

**No. 25171**

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
CHINA**

**Consular Agreement. Signed at Beijing on 10 September 1986**

*Authentic texts: Russian and Chinese.*

*Registered by the Union of Soviet Socialist Republics on 6 August 1987.*

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**UNION DES  
RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES  
et  
CHINE**

**Convention consulaire. Signée à Beijing le 10 septembre 1986**

*Textes authentiques : russe et chinois.*

*Enregistrée par l'Union des Républiques socialistes soviétiques le 6 août 1987.*

## [TRANSLATION — TRADUCTION]

CONSULAR AGREEMENT<sup>1</sup> BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE PEOPLE'S REPUBLIC OF CHINA

The Union of Soviet Socialist Republics and the People's Republic of China,  
Desiring further to develop the consular relations between the two States,

Considering that the Consular Agreement between the Union of Soviet Socialist Republics and the People's Republic of China signed at Peking on 23 June 1959<sup>2</sup> is in need of renewal,

Have decided to conclude this Consular Agreement and for that purpose have agreed as follows:

## PART I. DEFINITIONS

*Article 1*

For the purposes of this Agreement, the following expressions shall have the meanings hereunder assigned to them:

(1) "Consulate" shall mean a consulate-general, consulate, vice-consulate or consular agency;

(2) "Consular district" shall mean the area of territory of the receiving State assigned to a consulate for the exercise of its functions;

(3) "Head of consulate" shall mean a person authorized by the sending State to take charge of a consulate;

(4) "Consular officer" shall mean any person, including the head of consulate, who is authorized to exercise consular functions in that capacity;

(5) "Consular employee" shall mean any person performing administrative, technical or domestic service duties in the consulate;

(6) "Consular staff" shall mean consular officers and consular employees;

(7) "Private domestic servant" shall mean any person employed specifically to render private service to consular staff;

(8) "Consular premises" shall mean buildings, parts of buildings and land ancillary thereto, which are made available expressly for the use of the consulate, irrespective of ownership;

(9) "Consular archives" shall mean all business papers of the consulate, documents, correspondence, codes, ciphers, records and technical operating equipment, and apparatus for their safe keeping;

(10) "National of the sending State" shall mean a physical person, but in context shall also mean a legal entity;

<sup>1</sup> Came into force on 16 April 1987, i.e., the thirtieth day following the exchange of the instruments of ratification, which took place at Moscow on 18 March 1987, in accordance with article 43 (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 356, p. 83.

(11) "Vessel of the sending State" shall mean any vessel which, under the legislation of the sending State, is entitled to sail under the flag of that State, with the exception of warships;

(12) "Aircraft of the sending State" shall mean any aircraft registered in the sending State and bearing its distinguishing marks, with the exception of military aircraft.

## PART II. ESTABLISHMENT OF CONSULATES AND APPOINTMENT OF CONSULAR STAFF

### *Article 2. ESTABLISHMENT OF CONSULATES*

1. The sending State may establish a consulate in the territory of the receiving State only with the consent of that State.

2. The seat and class of the consulate, the consular district, and any changes relating thereto, shall be determined by agreement between the sending and receiving States.

### *Article 3. APPOINTMENT AND RECOGNITION OF THE HEAD OF CONSULATE*

1. Before appointing a head of consulate, the sending State shall establish through diplomatic contacts that the receiving State consents to recognize the person in question as head of consulate.

If the receiving State withholds consent, it shall not be obliged to give reasons for its decision.

2. Having received consent, the sending State shall submit through diplomatic channels to the receiving State the consular commission or other document of appointment. The commission or other document shall indicate the full name, position and rank of the head of consulate, the seat and class of the consulate and the consular district.

3. Upon presentation of the commission or other document of appointment, the receiving State shall promptly issue the head of consulate with the exequatur or other authorization to take up his duties.

4. The head of consulate may take up his duties immediately upon receipt of written confirmation from the receiving State. Pending receipt of confirmation, he may carry out his duties provisionally with the consent of the receiving State.

