

# 維也納領事關係公約

(一九六三年四月二十四日訂於維也納)

**Vienna Convention**

**on**

**Consular Relations**

(Vienna, 24 April 1963)

政務司司長辦公室

Chief Secretary for Administration's Office

## 維也納領事關係公約

(1963年4月24日訂於維也納)

本公約各當事國，

查各國人民自古即已建立領事關係，

察及聯合國憲章關於各國主權平等、維持國際和平與安全以及促進國際間友好關係之宗旨及原則，

鑑於聯合國外交往來及豁免會議曾通過維也納外交關係公約，該公約業自1961年4月18日起聽由各國簽署，

深信一項關於領事關係、特權及豁免之國際公約亦能有助於各國間友好關係之發展，不論各國憲政及社會制度之差異如何，認為此等特權及豁免之目的不在於給與個人以利益而在於確保領館能代表本國有效執行職務，

確認凡未經本公約明文規定之事項應繼續適用國際習慣法之規例，

爰議定條款如下：

## 第一條

定義

一、就本公約之適用而言，下列名稱應具意義如次：

1. 載於本小冊子的公約中文本錄自《中華人民共和國多邊條約集》第一集 806-830 頁。其英文本乃聯合國官方文本。
2. 中華人民共和國為本公約成員國。

## VIENNA CONVENTION ON CONSULAR RELATIONS

(April 24, 1963)

*The States Parties to the present Convention,*

*Recalling* that consular relations have been established between peoples since ancient times,

*Having in mind* the Purposes and Principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

*Considering* that the United Nations Conference on Diplomatic Intercourse and Immunities adopted the Vienna Convention on Diplomatic Relations which was opened for signature on 18 April 1961,

*Believing* that an international convention on consular relations, privileges and immunities would also contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

*Realizing* that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of functions by consular posts on behalf of their respective States,

*Affirming* that the rules of customary international law continue to govern matters not expressly regulated by the provisions of the present Convention,

*Have agreed* as follows:

## ARTICLE I

Definitions

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

1. The English text of the Convention printed in this booklet is the United Nations official text while the Chinese text of the Convention is extracted from "The People's Republic of China's Collection of Multilateral Treaties" Volume I, pages 806-830.
2. The People's Republic of China is a party to the Convention.

- (一) 稱“領館”者，謂任何總領事館、領事館、副領事館或領事代理處；
- (二) 稱“領館轄區”者，謂為領館執行職務而設定之區域；
- (三) 稱“領館館長”者，謂奉派任此職位之人員；
- (四) 稱“領事官員”者，謂派任此職承辦領事職務之任何人員，包括領館館長在內；
- (五) 稱“領館僱員”者，謂受僱擔任領館行政或技術事務之任何人員；
- (六) 稱“服務人員”者，謂受僱擔任領館雜務之任何人員；
- (七) 稱“領館人員”者，謂領事官員、領館僱員及服務人員；
- (八) 稱“領館館員”者，謂除館長以外之領事官員、領館僱員及服務人員；
- (九) 稱“私人服務人員”者，謂受僱專為領館人員私人服務之人員；
- (十) 稱“領館館舍”者，謂專供領館使用之建築物或建築物之各部分，以及其所附屬之土地，至所有權誰屬，則在所不問；
- (十一) 稱“領館檔案”者，謂領館之一切文書、文件、函電、簿籍、膠帶及登記冊，以及明密電碼、記錄卡片及供保護或保管此等文卷之用之任何器具。

2. 領事官員分為兩類，即職業領事官員與名譽領事官員。本公約第二章之規定對以職業領事官員為館長之領館適用之；第三章之規定對以名譽領事官員為館長之領館適用之。

3. 領館人員為接受國國民或永久居民者，其特殊地位依本公約第七十一條定之。

- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- (b) “consular district” means the area assigned to a consular post for the exercise of consular functions;
- (c) “head of consular post” means the person charged with the duty of acting in that capacity;
- (d) “consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
- (e) “consular employee” means any person employed in the administrative or technical service of a consular post;
- (f) “member of the service staff” means any person employed in the domestic service of a consular post;
- (g) “members of the consular post” means consular officers, consular employees and members of the service staff;
- (h) “members of the consular staff” means consular officers, other than the head of a consular post, consular employees and members of the service staff;
- (i) “member of the private staff” means a person who is employed exclusively in the private service of a member of the consular post;
- (j) “consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;
- (k) “consular archives” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officers; the provisions of Chapter III govern consular posts headed by honorary consular officers.

