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# China Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

PRC STATE COUNCIL BULLETIN

No. 24, 20 Oct 1984

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20 May 1985

## CHINA REPORT

### POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

#### PRC STATE COUNCIL BULLETIN, No. 24, 20 Oct 1984

Beijing ZHONGHUA RENMIN GONGHEGUO GUOWUYUAN GONGBAO [PRC STATE COUNCIL BULLETIN] in Chinese, No. 24, 20 Oct 1984.

[This volume contains selected translations from the PRC STATE COUNCIL BULLETIN. Items marked [previously published] have appeared in other JPRS or FBIS publications.]

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Beijing STATE COUNCIL BULLETIN in Chinese No 24, 20 Oct 84 p 839

[State Council Proposal Requesting Approval of the Consular Treaty Between the Government of the PRC and the Government of the Polish People's Republic"]

[Text] To the Standing Committee of the NPC:

On 14 July 1984 Deputy Foreign Minister Qian Qichen [6929 0366 3819] and Polish Deputy Foreign Minister Ernest Kucza represented their respective governments in signing the "Consular Treaty Between the Government of the PRC and the Government of the Polish People's Republic."

The PRC-Poland consular treaty was concluded through friendly negotiations on the basis of draft treaties put forward separately by the two sides. Through examination and verification, it has been ensured that the various stipulations of this treaty accord with international practice and our nation's current policies, and also accord with the actual situations in China and Poland. The signing of the PRC-Poland consular treaty is of benefit in further developing both the consular relationship between the two countries and economic, trade and cultural relations of friendship between the two countries. The State Council has agreed to the "Consular Treaty Between the Government of the PRC and the Government of the Polish People's Republic." Now, it is submitted to you for consideration and it is requested that you pass a resolution of approval.

Prime Minister of the State Council  
Zhao Ziyang

8 September 1984

CSO: 4005/755

TEXT OF CONSULAR TREATY WITH POLAND

Beijing STATE COUNCIL BULLETIN in Chinese No 24, 20 Oct 84 pp 839-856

[Consular Treaty Between the Government of the PRC and the Government of the Polish People's Republic]

[Text] The governments of the People's Republic of China and the Polish People's Republic,

For the purpose of regulating and strengthening the consular relationship between the two countries, and aiding the development of relations of friendship and cooperation between the two countries on the basis of the principles of mutual respect for sovereignty, mutual non-interference in each other's internal affairs, and equality and mutual benefit,

Have decided to conclude this treaty and have for that purpose appointed as their plenipotentiaries;

For the People's Republic of China, Deputy Foreign Minister Qian Qichen;

For the Polish People's Republic, Deputy Foreign Minister (Ernest Kucza).

The plenipotentiaries, having communicated to each other their full powers, which were found to be in good and due form, have agreed as follows:

Article 1. Definitions

For the purpose of this treaty, the meanings of various terms will be taken to be as follows:

- (1) "Consulate" refers to any consulate-general, consulate, auxiliary consulate or consular representative office.
- (2) "Consular Area" refers to the area over which a consulate carries out its consular functions.
- (3) "Head of Consulate" refers to the person the accredited country has appointed to undertake this function.

- (4) "Consular Officials" refers to all staff, including the head of consulate, who are engaged in consular duties.
- (5) "Consulate Workers" refers to those staff members within the consulate who are engaged in administrative, technical and service work.
- (6) "Consulate Members" refers to consular officials and consulate workers.
- (7) "Private Service Staff" refers to private service staff exclusively employed by consulate members.
- (8) "Family Members" refers to spouses and dependent children of consulate members.
- (9) "Consulate Accommodation" refers to those buildings or parts of buildings and attached land exclusively used by the consulate, regardless of ownership.
- (10) "Consulate Records" refers to all of a consulate's literature, documents, letters and telegrams, account books, film, photographs, tapes, registers, seals, open and secret telegraphic codes, and record cards, and all articles and equipment used to protect and preserve them.
- (11) "Ship of the Accredited Country" refers to any floating vessel which navigates waterways and which flies the national flag of the accredited country, but excludes military vessels.
- (12) "Aircraft of the Accredited Country" refers to any aircraft which is registered in the accredited country and which carries registration markings, but excludes military-use aircraft.
- (13) "National of the Accredited Country" refers to a natural person who holds the nationality of the accredited country and, where appropriate, to a legal person of the country.

## Chapter I. Establishment of the Consulate and the Appointment of Consulate Members

### Article 2. The Establishment of a Consulate

1. The accredited country will be able to establish a consulate within the borders of the host country only after obtaining the agreement of the host country.
2. The fixing of the location of the consulate, the level of the consulate and the consular area, as well as any changes after these have been fixed, must be agreed on by both the accredited country and the host country.

### Article 3. The Appointment and Acceptance of Head of Consulate

1. The head of consulate will be appointed by the accredited country. The accredited country should present the letter of appointment for head of consulate to the Foreign Affairs Ministry of the host country through diplomatic channels. The letter of appointment should clearly state the name, post and rank of the head of consulate, the location of the consulate, the level of the consulate and the consular area.

2. The host country, after receiving the letter of appointment for head of consulate, should as quickly as possible grant a certificate of consular appointment. If the host country refuses to issue a certificate of consular appointment, it need not disclose the grounds of refusal to the accredited country.

3. The head of the consulate may commence carrying out his duties only after confirmation by the host country and the granting of a certificate of consular appointment.

4. Prior to the granting of a certificate of consular appointment by the host country, a head of consulate may, with the approval of the host country, provisionally carry out his duties. In this situation, the various stipulations of this treaty will also be applicable.