5. Once the receiving State has confirmed the appointment of the head of consulate or permitted him provisionally to carry out his duties, it shall immediately so notify the competent authorities of the consular district and take all necessary steps to enable the head of consulate to carry out his duties and enjoy the rights, privileges and immunities provided for in this Agreement.

### *Article 4. PROVISIONAL PERFORMANCE OF THE DUTIES OF HEAD OF CONSULATE*

1. If a head of consulate is for any reason unable to carry out his duties or if the post is vacant, the sending State may authorize a consular officer of the same or another consulate in the receiving State or one of the members of the diplomatic staff of its diplomatic mission to the receiving State to act as head of consulate. The sending State shall in good time communicate to the receiving State the full name, position and rank of the acting head of consulate.

2. The acting head of consulate shall enjoy the rights, privileges and immunities afforded under this Agreement to a head of consulate.

3. A member of the diplomatic staff designated as temporary acting head of consulate shall continue to enjoy the diplomatic privileges and immunities afforded to him in virtue of his diplomatic status.

#### Article 5. NOTIFICATION OF ARRIVALS AND DEPARTURES

1. The sending State shall give the competent authorities responsible for the seat of the consulate the following written information:

- (1) The full names, positions and ranks of consular staff, their dates of arrival and final departure or termination of service, and changes in their occupational situation occurring during their service at the consulate;
- (2) The dates of arrival and final departure of members of the families of consular staff and private domestic servants, and changes in their status.

2. The competent authorities of the receiving State shall issue the appropriate papers to consular staff and members of their families.

#### Article 6. NATIONALITY OF CONSULAR OFFICERS

Only nationals of the sending State not permanently resident in the receiving State may be consular officers.

#### Article 7. REVOCATION OF THE EXEQUATUR AND WITHDRAWAL OF RECOGNITION

1. The receiving State may at any time, without being obliged to give reasons for its decision, inform the sending State through diplomatic contacts that any particular consular officer is *persona non grata* or that any particular consular employee is unacceptable. In such cases, the sending State shall recall the person in question.

If it fails to carry out this obligation within a reasonable period, the receiving State may, as appropriate, revoke the exequatur or decline to recognize the person in question as a member of the consular staff.

2. A person appointed to the consular staff may be declared unacceptable before his arrival in the receiving State or, if already in the receiving State, before taking up his duties at the consulate. In such cases, the sending State shall rescind his appointment.

### PART III. CONSULAR FUNCTIONS

#### Article 8. FUNCTIONS OF A CONSULAR OFFICER

The functions of a consular officer shall be:

(1) To protect the rights and interests of the sending State and its nationals, and to afford assistance to nationals of the sending State;

(2) To promote relations between the sending and receiving States in the trade, economic, cultural, sporting, scientific and technological and other fields and tourism;

(3) To investigate by all legitimate means the situation in the trading, economic, cultural, sporting, scientific and technological and other fields in the receiving State and to report thereon to the Government of the sending State;

(4) To perform other duties approved by the sending State which are not prohibited by the rules and regulations of the receiving State and to which the receiving State has no objection.

*Article 9. DUTIES RELATING TO NATIONALITY AND  
THE REGISTRATION OF CIVIL STATUS*

1. A consular officer shall be entitled:

(1) To receive applications relating to nationality in accordance with the laws of the sending State;

(2) To maintain a register of nationals of the sending State;

(3) To register the births and deaths of nationals of the sending State and issue the appropriate certificates in accordance with the legislation of the sending State, provided that this is not contrary to the legislation of the receiving State;

(4) To register marriages in accordance with the legislation of the sending State, if this is not contrary to the legislation of the receiving State, provided that both parties to the marriage are nationals of the sending State, and to issue marriage certificates.

2. The provisions of paragraph 1 above shall not exempt the persons concerned from the obligation to comply with the laws and regulations of the receiving State.