3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention.

## 第一章 一般領事關係

### 第一節 領事關係之建立及處理

#### 第二條

##### 領事關係之建立

- 一. 國與國間領事關係之建立，以協議為之。
- 二. 除另有聲明外，兩國同意建立外交關係亦即謂同意建立領事關係。
- 三. 斷絕外交關係並不當然斷絕領事關係。

#### 第三條

##### 領事職務之行使

領事職務由領館行使之。此項職務亦得由使館依照本公約之規定行使之。

#### 第四條

##### 領館之設立

- 一. 領館須經接受國同意始得在該國境內設立。
- 二. 領館之設立地點、領館類別及其轄區由派遣國定之，惟須經接受國同意。
- 三. 領館之設立地點、領館類別及其轄區確定後，派遣國須經接受國同意始得變更之。

## CHAPTER I. CONSULAR RELATIONS IN GENERAL

### SECTION I ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS

#### ARTICLE 2

##### Establishment of consular relations

1. The establishment of consular relations between States takes place by mutual consent.
2. The consent given to the establishment of diplomatic relations between two States implies, unless otherwise stated, consent to the establishment of consular relations.
3. The severance of diplomatic relations shall not *ipso facto* involve the severance of consular relations.

#### ARTICLE 3

##### Exercise of consular functions

Consular functions are exercised by consular posts. They are also exercised by diplomatic missions in accordance with the provisions of the present Convention.

#### ARTICLE 4

##### Establishment of a consular post

1. A consular post may be established in the territory of the receiving State only with that State's consent.
2. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.
3. Subsequent changes in the seat of the consular post, its classification or the consular district may be made by the sending State only with the consent of the receiving State.

四. 總領事館或領事館如欲在本身所在地以外之地點設立副領事館或領事代理處亦須經接受國同意。

五. 在原設領館所在地以外開設辦事處作為該領館之一部分，亦須事先徵得接受國之明示同意。

## 第五條

### 領事職務

領事職務包括：

- (一) 於國際法許可之限度內，在接受國內保護派遣國及其國民——個人與法人——之利益；
- (二) 依本公約之規定，增進派遣國與接受國間之商業、經濟、文化及科學關係之發展，並在其他方面促進兩國間之友好關係；
- (三) 以一切合法手段調查接受國內商業、經濟、文化及科學活動之狀況及發展情形，向派遣國政府具報，並向關心人士提供資料；
- (四) 向派遣國國民發給護照及旅行證件，並向擬赴派遣國旅行人士發給簽證或其他適當文件；
- (五) 幫助及協助派遣國國民——個人與法人；
- (六) 擔任公證人、民事登記員及類似之職司，並辦理若干行政性質之事務，但以接受國法律規章無禁止之規定為限；
- (七) 依接受國法律規章在接受國境內之死亡繼承事件中，保護派遣國國民——個人與法人——之利益；
- (八) 在接受國法律規章所規定之限度內，保護為派遣國國民之未成年人及其他無充分行為能力人之利益，尤以須對彼等施以監護或托管之情形為然；

4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

## ARTICLE 5

### Consular functions

Consular functions consist in:

- (a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;
- (d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- (f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;
- (g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;
- (h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

- (九) 以不抵觸接受國內施行之辦法與程序為限，遇派遣國國民因不在當地或由於其他原因不能於適當期間自行辯護其權利與利益時，在接受國法院及其他機關之前擔任其代表或為其安排適當之代表，俾依照接受國法律規章取得保全此等國民之權利與利益之臨時措施；
- (十) 依現行國際協定之規定或於無此種國際協定時，以符合接受國法律規章之任何其他方式，轉送司法書狀與司法以外文件或執行囑托調查書或代派遣國法院調查證據之委託書；
- (十一) 對具有派遣國國籍之船舶，在該國登記之航空機以及其航行人員，行使派遣國法律規章所規定之監督及檢查權；
- (十二) 對本條第(十一)款所稱之船舶與航空機及其航行人員給予協助，聽取關於船舶航程之陳述，查驗船舶文書並加蓋印章，於不妨害接受國當局權力之情形下調查航行期間發生之任何事故及在派遣國法律規章許可範圍內調解船長船員與水手間之任何爭端；
- (十三) 執行派遣國責成領館辦理而不為接受國法律規章所禁止、或不為接受國所反對、或派遣國與接受國間現行國際協定所訂明之其他職務。

