

No. 21530

**FRANCE
and
CHINA**

**Agreement on the establishment of consular posts (with
exchange of letters). Signed at Beijing on 17 October
1980**

Authentic texts: French and Chinese.

Registered by France on 18 January 1983.

**FRANCE
et
CHINE**

**Accord sur l'établissement de postes consulaires (avec
échange de lettres). Signé à Beijing le 17 octobre 1980**

Textes authentiques : français et chinois.

Enregistré par la France le 18 janvier 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON THE ESTABLISHMENT OF CONSULAR POSTS

The Government of the French Republic and the Government of the People's Republic of China,

Wishing to continue the development of friendly relations between the two countries,

Pursuant to the joint statement of 17 October 1979 on the opening by each State of a consular post in the territory of the other State, which indicated that the date of opening of those posts, their locations, consular districts and status and the manner in which consular functions would be performed were to be established by agreement within the limits of each country's laws and regulations and in keeping with the spirit of the Vienna Convention on Consular Relations,

Have agreed as follows:

Article 1. The Government of the French Republic agrees that the Government of the People's Republic of China shall establish a consulate-general in Marseilles, with a consular district comprising the departments of Alpes Maritimes, Ardèche, Bouches du Rhône, Gard, Hérault, Isère, Loire, Rhône and Var.

The Government of the People's Republic of China agrees that the Government of the French Republic shall establish a consulate-general in Shanghai, with a consular district comprising the provinces of Jiangsu and Zhejiang and the municipality of Shanghai under the direct control of the Central Government.

Article 2. With the agreement of the receiving State, members of the consular post may when necessary exercise consular functions in the territory of the receiving State but outside the consular district. The local authorities concerned shall provide them with the necessary facilities.

Article 3. The official residence of the head of the consular post shall enjoy the same immunity as the consular premises.

Article 4. The total staff of the consular post shall not exceed 30 persons, divided up as follows:

- a) A maximum of 15 consular officials and employees;
- b) A maximum of 15 service staff.

Consular officials must have the nationality of the sending State and may not have the nationality of the receiving State.

Article 5. Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving

¹ Came into force on 5 November 1981, the date of the last of the notifications (effected on 14 September and 5 November 1981) by which the Contracting Parties informed each other of the completion of the required procedures, in accordance with article 9.

State shall ensure freedom of movement for the members of the consular post and provide them with facilities for travel in the exercise of their consular functions and between the consular post and the Embassy.

Article 6. Consular officials shall be entitled to communicate with nationals of the sending State and to meet them within the consular district.

The receiving State shall impose no restrictions of any kind on access by nationals of the sending State to the consular post. The competent authorities of the receiving State shall immediately notify the consular post of the sending State when, within the consular district, a national of the sending State is arrested, incarcerated or subject to any other form of detention. The competent authorities of the receiving State shall authorize a consular official, at his request, to visit the said national as soon as circumstances will permit and no later than the fourteenth day from the date on which the personal freedom of the said national is restricted, and to make further visits at reasonable intervals.

The rights established by this article shall be exercised subject to the laws and regulations of the receiving State. Those laws and regulations must, however, permit the purposes for which the rights are established to be fulfilled.

Article 7. Consular relations between the French Republic and the People's Republic of China shall be governed by the Vienna Convention on Consular Relations of 24 April 1963,¹ and by this Agreement.

Articles 5 and 6 of this Agreement shall also apply to diplomatic missions of the two States when exercising consular functions.

Article 8. The Consulate-General of France in Shanghai and the Consulate-General of China in Marseilles shall open on a date to be established by common accord.

Article 9. Each Contracting Party shall notify the other when it has completed the formalities required under its domestic law for this agreement to take effect. This agreement shall take effect as of the date of the later notification.

DONE at Beijing, on 17 October 1980, in two copies in the French and Chinese languages, both texts being equally authentic.

For the Government
of the French Republic:
[JEAN FRANÇOIS-PONCET]

For the Government
of the People's Republic of China:
[HUANG HUA]

¹ United Nations, *Treaty Series*, vol. 596, p. 261.

EXCHANGE OF LETTERS

I

Beijing, 17 October 1980

Sir,

I have the honour to refer to the Agreement signed today and to the discussions that have taken place between representatives of our countries concerning the opening and status of the French Consulate-General in Shanghai and the Chinese Consulate-General in Marseilles.

It has been deemed worthwhile to detail the following points concerning consular premises, housing for the members of the consular posts, and the date on which those posts will open.

I. The French Consulate-General in Shanghai and the Chinese Consulate-General in Marseilles will open as of 17 October 1980.

II. (1) The Government of the People's Republic of China shall, subject to its laws and regulations, lend its assistance to the Government of the French Republic in obtaining in Shanghai the necessary premises for the French Consulate-General and suitable housing for the members thereof.

(2) The Government of the French Republic shall, subject to its laws and regulations, lend its assistance to the Government of the People's Republic of China in obtaining in Marseilles the necessary premises for the Chinese Consulate-General and suitable housing for the members thereof.

I should be grateful if you would inform me whether the foregoing meets with the approval of your Government. In that event this letter and your reply will constitute an agreement between our two Governments which shall take effect today.

Accept, Sir, etc.

[JEAN FRANÇOIS-PONCET]

His Excellency
Mr. Huang Hua
Minister for Foreign Affairs
of the People's Republic of China

II

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

[See letter I]

I am pleased to inform you that the Government of the People's Republic of China agrees with the above in all particulars.

Accordingly, your letter and this reply constitute an Agreement between our two Governments which takes effect as of today.

Accept, Sir, etc.

Beijing, 17 October 1980

[HUANG HUA]

Mr. Jean François-Poncet
Minister for Foreign Affairs
of the French Republic