*Article 10. ISSUE OF PASSPORTS AND VISAS*

A consular officer shall be entitled to issue, extend and revoke passports, entry, entry/exit, transit and other visas, and other similar documents, and to make amendments thereto.

*Article 11. NOTARIZATION AND LEGALIZATION*

1. In accordance with the laws and regulations of the sending State, a consular officer shall be entitled:

(1) To issue upon request to any person, irrespective of nationality, sundry documents for use in the sending State;

(2) To issue upon request to nationals of the sending State sundry documents for use in or outside the receiving State;

(3) To translate documents into the official language of the sending or receiving State, and to certify the accuracy of such translations;

(4) To legalize documents issued by the competent authorities of the sending or receiving State;

(5) To draw up, witness and accept for safe keeping the wills of nationals of the sending State;

(6) To draw up and witness agreements and contracts between nationals of the sending State in so far as such agreements and contracts are not contrary to the legislation of the receiving State and do not relate to the creation or transfer of rights to immovable property; to draw up and witness agreements and contracts between nationals of the sending State, on the one hand, and nationals of other States, on the other, in so far as such agreements and contracts refer exclusively to property or rights in the sending State and relate to matters subject to adjudication in that State, provided that such agreements and contracts are not contrary to the legislation of the receiving State;

(7) To witness the signatures of nationals of the sending State on documents of all kinds;

(8) To accept for safe keeping property and documents of nationals of the sending State, in so far as this is not contrary to the legislation of the receiving State.

2. Documents drawn up, witnessed or translated by a consular officer in accordance with paragraph 1 above shall be regarded in the receiving State as having the same legal significance and evidentiary value as if they had been drawn up, witnessed or translated by the competent authorities or institutions of the receiving State, provided that they conform to the legislation of the receiving State.

Where required by the legislation of the receiving State, documents must be legalized.

#### *Article 12. COMMUNICATIONS WITH NATIONALS OF THE SENDING STATE*

1. A consular officer may meet and communicate with nationals of the sending State, give them advice and render any kind of aid, including arranging to provide them with legal assistance.

A consular officer may seek the assistance of competent authorities of the receiving State in locating nationals of the sending State permanently resident or temporarily present in the receiving State who have disappeared without trace.

The receiving State shall not in any manner restrict communications with or access to the consulate by nationals of the sending State.

2. If a national of the sending State is arrested, detained or otherwise deprived of liberty within the consular district, the competent authorities of the receiving State shall so notify the consulate within seven days of the incident.

3. A consular officer shall be entitled to visit, communicate with, meet and provide legal assistance to any national of the sending State who has been arrested, detained or otherwise deprived of liberty or is serving a term of imprisonment. The competent authorities of the receiving State shall at the request of the consular officer arrange a meeting between the consular officer and the said national of the sending State within three days of notification. Further visits may take place at reasonable intervals.

4. The competent authorities of the receiving State must immediately inform a national of the sending State who is arrested, detained or otherwise deprived of liberty of his rights under paragraphs 1 and 3 above.

5. The rights provided for in this article shall be exercised in accordance with the laws and regulations of the receiving State; however, the application of the laws and regulations of the receiving State must not restrict the exercise of the rights provided for in this article.

#### *Article 13. GUARDIANSHIP AND CUSTODIANSHIP*

1. The competent authorities of the receiving State shall, where they have such information, notify a consular officer of the need to appoint a guardian or custodian for a national of the sending State permanently resident in the receiving State.

2. The consular officer shall co-operate the matter referred to in paragraph 1 above with the competent authorities of the receiving State and, where necessary, recommend a person to fulfil the obligations of a guardian or custodian in accordance with the legislation of the receiving State.

3. If a court or other competent authority of the receiving State considers that the person proposed is for any reason unacceptable as a guardian or custodian, the consular officer may propose a different candidate.