## 第六條

### 在領館轄區外執行領事職務

在特殊情形下，領事官員經接受國同意，得在其領館轄區外執行職務。

- (i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;
- (j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;
- (k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;
- (l) extending assistance to vessels and aircraft mentioned in sub-paragraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;
- (m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

## ARTICLE 6

### Exercise of consular functions outside the consular district

A consular officer may, in special circumstances, with the consent of the receiving State, exercise his functions outside his consular district.

## 第七條

在第三國中執行領事職務

派遣國得於通知關係國家後，責成設於特定國家之領館在另一國內執行領事職務，但以關係國家均不表示反對為限。

## 第八條

代表第三國執行領事職務

經適當通知接受國後，派遣國之一領館得代表第三國在接受國內執行領事職務，但以接受國不表示反對為限。

## 第九條

領館館長之等級

一、領館館長分為四級，即：

- (一) 總領事；
- (二) 領事；
- (三) 副領事；
- (四) 領事代理人。

二、本條第一項之規定並不限制任何締約國對館長以外之領事官員設定銜名之權。

## 第十條

領館館長之委派及承認

一、領館館長由派遣國委派，並由接受國承認准予執行職務。

二、除本公約另有規定外，委派及承認領館館長之手續各依派遣國及接受國之法律規章與慣例辦理。

## ARTICLE 7

Exercise of consular functions in a third State

The sending State may, after notifying the States concerned, entrust a consular post established in a particular State with the exercise of consular functions in another State, unless there is express is express objection by one of the States concerned.

## ARTICLE 8

Exercise of consular functions on behalf of a third State

Upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State.

## ARTICLE 9

Classes of heads of consular posts

1. Heads of consular posts are divided into four classes, namely:
  - (a) consuls-general;
  - (b) consuls;
  - (c) vice-consuls;
  - (d) consular agents.
2. Paragraph 1 of this Article in no way restricts the right of any of the Contracting Parties to fix the designation of consular officers other than the heads of consular posts.

## ARTICLE 10

Appointment and admission of heads of consular posts

1. Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.
2. Subject to the provisions of the present Convention, the formalities for the appointment and for the admission of the head of a consular post are determined by the laws, regulations and usages of the sending State and of the receiving State respectively.

## 第十一條

領事委任文憑或委派之通知

- 一. 領館館長每次奉派任職，應由派遣國發給委任文憑或類似文書以充其職位之證書，其上通例載明館長之全名，其職類與等級，領館轄區及領館設置地點。
- 二. 派遣國應經由外交途徑或其他適當途徑將委任文憑或類似文書轉送領館館長執行職務所在地國家之政府。
- 三. 如接受國同意，派遣國得向接受國致送載列本條第一項所規定各節之通知，以替代委任文憑或類似文書。

## 第十二條

領事證書

- 一. 領館館長須經接受國准許方可執行職務，此項准許不論採何形式，概稱領事證書。
- 二. 一國拒不發給領事證書，無須向派遣國說明其拒絕之理由。
- 三. 除第十二條及第十五條另有規定外，領館館長非俟獲得領事證書不得開始執行職務。

## 第十三條

暫時承認領館館長

領事證書未送達前，領館館長得暫時准予執行職務。遇此情形，本公約之各項規定應即適用。

## ARTICLE 11

The consular commission or notification of appointment

1. The head of a consular post shall be provided by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and showing, as a general rule, his full name, his category and class, the consular district and the seat of the consular post.
2. The sending State shall transmit the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.
3. If the receiving State agrees, the sending State may, instead of a commission or similar instrument, send to the receiving State a notification containing the particulars required by paragraph 1 of this Article.

