

No. 5092

**UNION OF SOVIET SOCIALIST REPUBLICS
and
PEOPLE'S REPUBLIC OF CHINA**

Consular Agreement. Signed at Peking, on 23 June 1959

Official texts: Russian and Chinese.

Registered by the Union of Soviet Socialist Republics on 19 April 1960.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

et

RÉPUBLIQUE POPULAIRE DE CHINE

Convention consulaire. Signée à Pékin, le 23 juin 1959

Textes officiels russe et chinois.

Enregistrée par l'Union des Républiques socialistes soviétiques le 19 avril 1960.

[TRANSLATION — TRADUCTION]

No. 5092. CONSULAR AGREEMENT¹ BETWEEN THE UNION
OF SOVIET SOCIALIST REPUBLICS AND THE PEOPLE'S
REPUBLIC OF CHINA. SIGNED AT PEKING, ON
23 JUNE 1959

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the President of the People's Republic of China,

Desiring to promote the further strengthening and development of consular relations between the two States,

Have resolved to conclude a Consular Agreement and for this purpose have appointed as their plenipotentiaries :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics :
P. F. Yudin, Ambassador Extraordinary and Plenipotentiary of the Union
of Soviet Socialist Republics in the People's Republic of China;

The President of the People's Republic of China : Chen Yi, Minister for Foreign
Affairs of the People's Republic of China,

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

I

APPOINTMENT AND ACCEPTANCE OF CONSULS

Article 1

1. The Contracting Parties agree to exchange consuls-general, consuls and vice-consuls (hereinafter referred to as consuls).

2. The places of residence of consuls and their consular districts shall be determined by agreement between the Parties.

Article 2

Before appointing a consul (the head of a consular post) the Party concerned shall obtain the consent of the other Party to such appointment.

¹ Came into force on 19 December 1959, the date of the exchange of the instruments of ratification at Moscow, in accordance with article 26.

Article 3

1. The diplomatic mission of the sending country shall present to the Ministry of Foreign Affairs of the receiving country the consular commission. The consular commission shall indicate the consul's consular district and his place of residence.

2. The consul may enter upon his official duties after the receipt of his exequatur from the receiving country.

Article 4

1. In the event of the consul's illness, death or temporary absence for any reason, the sending country may authorize an officer of its diplomatic mission, or a consular official of the consulate concerned or of another consulate, temporarily to perform the consul's functions; the said official's name shall be communicated in advance to the Ministry of Foreign Affairs of the receiving country.

2. A person authorized to perform a consul's functions temporarily shall enjoy all the rights, privileges and exemptions accorded to consuls by this Agreement.

II

PRIVILEGES AND EXEMPTIONS OF CONSULS

Article 5

1. The authorities of the receiving country shall ensure that the consul and members of the consular staff are able to carry out their official duties successfully and shall render them the necessary assistance.

2. The consul shall enjoy the privileges and exemptions provided for under this Agreement and under the laws of the receiving country.

Article 6

Consuls of the Contracting Parties shall not be subject to the jurisdiction of the receiving State in respect of the performance of their official duties.

Article 7

Consuls shall be entitled to affix to consulate buildings shields bearing their national coat-of-arms and the designation of the consular post. Consuls (heads of posts) shall be entitled to fly their national flag from the consulate buildings and on their automobiles.

Article 8

Consuls and members of the consular staff who are citizens of the sending country, and their spouses and minor children, shall be exempt from all forms of personal service and direct taxes.

Article 9

Immovable property of the sending country which is intended for the consulate or for the residences of consuls and other members of the consular staff shall be exempt from all direct taxes.

Article 10

Subject to reciprocity, consuls and members of the consular staff who are citizens of the sending country shall enjoy the same exemptions with regard to customs duties as the corresponding members of diplomatic missions.

Article 11

The provisions of article 10 shall also apply to the spouses and minor children of consuls residing with them.

Article 12

Consuls shall be required to attend as witnesses before the judicial organs of the receiving country in proceedings not connected with their official duties. Where a consul is prevented by the exigencies of his service or by illness from attending as witness before a judicial organ, he may make a deposition at his office or residence, or may send a deposition in writing.

Article 13

1. The official correspondence and telegraphic communications of consuls shall be inviolable and shall not be subject to inspection.

2. The consular premises shall be inviolable. The authorities of the receiving country shall not use coercion, in any form whatsoever, in the consular premises.

3. The consular archives shall be inviolable. Private papers shall not be kept in the consular archives.

4. In his communications with the governmental organs of his country, the consul (the head of a consular post) shall be entitled to use cipher and to employ the services of his country's diplomatic couriers.