*Article 14. REPRESENTATION OF NATIONALS OF THE SENDING STATE*

If a national of the sending State cannot protect his rights and interests in the receiving State, owing to his not being present in the receiving State or for other reasons, a consular officer may without special power of attorney represent the said national in the courts and other organs of the receiving State or arrange for him to be suitably represented until he appoints his own agents or undertakes the defence of his own rights and interests.

*Article 15. ARRANGEMENTS FOR THE SAFE KEEPING OF ESTATES*

1. Where they have such information, the competent authorities of the receiving State shall promptly notify the consulate of the death within the receiving State of any national of the sending State, and shall at his request issue a death certificate or other document attesting to the fact of death.

2. If the deceased national of the sending State has left any estate in the receiving State, the competent authorities of the receiving State shall promptly inform the consulate of the contents of the estate, heirs and legatees, and the existence of a will.

3. A consular officer may seek permission from the competent authorities of the receiving State to be present when they compile a description and seal the estate referred to in paragraph 2 above.

4. If any national of the sending State has acquired title to inherit or obtain property left by a person of any nationality who dies in the receiving State, even if that national of the sending State is outside the receiving State, the competent authorities of the receiving State shall, where they have such information, notify the consulate that the said national of the sending State is an heir or legatee.

5. A consular officer may on behalf of a national of the sending State who is not present in the receiving State, receive from a court, authority or individual, money or other property due to that national in consequence of the death of any person, including estate, compensation and insurance payments, and convey that money and property to the said national.

6. If a national of the sending State dies while temporarily present in the receiving State, and if the deceased has no relatives or representatives in the receiving State and the effects he leaves are unconnected with any obligations assumed by the deceased while he was in the receiving State, a consular officer shall be entitled to receive, look after and deliver the effects left to their intended destinations.

*Article 16. ASSISTANCE TO A VESSEL OF THE SENDING STATE*

1. A consular officer shall be entitled within his consular district to furnish assistance to a vessel of the sending State in the internal or territorial waters of the receiving State, including ports and other anchorages, and to the master and members of the crew, and notably:

(1) To go on board the vessel, question the captain about the vessel, cargo and circumstances of its voyage, and the master and members of the crew may communicate with the consular officer as soon as the vessel is granted *pratique*;

(2) Without prejudice to the rights of the competent authorities of the receiving State, to investigate incidents occurring during the voyage;

(3) Without prejudice to the rights of the competent authorities of the receiving State, to settle disputes between the master and members of the crew in accordance with

the legislation of the sending State, including disputes relating to wages and contracts of employment;

(4) Where necessary, to arrange for hospital treatment or the repatriation of the master or members of the crew;

(5) To receive, authenticate issue, certify or legalize documents relating to the vessel;

(6) In the case of a vessel acquired abroad, to issue a provisional certificate of entitlement for the vessel to fly the flag of the sending State.

2. In carrying out the functions provided for in this article, the consular officer may seek the help and co-operation of the competent authorities of the receiving State.

*Article 17. PROTECTION OF VESSELS OF THE SENDING STATE  
FROM COERCIVE MEASURES*

1. If the courts or other competent authorities of the receiving State intend to take coercive measures in respect of a vessel of the sending State or to conduct an official investigation on board that vessel, they shall previously so notify the consulate so that a consular officer or his representative may be present at the proceedings. If prior notification cannot be given to the consulate for lack of time, in view of the urgency of the matter, the competent authorities of the receiving State shall notify the consulate immediately after the proceedings and shall promptly furnish the consular officer at his request with a full account of the proceedings.

2. The provisions of paragraph 1 above shall apply to cases where the competent authorities of the receiving State take comparable action in respect of the master or members of the crew of the vessel in accordance with paragraph 1.

3. The provisions of paragraph 1 above shall not apply to routine passport, customs and quarantine controls performed by the competent authorities of the receiving State.

4. The competent authorities of the receiving State may not interfere in the internal affairs of a vessel of the sending State except at the request or with the consent of the master or a consular officer.