#### Article 4. Temporarily Acting for Head of Consulate

1. If the head of consulate for any reason is unable to carry out his duties, or if the post is vacant, the accredited country may appoint a consular official from a consulate within the host country, or a diplomatic official from the accredited country's embassy within the host country, to temporarily act for the head of consulate. The accredited country should advise the Foreign Ministry of the host country in advance of the name and original post of the official who is to act for the head of consulate.

2. The official who acts for the head of consulate shall enjoy all facilities, privileges and immunities as provided within this treaty for the head of consulate.

3. Diplomatic officials who are appointed to act for head of consulate in accordance with Paragraph 1 of this article, shall continue to enjoy diplomatic privileges and immunities.

#### Article 5. Advising Authorities in the Consular Area

After the host country has granted the certificate of consular appointment, or given approval for the provisional carrying out of duties, it must as quickly as possible advise the responsible authorities within the consular area, and take necessary measures so that the head of consulate can carry out his duties and enjoy the facilities, privileges and immunities stipulated in this treaty.

#### Article 6. Advising of Arrivals and Departures

The accredited country must, at the appropriate time, advise the host country's Foreign Ministry or responsible authorities in writing of the below-mentioned matters:

(1) The appointment, name, nationality and post of consulate members, their date of arrival in the country, final departure from the country and termination of their duties, as well as any changes, which occur during their period of work in the consulate, affecting their status.

(2) The names and nationality of family members of consulate members, their arrival in and final departure from the country, as well as any events whereby people become or cease to be family members.

(3) The names, nationality and duties of private service staff, their arrival and final departure from the country, and the termination of their service.

(4) The employment of dismissal of nationals or permanent residents of the host country as staff of the consulate.

#### Article 7. The Nationality of Consulate Members and Private Service Staff

1. Consular officials should be nationals of the accredited country and must not be permanent residents of the host country.

2. Consulate workers and private service staff should be nationals of either the accredited country or the host country.

#### Article 8. Identity Cards

1. The responsible organ of the host country shall issue every consulate member and his family members with an identity card at no cost.

2. The stipulation in the first paragraph of this article does not apply to nationals or permanent residents of the host country.

#### Article 9. Termination of Duties of Consulate Members

1. The host country may at any time advise the accredited country through diplomatic channels of the withdrawal of the certificate of consular appointment of the head of consulate, declare any consular official as persona non grata, or any consulate worker as unacceptable, and need not give reasons for the decision. In this situation, the accredited country should recall the personnel in question or terminate their duties at the consulate.

2. In addition to other situations, the duties of consulate members shall be terminated in any one of the following situations:

(1) when the host country withdraws the certificate of consular appointment;

(2) when the host country advises the accredited country that a certain consular official is persona non grata or a certain consulate worker is unacceptable;

(3) when the accredited country advises the host country that their duties have been terminated.

### Chapter II. Consular Functions

#### Article 10. Functions of Consular Officials

The functions of consular officials are as follows:

(1) to protect the interests of the accredited country and its nationals in the host country, and to provide assistance to nationals of the accredited country;

(2) to promote the development of friendly relations in the economic, trade, cultural, scientific and tourist fields between the accredited country and the host country;

(3) to use all legitimate means to investigate the political, economic, trade, cultural, scientific and tourist aspects of the host country and to report these to the government of the accredited country;

(4) to carry out those other tasks which the accredited country has authorized them to and which are not prohibited by the laws and regulations of the host country, or opposed by the host country.

#### Article 11. Relations With Nationals of the Accredited Country

1. Consular officials have the right to contact and meet with any nationals of the accredited nation within the consular area and to provide them with help or legal assistance.

2. The host country should not restrict by any means nationals of the accredited nation from contacting a consulate or entering a consulate.

#### Article 12. Representing Nationals of the Accredited Country

When a national of the accredited country is not in the host country or for other reasons is unable to defend his own interests at the appropriate time, consular officials have the right, within the limits allowed by the host country's laws and regulations, to represent that national or to arrange appropriate representation for the national in the courts or other organs of the host country. This representation may continue until the national appoints his own representative or he himself takes on the responsibility of defending his own interests.

#### Article 13. Registering Nationals and Issuing Certificates

1. Consular officials have the right:

(1) to register nationals of the accredited country;

(2) to register births and deaths of nationals of the accredited country and to issue appropriate certificates. However, this registration does not exempt nationals of the accredited country from observing their duties as stipulated in the laws and regulations of the host country;

(3) in accordance with the laws of the accredited country, to handle marital matters for nationals of the accredited country and to issue marriage certificates;

(4) to issue nationals of the accredited country with passports and other travel documents, and to extend the validity, alter or cancel these documents;

(5) to issue visas and extend their validity.

2. In response to a request by a consular official, the responsible organ of the host country should swiftly and without payment, provide a certificate as to the status of nationals of the accredited country.

#### Article 14. Notarization and Attestation

1. Consular officials have the right:

(1) to certify all types of documents for nationals of the accredited country, and to certify that copies, abbreviated versions of documents, translations and photocopies correspond with the originals;

(2) to attest the signatures and seals on documents issued by organs of the accredited country or the host country;

(3) to translate all types of documents into the official language of the accredited country or the host country, and to certify that translations accord with the originals;

(4) to accept and certify declarations by nationals of the accredited country;

(5) to accept, to complete on behalf of others, and to certify testimonials for nationals of the accredited country in accordance with the laws of that country, as well as any other documents related to unilateral legal actions;

(6) to issue and attest certificates of origin;

(7) to carry out other notarization and attestation tasks as entrusted to them by the accredited country.

2. Providing the contents do not violate the laws of the host country, if documents which have been furnished and notarized or attested by consular officials of the accredited country are to be used in the host country, they should be considered equally valid with documents furnished and notarized or attested by the relevant authorities of the host country.

