location where the consular post headed by an honorary consular officer has its seat.
- (2) The post **will not cease to exist automatically** when the honorary consular officer's functions come to an end. If the sending State **intends to close down the post, the fact must be explicitly mentioned in the verbal note informing the Consular Department of the Ministry of Foreign Affairs of the Czech Republic that the honorary consular officer's functions have come to an end.**
- (3) If the position vacated by an honorary consular officer is not filled **within one year** after the previous honorary consular officer's functions have come to an end, the Ministry of Foreign Affairs of the Czech Republic, acting through its Consular Department, will withdraw its consent to the establishment of the respective consular post.

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