*Article 18. ASSISTANCE TO A VESSEL OF THE SENDING STATE IN DIFFICULTIES*

1. If a vessel of the sending State is shipwrecked, runs aground or suffers other serious damage in the internal or territorial waters or adjacent maritime area of the receiving State, the competent authorities of the receiving State shall so inform the consulate as quickly as possible and report what steps have been taken to save the passengers, members of the crew, the vessel, its cargo and other property.

2. A consular officer shall be entitled to arrange assistance for any damaged vessel of the sending State, the members of its crew and passengers, and may to that end also seek the assistance of the authorities of the receiving State.

3. If a damaged vessel of the sending State, its rigging or cargo is found off the shore of the receiving State or is brought into a port of that State, and neither the master, the shipowner, nor any representative of the shipping company or underwriters are present or able to arrange for the safe keeping or disposal of the said property, the competent authorities of the receiving State shall so inform the consulate as quickly as possible.

A consular officer may without special power of attorney arrange on behalf of the owner of the vessel of the sending State for the safe keeping or disposal of the damaged vessel and property which has become separated therefrom.



4. If a damaged vessel of the sending State or its cargo, rigging and provisions are brought into the receiving State for purposes other than sale or use, it shall not be subject to the imposition of customs duty or other similar charges by the receiving State.

#### *Article 19. AIRCRAFT OF THE SENDING STATE*

The provisions of articles 16, 17 and 18 above relating to a vessel of the sending State shall likewise apply to an aircraft of that State.

#### *Article 20. CONSULAR FEES*

The consulate may in the territory of the receiving State charge the consular fees provided for under the legislation of the sending State.

#### *Article 21. PERFORMANCE OF CONSULAR FUNCTIONS IN AND OUTSIDE THE CONSULAR DISTRICT*

A consular officer may perform consular functions only within his consular district. With the consent of the receiving State he may also perform consular functions outside his consular district.

#### *Article 22. CONTACTS WITH THE AUTHORITIES OF THE RECEIVING STATE*

In connection with the performance of his functions, a consular officer may approach the competent authorities of the consular district and the competent central organs of the receiving State to the extent permitted by the laws, regulations and customs of that State.

#### *Article 23. PERFORMANCE OF CONSULAR FUNCTIONS BY A DIPLOMATIC MISSION*

1. The diplomatic mission of the sending State shall communicate to the Ministry of Foreign Affairs of the receiving State the full names, positions and ranks of any members of the diplomatic staff performing consular functions.

2. The rights and obligations of consular officers provided for under this agreement shall extend to members of the diplomatic staff of the diplomatic mission of the sending State to the receiving State assigned consular functions within that mission.

3. Members of the diplomatic staff who are assigned consular functions shall continue to enjoy the rights, privileges and immunities afforded them by virtue of their diplomatic status.

### **PART IV. PRIVILEGES AND IMMUNITIES**

#### *Article 24. FACILITIES FOR THE OPERATION OF THE CONSULATE*

The receiving State shall provide every facility for the operation of the consulate. It shall afford protection to consular staff and take all necessary steps to ensure that consular staff are able to carry out their duties and enjoy their privileges and immunities in accordance with the provisions of this Agreement.

#### *Article 25. CONSULAR PREMISES AND LIVING QUARTERS*

1. The sending State or its agents shall be entitled, to the extent provided for in the legislation of the receiving State, to acquire ownership of, rent, construct or otherwise

acquire buildings or parts of buildings and land ancillary thereto to meet the needs of the consulate or to serve as living quarters for consular staff, but not living quarters for consular staff who are nationals of the receiving State or permanently resident in that State.

2. The receiving State shall afford the sending State assistance in the acquisition of consular premises in accordance with paragraph 1 above and, where necessary, shall also help the sending State to obtain suitable living quarters for consular staff.

3. The provisions of paragraph 1 above shall not exempt the sending State from the obligation to comply with the building and town planning laws and regulations applicable to the region where the relevant plots of land, buildings, parts of buildings and ancillary structures are situated.