#### Article 15. Storage of Papers and Materials

1. In accordance with the laws of the host country, consular officials have the right to temporarily store papers, cash and materials of the accredited country's nationals.

2. Consular officials also have the right to accept lost property of nationals of the accredited country to facilitate the return of the property to its owner.

3. If a national of the accredited country is a nonpermanent resident of the host country and dies in the host country, the relevant organs in the host country should safeguard all the property which the deceased has left in that country and hand it over to the consular officials, without necessarily going through legal procedures. Consular officials should pay all of the debts of the deceased in the host country, with the proviso that the payments do not exceed the value of this property.

#### Article 16. Establishing Guardian and Trustee Relationships

1. When nationals of the accredited country who are permanent residents of the host country need to establish guardian or trustee relationships, the responsible organs of the host country should notify consular officials.

2. Consular officials should, in the situation cited in Paragraph 1 of this article, cooperate with the responsible organs of the host country, and where necessary, can recommend guardians or trustees.

#### Article 17. Advice of Arrests and Visiting

1. When a national of the accredited country is taken into custody, arrested or deprived of freedom in any other way, the responsible organs of the host country should notify consular officials as quickly as possible. The advice must not be later than the seventh day after the action has been taken.

2. Consular officials have the right to visit nationals of the accredited country who have been taken into custody, arrested or deprived of freedom in any other way, in order to talk with, and provide them with assistance, including legal defense, as well as communication with this legal defense. The visits should be carried out as soon as possible. Within 3 days of the date of notification, the responsible organs of the host country should not refuse visits, while visits may be continued for a reasonable period after this.

3. Consular officials have the right to visit nationals of the accredited country who are imprisoned in the host country.

4. The relevant authorities of the host country should notify the parties who have the right to enjoy them, of all the rights detailed in this article.

5. All the rights stipulated in this article should be exercised in accordance with the laws and regulations of the host country. However, the application of the laws and regulations of the host country should not restrict the implementation of these rights.

#### Article 18. Notification of Accident and Death

1. If an accident results in the death or serious injury of a national of the accredited country, the responsible organ of the host country should swiftly advise consular officials.

2. When the responsible organ of the host country learns of the death in that country of a national of the accredited country, it should immediately notify consular officials and shall at the request of consular officials supply without charge a copy or transcript of the death certificate or other document certifying death.

#### Article 19. Duties in Regard to Legacies

1. If a national of the accredited country is a legatee or a beneficiary of an estate, and has the right to inherit or benefit from the legacy of the deceased in the territory of the host country, regardless of the nationality of the deceased, the responsible organs of the host country should as quickly as possible advise consular officials of the commencement of arrangements for handling the inherited or due legacy for this person.

2. If a national of the accredited country dies and leaves a legacy in the host country, the responsible organs of the host country should advise consular officials of the nature of the legacy, the location of the legacy, and the location of the person authorized to receive the legacy. If the deceased has left a will, at the request of consular officials, the responsible organs of the host country should send a copy of this will to these officials.

3. When a national of the accredited country has the right or claims to have the right, to inherit a legacy within the boundaries of the host country, but that person is not present at or cannot attend the legal proceedings, consular officials can directly, or through an agent, represent this national in the courts or before other organs of the host country, without necessarily producing a letter of attorney. This representation can continue until the national himself or his appointed representative takes on the responsibility of protecting his own interests. When consular officials are representing nationals of the accredited country, they should respect the laws and regulations of the host country.

4. The responsible organ of the host country should take all appropriate measures stipulated by the laws and regulations of that country to safeguard the legacy detailed in Paragraph 2 of this article and advise consular officials of the measures taken. When inventories are taken, premises or objects sealed, seals broken, property sold or other measures are taken in regard to safeguarding the legacy, consular officials have the right to be present.

5. When inheritance proceedings or other official proceedings are concluded, the responsible organ of the host country should immediately advise the consular officials, and as quickly as possible hand over to them the inherited legacy or share in the legacy of the person represented by the consular officials, after deducting liabilities and taxes.

6. Consular officials have the right to receive those shares of legacies and testate gifts which should be received by a national of the accredited country who is not a permanent resident of the host country. These legacies and testate gifts will include disability pensions, compensation, old-age pensions, insurance payments and other due monies. This is to facilitate the transfer of this legacy or testate gift to the national who has the right to receive it.

7. When property and cash obtained by consular officials in accordance with paragraphs 5 and 6 of this article is to be transferred out of the host country, the laws and regulations of the host country must be observed.

#### Article 20. Transmission of Documents

At the request of the responsible authorities of the accredited country, consular officials have the right, within the limits allowed by the laws and regulations of the host country, to obtain voluntary testimony from nationals of the accredited country, and to pass on to them judicial papers and nonjudicial papers.

#### Article 21. Providing Assistance to Ships of the Accredited Country

1. Consular officials have the right to provide any assistance to ships of the accredited country in the territorial waters, inland waterways, ports or any other places outside berths in the host country.

2. When carrying out duties under Paragraph 1 of this article, consular officials have the right:

(1) to visit the ship to listen to statements regarding the ship, the cargo and the voyage;

(2) to receive visits from the ship's captain or any of the ship's crew and, when necessary, to organize medical attention or repatriation for the ship's captain or crew members;

(3) to receive, examine, certify, issue or extend any certificates or other documents related to the ship;

(4) in accordance with the laws of the accredited country, to regulate any disputes, including disputes regarding work contracts and working conditions, between the ship's captain and crew or between crew members;

(5) in accordance with the laws and regulations of the accredited country, to carry out supervision and inspection of the ships, to investigate any accidents which occurred during the voyage, and to take measures to safeguard discipline and order on the ship;

(6) to look after and assist ships' captains and crew who are involved with the law courts or other organs of the host country, including the provision of legal assistance, translators and other personnel;

(7) providing it does not conflict with the laws and regulations of the host country, to take whatever measures the maritime laws and regulations of the accredited country stipulate.