Consuls (heads of consular posts) shall be charged for the use of ordinary means of communication at the same rates as diplomatic representatives.

III

CONSULAR FUNCTIONS

Article 14

1. Consuls shall protect the rights and interests of their State and of citizens and bodies corporate of the sending country.

2. In the performance of their official duties, consuls may address themselves to the authorities of their consular district and may make representations to them concerning violations of the rights and interests of their State or of citizens or bodies corporate of the sending country.

Article 15

1. Consuls shall be entitled to keep a register of the citizens of their country within their consular district, to issue passports and other identity documents, and to carry on any other activities connected with the registration of and the issue of documents to citizens of the sending country.

2. Consuls shall issue to citizens of their country, to foreign citizens and to stateless persons the necessary visas for entry into and departure from the sending country.

3. Consuls shall, where authorized to do so by the laws of the sending country, draw up certificates of birth or death in respect of citizens of their country, and register marriages and divorces, where both parties to the marriage or divorce are citizens of the sending country.

The foregoing provision shall not, however, exempt the persons concerned from the obligation to comply with the relevant laws of the receiving country.

Article 16

Consuls shall be entitled to carry on the following activities at official consulate buildings, at their residences, at the residences of citizens of their country and on board vessels flying that country's flag :

1. To receive, draw up or certify statements of citizens of their State;

2. To draw up, certify and receive for safe custody wills, unilateral acts and other documents of citizens of their State;

3. To draw up and certify agreements concluded between citizens of their State or between citizens of their State and citizens of the receiving country, provided that such agreements relate exclusively to interests situated in the territory of the sending State or to transactions to be carried out in the territory of that State, and provided that such agreements are not contrary to the laws of the sending State;

4. To certify the signatures, on documents of any kind, of citizens of the country which the consul represents; to legalize signatures and seals on documents issued by authorities or officials of the sending State or the receiving country;

5. To certify copies and translations of documents issued by authorities or officials of the sending State or the receiving country;

6. To receive for safe custody moneys and valuables from citizens of the sending country or intended for such citizens, provided that such action does not violate the laws of the receiving country;

7. To perform such other acts as may be required of them, provided that they are not contrary to the laws of the receiving country.

Article 17

Documents referred to in article 16 which have been drawn up or certified by a consul for use in the receiving country shall not, in principle, require legalization; however, they shall be subject to legalization if the law of the receiving country so requires.

Article 18

If a citizen of the sending country dies within the consul's district, the competent authorities of the district shall notify the consul thereof, and shall also inform him of such measures as they have taken or are preparing to take with regard to the deceased's estate.

Article 19

Consuls may request from the competent organs of the receiving country information concerning the inventory, safeguarding and sealing of estates of deceased citizens of the sending country.

Article 20

The movable or immovable estate in the territory of one of the Contracting Parties of a deceased citizen of the other Party shall be subject to the law of the country in which such estate is situated. Escheated movables shall, however, be delivered to the consul of the country of which the deceased person was a citizen.

Article 21

1. Consuls may appoint guardians and curators for citizens of the sending country. They may supervise the activities of guardians and curators in the fulfilment of their functions.

2. If a consul learns that the property of a citizen of the sending country is in want of supervision, he may appoint an administrator.

Article 22

A consul may, personally or through his agents, extend every assistance and co-operation to vessels flying his country's flag calling at a port in his consular district.

Article 23

If a vessel flying the flag of one Contracting Party is wrecked, or runs aground or is stranded on the coast of the other Contracting Party, or suffers other damage, the competent authorities of the receiving country shall notify the consul of the occurrence and inform him of the measures they have taken to save lives, the vessel, cargo, baggage, mail, etc. The competent authorities of the receiving country shall extend the necessary co-operation to the consul in such action as he may take in connexion with the damage to the vessel.

Article 24

The provisions of articles 22 and 23 of this Agreement shall apply *mutatis mutandis* to aircraft.

IV

FINAL PROVISIONS

Article 25

The provisions of this Agreement concerning the rights and duties of consuls shall apply to members of diplomatic missions who perform consular functions in the mission. The performance of consular functions by such persons shall not affect their diplomatic privileges and immunities.

Article 26

This Agreement shall be ratified and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Moscow.

The Agreement shall remain in force until six months after the date on which either Contracting Party informs the other Contracting Party that it wishes to terminate the Agreement.

DONE at Peking, on 23 June 1959, in two copies, each in the Russian and Chinese languages, both texts being equally authentic.

For the Presidium
of the Supreme Soviet of the Union
of Soviet Socialist Republics :
P. YUDIN

For the President
of the People's Republic
of China :
CHEN Yi