#### *Article 26. USE OF THE STATE FLAG AND COAT OF ARMS*

1. The sending State shall be entitled to affix to the consulate building its State coat of arms and a shield bearing the name of the consulate in the languages of the sending and receiving States.

2. The sending State shall be entitled to fly its State flag from the consulate building, at the residence of the head of consulate and on his means of transport when used by him in the performance of his official duties.

3. Due regard shall be had for the laws, regulations and customs of the receiving State when the rights provided for in this article are exercised.

#### *Article 27. INVIOABILITY OF CONSULAR PREMISES AND THE LIVING QUARTERS OF CONSULAR OFFICERS*

1. The consular premises shall be inviolable. The authorities of the receiving State may not enter them without the consent of the head of consulate, the head of the diplomatic mission of the sending State to the receiving State, or a person designated by one of them.

2. In the event of an outbreak of fire or other natural disaster in the consular premises which threatens the safety of citizens, property and neighbouring buildings of the receiving State, such consent must be given in the shortest appropriate time.

3. The means of conveyance of the consulate and consular staff shall enjoy immunity from search, arrest and measures of execution.

4. The receiving State shall be under a special obligation to take all necessary measures to protect the consular premises from intrusion or damage, and to prevent disturbances to the peace or affronts to the dignity of the consulate.

5. The provisions of paragraphs 1 and 4 above shall also apply to the living quarters of consular officers.

#### *Article 28. INVIOABILITY OF CONSULAR ARCHIVES*

The consular archives shall be inviolate at all times, wherever they may be.

#### *Article 29. FREEDOM OF COMMUNICATIONS*

1. The receiving State must permit and preserve the freedom of communications of the consulate for all official purposes. In communicating with the Government, diplomatic missions and other consulates of the sending State, the consulate may use any appropriate means, including coded and enciphered dispatches, diplomatic or consular

couriers and diplomatic or consular bags. The consulate may install and operate a radio transmitter only with the consent of the receiving State.

2. The official correspondence of the consulate shall be inviolable. The consular bag shall not be opened or detained. The consular bag must be sealed and bear visible external markings indicating its nature, and may contain only official correspondence, documents and articles intended exclusively for the official use of the consulate.

3. Only a national of the sending State not permanently resident in the receiving State may be a consular courier. He must bear an official identity document. A consular courier shall when in the territory of the receiving State enjoy the same rights, privileges and immunities as diplomatic couriers.

4. A consular bag may be entrusted to the captain of an aircraft or the master of a vessel of the sending State. The captain or master shall be provided with an official document indicating the number of packages making up the consular bag, but shall not be considered a consular courier. By agreement with the relevant authorities of the receiving State, a consular officer may directly and freely take possession of a consular bag from the captain of an aircraft or master of a vessel, or hand the consular bag to him.

#### *Article 30. FREEDOM OF MOVEMENT*

Consular staff shall be permitted to move about freely within the consular district in so far as this is not contrary to the laws and regulations of the receiving State on areas access to which is prohibited or restricted for reasons of State security.

#### *Article 31. INVIOABILITY OF THE PERSON OF CONSULAR OFFICERS*

Consular officers shall enjoy personal inviolability. They shall not be subject to arrest or detention in any form. The receiving State shall be obliged to treat consular officers with due respect and take all necessary steps to prevent any attack upon their person, freedom or dignity.

#### *Article 32. IMMUNITY FROM JURISDICTION*

1. Consular officers shall enjoy immunity from criminal, civil and administrative jurisdiction in the Receiving State except in the case of civil actions:

(1) Arising from agreements entered into by them in which they were not acting directly or indirectly on behalf of the sending State;

(2) Arising out of injury or damage occasioned caused by a road vehicle, vessel or aircraft in the receiving State for which compensation is sought by a third party;

(3) Relating to private immovable property in the territory of the receiving State, unless they hold it on behalf of the sending State for consular purposes;

(4) Relating to successions, in which they act as executors, custodians of the estate, heirs or legatees in a private capacity and not on behalf of the sending State;

(5) Relating to any professional or commercial activity exercised by them in the receiving State beyond their official functions.