3. Consular officials, when carrying out their tasks stipulated in this article, should observe the laws and regulations of the host country.

4. The responsible organs of the host country should respect all measures taken by consular officials in regard to the ships and ships' crews of the accredited country in accordance with the laws and regulations of the accredited country. Consular officials, in carrying out their tasks stipulated in this article, can request the responsible organs of the host country to provide assistance.

#### Article 22. Damage to Ships of the Accredited Country

1. When a ship of the accredited country sinks, is grounded or is involved in any other major maritime accident in the inland waterways or territorial waters of the host country, the responsible organs of the host country should advise consular officials as quickly as possible.

2. In the event of an accident as described in Paragraph 1 of this article, consular officials have the right to provide assistance to the ship and ship's crew, and can request the host country to provide assistance.

3. In the event of an accident as described in Paragraph 1 of this article, the responsible organs of the host country should, apart from taking all necessary measures to organize the rescue of the ship's crew and passengers, also, in accordance with requests by the ship's captain or consular officials, provide all necessary assistance in saving and protecting the ship, equipment and cargo on board the ship, as well as that equipment and cargo which belongs to the ship but which has been separated from it.

4. When a ship of the accredited country sinks, and any of the ship's equipment, cargo, stores or other materials is found or drifts to the coastal areas or ports of the host country, if neither the captain, the captain's representative nor the insurance company's representative are present, or unable to take appropriate measures, the responsible organs of the host country should notify consular officials as quickly as possible. Consular officials can represent the ship's principals in taking all measures which the ship's principals would be able to take if they were present.

5. Consular officials have the right to be present at proceedings by the responsible organs of the host country to determine the cause of an accident, grounding or sinking of a ship of the accredited country.

6. All of the equipment, cargo and other materials which are on board a ship of the accredited country, which are damaged in the host country, and which are not sold or delivered in the host country, should be exempted from customs tariffs and other such fees.

#### Article 23. Provision of Assistance to a Ship of the Accredited Country by Organs of the Host Country

1. Responsible organs of the host country should provide necessary assistance to ships of the accredited country.

2. When a crew member who is not a national of the host country leaves a ship of the accredited country in the host country without the permission of the captain, the responsible organs of the host country should, at the request of the ship's captain or consular officials, assist in looking for him.

#### Article 24. Exercise of Jurisdiction Over Ships of the Accredited Country

1. The responsible organs of the host country will exercise jurisdiction over any of the following crimes occurring on board a ship of the accredited country in the territorial waters, inland waterways or ports of the host country:

(1) offenses by nationals of the host country or offenses which harm nationals of the host country;

(2) offenses which harm the tranquillity and safety of the ports, territorial waters or inland waterways of the host country;

(3) offenses which violate the laws and regulations of the host country relating to maritime health, protection of life, customs work, immigration, marine pollution or illegal traffic in narcotics.

2. The responsible organs of the host country also have the right, in accordance with the laws and regulations of their country, to exercise jurisdiction over offenses, other than those detailed in Paragraph 1 of this article, occurring on board a ship of the accredited country, if the offenses harm public tranquillity, harm the security of the host country or endanger the interests of the host country. However, without being requested by the captain of the ship or consular officials, they are not to interfere in the internal affairs on board the ship.

3. The responsible organs of the host country can exercise jurisdiction on board a ship of the accredited country at the request of the ship's captain or of consular officials.

4. When the responsible organs of the host country wish to take compulsive steps in regard to the captain, crew members, or passengers, or take possession of property, on board a ship of the accredited country, they should first advise consular officials. If the situation is urgent, and it is not possible to advise consular officials first, the responsible organs of the host country should, as quickly as possible, provide details of the case and the actions taken.

5. The stipulations in Paragraph 4 of this article are not applicable in normal immigration, customs, and health inspections on board ship by the responsible organs of the host country. Neither are they applicable in regard to actions taken in saving life at sea or preventing pollution of waterways, or in inspections requested or agreed to by the ship's captain.

#### Article 25. Visiting Foreign Ships

With prior permission from the ship's captain, consular officials have the right to visit any ship, flying a flag of other than the accredited country, which is going to sail to a port or other berthing area of the accredited country. Consular officials should observe the port regulations of the host country.

Article 26. Aircraft of the Accredited Country

The stipulations in Article 21 to Article 25 of this treaty are also applicable to aircraft of the accredited country and aircraft chartered by enterprises of the accredited country. However, the application of these articles may not violate the stipulations contained in effective bilateral aviation agreements between the host country and the accredited country or multilateral aviation agreements to which the two sides are signatory.

Article 27. The Carrying out of Consular Duties Within and Outside the Consular Area

Consular officials will carry out consular duties within the consular area. With the approval of the host country, consular officials can carry out consular duties outside the consular area.

Article 28. Relations With Organs of the Host Country

In carrying out their duties, consular officials can:

- (1) liaise with responsible local organs within the consular area;
- (2) if the laws, regulations and practice of the host country and international agreements allow, liaise with responsible central organs.

Article 29. Observance of Laws and Regulations of the Host Country

1. Providing it does not hinder their privileges or immunities, consulate members and their family members have an obligation to respect the laws and regulations of the host country.
2. Consulate members, apart from carrying out their official duties, should not engage in any professional or commercial activity for private benefit in the host country.
3. Consulate accommodation may not be used for any purpose not in accordance with the carrying out of consular duties.
4. Means of transport owned by the accredited country and used by the consulate, and means of transport used by consulate members and their family members should observe the regulations of the host country in regard to compulsory insurance.

Article 30. Embassies Carrying Out Consular Functions

1. The embassy of the accredited country can carry out consular functions. In such a situation, the stipulations of this treaty will apply.
2. The embassy of the accredited country should advise the Ministry of Foreign Affairs in the host country of the name and post of the diplomatic personnel who will be carrying out consular functions.

3. Diplomatic personnel who are appointed to carry out consular functions will enjoy the privileges and immunities they enjoy as diplomatic officials.

### Chapter III. Consular Facilities, Privileges and Immunities

#### Article 31. Consulate Work Facilities

The host country should provide all facilities for the consulate to carry out its functions, and take appropriate measures so that consulate members are not obstructed in carrying out their duties.

#### Article 32. Obtaining Consulate Accommodation and Residences

1. The accredited country or its representative has the right to purchase, rent or obtain by other means, land, buildings and dwellings appropriate for consular purposes. This does not include residences for consulate members who are nationals or permanent residents of the host country.

2. The accredited country, when exercising the rights detailed in Paragraph 1 of this article, will observe the laws and regulations of the host country in regard to both the purchase and use of land and buildings, construction and city planning.

3. The host country, in accordance with the laws and regulations of the country, will provide facilities for the consulate of the accredited country to obtain suitable consulate accommodation.

#### Article 33. Use of the National Flag and National Emblem

1. The accredited country has the right to display its national emblem on the building where the consulate is located, at the main gate and at the residence of the head of consulate, and to display a consulate nameplate written in the script of both the accredited country and the host country, on the consulate accommodation.

2. The accredited country has the right to fly its national flag at the consulate accommodation, at the residence of the head of consulate, and on the means of transport used by the head of consulate when carrying out officials duties.

#### Article 34. Consulate Accommodation and Residences of Consular Officials Are Not To Be Encroached Upon

1. Consular accommodation and residences of consular officials are not to be encroached upon. Officials of the host country are not to enter consulate accommodation or residences of consular officials without the approval of the head of consulate, the head of mission of the accredited country in the host country, or person authorized by either of these two people.

2. The host country should take all appropriate measures to protect consulate accommodation, prevent it from being encroached upon or damaged, and prevent any actions which would disturb the consulate or its dignity.

#### Article 35. Records Are Not To Be Violated

None of the records of the consulate are to be violated at any time, regardless of the situation of these records.

#### Article 36. Freedom of Communications

1. The host government shall allow the consulate freedom of communications for all official business and will safeguard this freedom. Communication between the consulate and the government of the accredited country, embassies of this country in all places and other consulates are allowed to be carried out through all appropriate means, including diplomatic and consular couriers, diplomatic and consular bags and open and secret telegraphic codes. A consulate can only install and utilize a radio transmitter with the approval of the host country.

2. Neither incoming nor outgoing official documents of the consulate are to be violated.

3. Consular bags must be sealed and have attached to them a discernible Foreign Ministry marking. Their contents are restricted to official documents, materials and goods which are being supplied for exclusive use by the consulate in its official duties.

4. Consular bags are not to be opened or detained.

5. A consular courier should carry official identification recording his status and the number of items comprising the consular bag. Consular couriers are restricted to nationals of the accredited country who do not have permanent residence in the host country. When carrying out their official duties, consular couriers should be protected by the host country and enjoy the right of inviolability of the person. They are not to be detained, arrested or have their personal freedom restricted by any other means.

6. Diplomatic bags can be entrusted to the ships or aircraft of the accredited country for transmission. The captain of the ship or aircraft should carry official papers stipulating the number of items comprising the consular bag, but is not to be regarded as a consular courier. By arrangement with the responsible organs of the host country, consular officials can directly transfer consular bags to the captains of ships or aircraft.

#### Article 37. Exemption From Requisition

Consulate accommodation, residential facilities and consular equipment as well as means of transport should be exempted from all forms of requisition carried out for national defense or other official purposes. If there is clearly a need to requisition for these purposes, all possible steps are to be taken to avoid obstructing the carrying out of consular functions, and full and effective compensation is to be paid as quickly as possible to the accredited country.

Article 38. Exemption of Consulate Accommodation, Residences and Means of Transport From Taxes and Levies

1. Consulate accommodation and residences of consular officials owned or leased by the accredited country, as well as all means of transport of the consulate, shall be exempted from all national, local and municipal taxes and levies. However, when special services are provided, the costs of these should be met by the accredited country.

2. The exemption from taxes and levies referred to in Paragraph 1 of this article will not apply to those taxes and levies which should be paid in accordance with the laws and regulations of the host country by people who have signed contracts with the accredited country or its representatives.

Article 39. Stipulated Payments to, and Service Charges by, Consulates

1. A consulate can, within the borders of the host country, collect stipulated payments and service charges related to the work of the consulate, in accordance with the laws and regulations of the accredited country.

2. The stipulated payments and service charges referred to in Paragraph 1 of this article should not be subject to any taxes or levies within the host country.

Chapter IV. Privileges and Immunities of Consulate Members

Article 40. Protection of Consulate Members

The host country should treat consulate members with appropriate respect, and take all appropriate measures to prevent the infringement of their person, freedom or dignity.

Article 41. Freedom of Movement

With the precondition of the observance of the laws and regulations of the host country in regard to closed areas or areas where entry and exit is restricted for national security reasons, the host country should guarantee all consulate members freedom of movement and freedom of travel within its borders.

Article 42. Jurisdiction Immunity

1. Consular officials shall not be subject to the criminal, civil or administrative jurisdiction of the host country. Their person shall not be violated and thus shall not be detained, arrested or have their personal freedom restricted in any other way.

2. The actions of consulate workers in carrying out official duties shall not be subject to the criminal, civil or administrative jurisdiction of the host country.