2. If the receiving State takes executive measures of execution in respect of the provisions of paragraph 1 above, the inviolability of the person and living quarters of consular officers must not be infringed.

3. Consular employees shall not be subject to the criminal, civil or administrative jurisdiction of the receiving State in matters relating to their employment, with the exception of the civil actions set forth in paragraph 1, subparagraphs 1 and 2, above.

4. Consular employees shall not be subject to arrest or deprivation of liberty in any other form unless served by the court authorities with an indictment for activities punishable under the laws of that State or in accordance with a judgement which has acquired legal force.

In the event that a consular employee is arrested or detained, the receiving State shall immediately so notify the head of consulate.

#### *Article 33. EVIDENCE*

1. A consular officer shall not be obliged to give evidence as a witness.

2. A consular employee may be called upon to give evidence before the courts or other competent authorities of the receiving State. He may refuse to give evidence on matters relating to his employment.

In all cases, however, it shall be inadmissible to take coercive measures of any kind towards a consular employee.

3. Competent authorities of the receiving State requiring evidence from a consular employee must avoid hindering him in the performance of his official duties. They may, where possible, take evidence from the employee in the consular premises or at his home, or accept written evidence from him.

#### *Article 34. EXEMPTION FROM LABOUR CONSCRIPTION AND MILITARY SERVICE*

Consular staff shall be exempt in the receiving State from any form of labour or public conscription and military service. They shall also be exempt from all obligations under the laws and regulations of the receiving State relating to the registration of foreign nationals, residence permits and work permits in respect of their work for the sending State, and from such other similar requirements as exist under the laws and regulations of the receiving State in respect of foreign nationals.

#### *Article 35. EXEMPTION OF THE CONSULATE FROM TAXES*

1. Consular premises and living quarters for consular staff which are owned or rented in any manner by the sending State or a person acting on its behalf, and contracts or documents relating to the acquisition of such property shall be exempt from all State, regional and municipal taxes, charges and duties.

2. Movable property belonging to, in the possession of or being used by the sending State for consular purposes shall be exempt from taxes and other similar charges.

This provision shall also apply to the acquisition of such property for consular purposes.

3. Consular fees levied by the consulate in the territory of the receiving State shall be exempt from all taxes and charges.

4. The provisions of paragraphs 1 and 2 above shall not extend to:

(1) Payment for specific services;

(2) Taxes levied under the legislation of the receiving State on persons concluding contracts with the sending State or a representative thereof.

#### *Article 36. EXEMPTION OF CONSULAR STAFF FROM TAXES*

1. Consular staff shall be exempt from all State, local and municipal taxes in the receiving State, except:

- (1) Indirect taxes included in the cost of goods and services;
  - (2) Taxes on private immovable property in the territory of the receiving State except as provided in article 35, paragraph 1, of this Agreement;
  - (3) Estate taxes, inheritance taxes, succession duty and estate transfer taxes levied by the receiving State, except as provided in article 38 of this Agreement;
  - (4) Taxes and duty on private income from sources in the receiving State unrelated to their employment;
  - (5) Duty levied on specific kinds of services;
  - (6) Registration, court and land registry fees, mortgage charges and stamp duty except as provided in article 35 of this Agreement.
2. The wages received by consular staff from the sending State shall not be subject to taxes and other similar duty levied on wages under the legislation of the receiving State.

*Article 37. EXEMPTION FROM CUSTOMS DUTY AND CUSTOMS INSPECTION*

1. The receiving State shall in accordance with its laws and regulations permit the import and export of, and exempt from all customs duty, with the exception of fees for storage, transport and similar services:

- (1) Articles intended for the official use of the consulate, including means of transport vehicles;
- (2) Articles for the personal use of consular officers;
- (3) Articles for personal use, including household effects for the initial installation of consular employees.