3. The stipulations of Paragraph 1 and Paragraph 2 of this article shall not apply in the following civil proceedings:

(1) proceedings initiated due to a consulate member using his status as a representative of the accredited country in a covert or secret way to enter into a contract;

(2) proceedings initiated due to damages caused by the involvement of a vehicle, ship or aircraft in an accident in the host country;

(3) proceedings related to a consulate member acting not as a representative of the accredited country, but in a private capacity, as an heir, beneficiary, executor of a will, administrator of a legacy, or guardian of a legacy.

4. When the responsible organs of the host country institute proceedings against, detain or arrest a consulate worker or restrict his personal freedom in any other way, they should advise the head of consulate as quickly as possible. During the course of the proceedings, the host country should show the consulate worker appropriate respect and should avoid obstructing him in carrying out his official duties.

#### Article 43. The Obligation To Testify

1. Consulate members may be required to testify as witnesses at judicial organs or other responsible organs of the host country. If a consular official refuses to attend or to testify, it is not permitted to take coercive actions against him or to punish him. Except as stipulated in Paragraph 3 of this article, consulate workers cannot refuse to testify.

2. When responsible organs of the host country require consulate members to testify, it should not obstruct the carrying out of official duties by these consulate members. Where possible, testimony can be recorded and written depositions obtained in the consulate, or at the residence of the consulate member.

3. Consulate members are not obliged to testify as to matters related to the carrying out of their official duties, or to hand over official documents or other papers from the consulate's records.

4. Consulate members are not obliged to supply testimony as arbiters of the laws of the accredited country.

#### Article 44. Exemption From Individual Labor Service and Contribution

The host country should exempt consulate members from all individual labor service and public service as well as all military obligations such as being subject to requisition, making monetary contributions and providing accommodation for military personnel. The host country should exempt consulate members from the obligations of the relevant laws and regulations of the host country in regard to registration of aliens, residence permits, work permits and other relevant procedures in regard to aliens.

#### Article 45. Tax Exemption for Consulate Members

1. Consulate members should be exempted from paying the relevant national, local and municipal taxes of the host country, except for the following taxes:

(1) indirect taxes usually included in the price of goods and in service charges;

(2) taxes levied on privately owned immovable property within the borders of the host country;

(3) succession duties, inheritance gains tax, inheritance taxes and concessionary taxes. However, the stipulations of Article 47 of this treaty are not limited by this paragraph;

(4) taxes on any private income derived in the host country;

(5) fees levied for the provision of various special services;

(6) registration fees, legal procedural fees, mortgage fees and stamp duty. However, the stipulations in Article 38 of this treaty are not limited by this paragraph.

2. If the wages paid by a consulate member to an employee are not exempt from income tax in the host country, the relevant income tax laws and regulations of the host country should be invoked in regard to the stipulated obligations of the employee.

#### Article 46. Exemption From Customs Tariffs and Exemption From Customs Examination

1. The host country, in accordance with its laws and regulations, shall permit the following goods to be imported and exported and will remit all customs tariffs and other related taxes, excluding storage, transport and such service charges:

(1) official goods and means of transport of the consulate;

(2) private goods and means of transport of consular officials, including all goods for setting up house on first arrival. The amount of consumer goods must not exceed that immediately required by the consular official;

(3) goods and means of transport imported by consulate workers on their first arrival.

2. The private baggage of consular officials should be exempted from customs examination. Baggage can only be examined when there are strong grounds to believe that the baggage contains goods not in accordance with Item 2, Paragraph 1 of this article, goods which are prohibited imports under the laws and regulations of the host country, or goods which are subject to quarantine. However, this inspection should be carried out in the presence of the relevant consular official or his representative.

#### Article 47. Legacies of Consulate Members

When a consular member, a family member or a private service staff member dies, if the deceased is not a national or a permanent resident of the host country, the host country should:

- (1) allow the movable property of the deceased to be transported out of the country. This does not include movable property obtained in the host country, the export of which was prohibited at the time of death;
- (2) remit the succession duties and concessionary taxes on the movable property of the deceased left in the host country.

#### Article 48. Privileges and Immunities of Family Members and Private Service Staff

1. The family members of consulate members separately enjoy the privileges and immunities which the consulate members enjoy in accordance with this treaty. This stipulation does not apply to those who are nationals of the host country, permanent residents of the host country, or those who engage in a salaried occupation in the host country.
2. Consulate workers who are nationals of the host country or permanent residents of the host country do not enjoy the privileges and immunities stipulated in this treaty. However, Paragraph 2 of Article 43 of this treaty is not limited by this provision.
3. Apart from as stipulated in Article 47 of this treaty, private service staff do not enjoy the privileges and immunities stipulated in this treaty.

#### Article 49. Renunciation of Privileges and Immunities

1. The accredited country can renounce the privileges and immunities stipulated in Article 42 and Article 43 of this treaty. The renunciation should be clearly indicated and communicated in writing to the host country.
2. If proceedings are instituted by a consulate member or a member of his family, in regard to a matter under which he can claim immunity of jurisdiction, he cannot invoke immunity of jurisdiction for any countercharge directly linked to the litigation.
3. The renunciation of immunity of jurisdiction in the course of judicial or administrative proceedings cannot be seen as a tacit renunciation of immunity in regard to the implementation of the verdict. Renouncing immunity of jurisdiction in regard to the implementation of the verdict must be done separately.

#### Chapter V. Final Provisions

#### Article 50. Ratification, Going Into Effect, and Termination

1. This treaty shall be ratified and the instruments of ratification shall be exchanged in Warsaw. The treaty shall enter into force on the 30th day following the exchange of the instruments of ratification.

2. Either contracting party can notify the other in writing that it wishes to terminate the treaty. The treaty will cease to be valid on the 20th day following the issue of a notice of termination. Otherwise, the treaty will remain in force.