2. The articles referred to in paragraph 1, subparagraphs 2 and 3, above, shall not exceed the quantities required for the immediate use of the individual concerned.

3. The personal baggage of a consular officer shall be exempt from customs inspection. It may be inspected only if the competent authorities of the receiving State have good reason to suppose that it contains articles other than those referred to in paragraph 1, subparagraph 2, above, or articles whose import or export is prohibited under the laws and regulations of the receiving State, or articles covered by quarantine regulations. The inspection must be carried out on the spot, in the presence of the consular officer concerned or his representative.

*Article 38. ESTATE OF CONSULAR STAFF*

In the event of the death of a member of the consular staff or a member of his family, the receiving State shall:

- (1) Permit the export of the movable property of the deceased except for property acquired in the receiving State whose export was prohibited before the death of the deceased;
- (2) Not levy any State, regional or municipal inheritance taxes or succession duties on movable property imported into or acquired in the receiving State exclusively in connection with the deceased's presence as a member of the consular staff or member of his family.

*Article 39. PRIVILEGES AND IMMUNITIES OF MEMBERS OF THE FAMILIES  
OF CONSULAR STAFF*

Members of the families of consular officers and consular employees shall enjoy the privileges and immunities enjoyed respectively by consular officers and consular employees in accordance with this Agreement, except in the cases circumscribed by article 40, paragraph 2 of the Agreement.

*Article 40. PERSONS WITHOUT PRIVILEGES AND IMMUNITIES*

1. Consular employees shall not enjoy the privileges and immunities provided for under this Agreement if they are nationals or permanent residents of the receiving State except as provided for in article 33, paragraph 2.

2. Members of the families of consular employees shall not enjoy immunities and privileges if they are nationals of the receiving State or permanently resident therein.

3. Private domestic servants shall not enjoy the privileges and immunities provided for under this Agreement.

*Article 41. WAIVER OF PRIVILEGES AND IMMUNITIES*

1. The sending State may waive the privileges and immunities referred to in articles 32 and 33 of this Agreement enjoyed by the relevant members of the consular staff. The waiver must in all cases, be made in express terms and in writing to the receiving State.

2. In accordance with this Agreement, the initiation of a court action by a member of the consular staff in a case where he could enjoy immunity from jurisdiction shall deprive him of the right to invoke immunity in respect of any counteraction directly related to the original action.

3. A waiver of immunity from jurisdiction in civil or administrative proceedings shall not imply a waiver of immunity in respect of execution of a judgement. Separate written notification shall be required for such a waiver.

*Article 42. RESPECT FOR THE LAWS AND REGULATIONS OF THE RECEIVING STATE*

1. All persons who are afforded privileges and immunities under this Agreement shall be obliged without prejudice to their privileges and immunities, to respect the laws and regulations of the receiving State, including laws and regulations governing vehicular traffic and vehicle insurance. They shall also be obliged not to interfere in the internal affairs of the receiving State.

2. Members of the Consular staff who are nationals of the sending State may not engage in any other professional or commercial activity beyond their official duties.

PART V. FINAL PROVISIONS

*Article 43. RATIFICATION, ENTRY INTO FORCE AND  
TERMINATION OF THIS AGREEMENT*

1. This Agreement is subject to ratification. The exchange of instruments of ratification shall take place in Moscow.

The Agreement shall enter into effect on the thirtieth day following the exchange of instruments of ratification.

2. This Agreement shall remain in force until six months following the day on which one Contracting Party gives the other written notification of its intention to terminate the Agreement.

3. Upon the entry into force of this Agreement, the Consular Agreement between the Union of Soviet Socialist Republics and the People's Republic of China signed on 23 June 1959 shall cease to have effect.

DONE on 10 September 1986 in Beijing, in duplicate, each copy in the Russian and Chinese languages, both texts being equally authentic.

For the Union of Soviet Socialist  
Republics:

[Signed]

I. ROGACHEV

For the People's Republic  
of China:

[Signed]

TSIAN TSICHEN

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