This treaty was signed in duplicate in the Chinese and Polish languages both texts being equally authentic, at Beijing, this 14th day of July 1984.

In witness thereof, the respective plenipotentiaries have signed the present treaty and have affixed thereto their seals.

For People's Republic of China

For Polish People's Republic

Qian Qichen

Ernest Kucza

CSO: 4005/755

MESSAGE TO DPRK ON 35TH ANNIVERSARY OF DIPLOMATIC TIES

Beijing STATE COUNCIL BULLETIN in Chinese No 24, 20 Oct 84 p 857

[Congratulatory Message From President Li Xiannian and Premier Zhao Ziyang to President Kim Il-song and Premier Kang Song-san on the Occasion of the 35th Anniversary of the Establishment of Diplomatic Relations Between China and Korea]

[Text] Pyongyang

Comrade Kim Il-song, chairman of the Democratic People's Republic of Korea, Comrade Kang Song-san, premier of the Government Administration Council of the Democratic People's Republic of Korea,

On the happy occasion of the 30th anniversary of the establishment of diplomatic relations between China and Korea, I, on behalf of the government and people of China, would like to extend the warmest congratulations to you, and through you to the Korean Government and the fraternal Korean people.

The establishment of diplomatic relations between China and Korea was an event of historical significance in the relations between the two countries and has opened up broad prospects for the further strengthening and development of the traditional friendship between the peoples of the two countries. We note with satisfaction that with the joint efforts of the parties, the governments and the peoples of the two countries in the past 35 years, the relations of close friendship between the two countries have seen overall and in-depth development. The fruitful cooperation between our two countries in all fields and its bountiful yield have promoted the common prosperity of the socialist undertakings of the two countries. The consolidation and strengthening of Sino-Korean relations has made positive contributions to the safeguarding of peace in Asia and the world as a whole.

Sino-Korean friendship has been formed in the course of protracted and rigorous struggles and has a solid foundation and great vitality. The Chinese Communist Party and the Chinese Government set great store by this friendship and will make every effort to continually strengthen and develop Sino-Korean friendship as they always have in the past. This great friendship based on Marxism-Leninism and proletarian internationalism will pass on from generation to generation and last forever."

We heartily wish the Korean people a happier and better future, and the Democratic People's Republic of Korea greater prosperity and an early realization of the great cause of an independent and peaceful reunification of the fatherland.

Li Xiannian,  
President of the People's Republic of China

Zhao Ziyang,  
Premier of the State Council of the People's  
Republic of China

Beijing, 5 October 1984

CSO: 4005/755

MESSAGE TO ROMANIA ON 35TH ANNIVERSARY OF DIPLOMATIC TIES

Beijing STATE COUNCIL BULLETIN in Chinese No 24, 20 Oct 84 p 858

[Congratulatory Message From President Li Xiannian to President Ceausescu on the Occasion of the 35th Anniversary of the Establishment of Diplomatic Relations Between China and Romania]

[Text] Comrade Nicolae Ceausescu, president of the Socialist Republic of Romania,

On the occasion of the 35th anniversary of the establishment of diplomatic relations between the People's Republic of China and the Socialist Republic of Romania, I, on behalf of the People's Republic of China, the government and people of China, and in my own name, would like to extend the warmest congratulations to you, and through you to the Socialist Republic of Romania, and the government and people of Romania.

The establishment of diplomatic relations between China and Romania was an important event in the history of the development of friendship between the peoples of the two countries. In the 35 years since the establishment of diplomatic relations, our two governments have, in compliance with the principles of Marxism-Leninism and proletarian internationalism, and abiding by the guiding principles of international relations, namely, mutual respect for territorial integrity and sovereignty, nonaggression, noninterference in the internal affairs of other countries, equality and mutual benefit, and peaceful coexistence, carried out all-round and fruitful cooperation in all spheres. The frequent exchange of visits by the leaders of our two countries and two parties in recent years has further cemented our ties. The relations of friendship and cooperation between China and Romania have stood the test of history and have given a great impetus to the causes of building socialism and safeguarding world peace in both countries. The Chinese people set great store by the solidarity and friendship with the Romanian people and will continue to make every ceaseless effort to consolidate and strengthen our relations of friendship and cooperation.

May Sino-Romanian friendship last forever!

May the Socialist Republic of Romania prosper!

Li Xiannian, President of the People's Republic of China

Beijing, 3 October 1984

REGULATIONS ON FOREIGN-OWNED PRIVATE PREMISES ISSUED

Beijing STATE COUNCIL BULLETIN in Chinese No 24, 20 Oct 84 pp 859-860

[Regulations of the Ministry of Urban and Rural Construction and Environmental Protection on the Administration of Private Premises in the PRC Owned by Foreigners--Promulgated on 25 August 1984]

(Chengzhuzi [1004 0145 1316] (1984) No 470)

[Text] For the purpose of strengthening the administration of private premises owned by foreigners within Chinese territory and protecting the legitimate rights of the owners of such premises, the following regulations are formulated in accordance with law:

1. The stipulations contained in the "Regulations on the Administration of Urban Private Premises" shall be observed in the administration of residential and nonresidential premises exclusively or jointly owned by foreigners for private use or for leasing within Chinese territory (hereafter referred to as private premises owned by foreigners).
2. Owners of private premises owned by foreigners shall register with the real estate management organ of the people's government where the premises are located (hereafter referred to as real estate management organ) for title of the premises. Upon examination and verification, they shall be issued certificates of title. In the event of the transfer of title, changes in the conditions of the premises, or changes in the nationality of the owner, it is necessary to go through procedures for the transfer of title or modification of registration with the real estate management organ where the premises are located.
3. Evidence of nationality and occupation and the following documents must be presented for the registration or transfer or title of private premises owned by foreigners or for modification of registration:
  - 1) construction permit and construction drawings approved by the planning management department where the premises are located must be presented for newly-built, renovated or extended premises;

- 2) the original certificate of title, purchase contract and deeds must be presented for purchased premises;
- 3) the original certificate of title, notification or testament of gift and deeds must be presented for premises given as gifts;
- 4) the certificates of title, agreements and deeds of both parties must be presented for exchanged premises;
- 5) the original certificate of title, evidence of inheritance and deeds must be presented for inherited premises;
- 6) the original certificate of title, detailed list of family property and deeds must be presented for the division of property; and
- 7) the original certificate of title and demolition permit must be presented for premises to be demolished.

If the documents are incomplete or if the title of the premises is not clear, registration shall be withheld until conditions are ripe.

4. Lease contracts or evidence of loan must be presented to the real estate management organ where the premises are located if private premises owned by foreigners are leased or on loan.
5. If the owners of private premises owned by foreigners cannot handle the registration or transfer of title or modify their registration in person, they may appoint an attorney or a Chinese lawyer to handle the matter on their behalf. In this case, they must submit a letter of attorney.

If the owners of private premises owned by foreigners cannot manage their premises because they are not at the place where the premises are located or because of other reasons, they may appoint an attorney at the place where the premises are located to carry out management on their behalf. In this case, they must submit a letter of attorney.

6. Documents and papers for use in the registration or transfer of title, modification of registration and commission procedures must be notarized. Documents notarized in foreign countries must be authenticated by the Ministry of Foreign Affairs of their country and by the Chinese Embassy or consulate there.

The documents and papers submitted for the purpose of registration or transfer of title, modification of registration and commission procedures must be true copies. If the documents are written in a foreign language, notarized and authenticated Chinese translations must be submitted at the same time.

7. These regulations shall not apply to premises owned by Chinese-foreign joint ventures, Chinese-foreign cooperative enterprises and foreign-financed enterprises.
8. These regulations shall go into effect on the day of their promulgation.

PROVISIONAL REGULATIONS FOR S&T DEVELOPMENT LOANS

Beijing STATE COUNCIL BULLETIN in Chinese No 24, 20 Oct 84 pp 860-862

[Provisional Regulations of the Industrial and Commercial Bank of China on Loans for the Development of Scientific Research and the Trial-Manufacture of New Products Promulgated on 30 August 1984]

(Yingong Tiaozi [6892 1562 6148 1316] (1984) No 193)

[Text] The following provisional regulations are specially formulated by the Industrial and Commercial Bank of China for the purpose of implementing the policy which stipulates that "economic growth is dependent on scientific and technological advances, and scientific and technological work must be geared to economic construction," promoting the reform of the scientific research system, encouraging enterprises to use new technologies in trial-manufacturing new products, pushing forward technological progress, and promoting economic development.

1. Any scientific research unit, enterprise or scientific research-production integrated body (hereafter referred to as scientific research units and enterprises) approved by industrial and commercial administrative departments, which carries out independent accounting and which possesses some floating capital of its own may, in the event of the shortage of funds in the course of studying, imitating and assimilating new technologies, trial-manufacturing new products, and promoting the application and use of new technological achievements, apply to the local Industrial and Commercial Bank for floating fund credits, technical transformation credits and trust credits.

2. Scientific research units and enterprises wishing to apply for credits for development of scientific research and trial manufacture of new products must meet the following requirements: (1) with small capital investment, they must be able to produce quick results and economic benefits, and have the ability to repay the loans; (2) they must be units that make use of advanced technological processes and practical technologies and their products must have a future; (3) they must fulfill certain conditions in terms of raw and semi-processed materials, equipment, designing and construction.

3. Scientific research units and enterprises needing funds in the following categories in the course of carrying out scientific research and trial-manufacturing new products may be granted floating capital credits if, upon examination by the bank, it is found that they are qualified to obtain credits for:

1) expenses in the designing of new products, the formulation of technological processes, the readjustment of equipment, the testing of raw and semiprocessed materials, semifinished products and finished products, and the purchase of samples, sample machinery and general testing facilities, which are counted as costs according to regulations;

2) funds for the purchase of raw and semiprocessed materials needed for small-batch production after a new product has been tested and appraised in the course of trial-manufacture and found to be technically up to specifications and marketable;

3) funds needed for the purchase of transferred technological achievements and data as a result of the import of software technology;

4) funds in RMB needed for the purchase of foreign exchange to pay for the import of advanced technology, equipment, samples, and sample machinery.

4. Scientific research units and enterprises may apply for technical transformation credits from the bank to pay for technical transformation, the acquisition of necessary equipment (including the import of a small amount of necessary apparatus and equipment following the import of technology) and related civil construction projects necessary for the development of new products (for single machines and small equipment valued under 50,000 yuan, floating capital credits may be sought).

5. Scientific research units and enterprises that have been authorized to draw from sales returns a certain percentage for the development of technology or to set aside funds for the trial-manufacture of new products may be granted special loans by the bank if they encounter a cash shortage due to the spending of the money before it has been drawn. The credit period shall be no longer than 2 years.

6. In order to promote the use of new products, sales units that are required by contract to sell on credit, accept delayed payment or payment by installment during the period of trial sales may, upon approval by the bank, secure the necessary working capital by seeking seller's credit or financial leasing backed by trust.

7. The bank may handle trust loans, loans for covering advanced payments in the turnover of scientific research funds, financial leasing and other trust business, using science and technology funds of scientific research units as collateral security.

8. Interest rates on loans for the development of scientific research and the trial manufacture of new products shall be handled in accordance with relevant rates for floating capital credits, technical transformation credits or trust credits. Where conditions permit, the Industrial and Commercial Bank may try out the method of offering discount rates with the difference in interest made up by relevant departments.