## ARTICLE 12

The exequatur

1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an *exequatur*, whatever the form of this authorization.
2. A State which refuses to grant an *exequatur* is not obliged to give to the sending State reasons for such refusal.
3. Subject to the provisions of Articles 13 and 15, the head of a consular post shall not enter upon his duties until he has received an *exequatur*.

## ARTICLE 13

Provisional admission of heads of consular posts

Pending delivery of the *exequatur*, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of the present Convention shall apply.

## 第十四條

通知領館轄區當局

領館館長一經承認准予執行職務後，接受國應立即通知領館轄區之各主管當局，即令係屬暫時性質，亦應如此辦理。接受國並應確保採取必要措施，使領館館長能執行其職責並可享受本公約所規定之利益。

## 第十五條

暫時代理領館館長職務

- 一. 領館館長不能執行職務或缺位時，得由代理館長暫代領館館長。
- 二. 代理館長之全名應由派遣國使館通知接受國外交部或該部指定之機關；如該國在接受國未設使館，應由領館館長通知，館長不能通知時，則由派遣國主管機關通知之。此項通知通例應事先為之。如代理館長非為派遣國駐接受國之外交代表或領事官員，接受國得以徵得其同意為承認之條件；
- 三. 接受國主管機關應予代理館長以協助及保護。代理館長主持館務期間應在與領館館長相同之基礎上適用本公約各項規定。惟如領館館長係在代理館長並不具備之條件下始享受便利、特權與豁免時，接受國並無准許代理館長享受此種便利、特權與豁免之義務。
- 四. 遇本條第一項所稱之情形，派遣國駐接受國使館之外交職員奉派遣國派為領館代理館長時，倘接受國不表反對，應繼續享有外交特權和豁免。

## ARTICLE 14

Notification to the authorities of the consular district

As soon as the head of a consular post is admitted even provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of the present Convention.

## ARTICLE 15

Temporary exercise of the functions of the head of a consular post

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.
2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent.
3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post.
4. When, in the circumstances referred to in paragraph 1 of this Article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

## 第十六條

領館館長間之優先位次

- 一. 領館館長在各別等級中之優先位次依頒給領事證書之日期定之。
- 二. 惟如領館館長在獲得領事證書前業經暫時承認准予執行職務，其優先位次依給予暫時承認之日期定之；此項優先位次在頒給領事證書後，仍應維持之。
- 三. 兩個以上領館館長同日獲得領事證書或暫時承認者，其相互間之位次依委任文憑或類似文書或第十一條第三項所稱之通知送達接受國之日期定之。
- 四. 代理館長位於所有領館館長之後，其相互間之位次依遵照第十五條第二項所為通知中述明之開始擔任代理館長職務日期定之。
- 五. 名譽領事官員任領館館長者在各別等級中位於職業領館館長之後，其相互間之位次依前列各項所訂定之次序及規則定義。
- 六. 領館館長位於不任此職之領事官員之先。

## 第十七條

領事官員承辦外交事務

- 一. 在派遣國未設使館亦未由第三國使館代表之國家內，領事官員經接受國之同意，得准予承辦外交事務，但不影響其領事身分。領事官員承辦外交事務，並不因而有權主張享有外交特權及豁免。

## ARTICLE 16

Precedence as between heads of consular posts

1. Heads of consular posts shall rank in each class according to the date of the grant of the *exequatur*.
2. If, however, the head of a consular post before obtaining the *exequatur* is admitted to the exercise of his functions provisionally, his precedence shall be determined according to the date of the provisional admission; this precedence shall be maintained after the granting of the *exequatur*.
3. The order of precedence as between two or more heads of consular posts who obtained the *exequatur* or provisional admission on the same date shall be determined according to the dates on which their commissions or similar instruments or the notifications referred to in paragraph 3 of Article 11 were presented to the receiving State.
4. Acting heads of posts shall rank after all heads of consular posts and, as between themselves, they shall rank according to the dates on which they assumed their functions as acting heads of posts as indicated in the notifications given under paragraph 2 of Article 15.
5. Honorary consular officers who are heads of consular posts shall rank in each class after career heads of consular posts, in the order and according to the rules laid down in the foregoing paragraphs.
6. Heads of consular posts shall have precedence over consular officers not having that status.

## ARTICLE 17

Performance of diplomatic acts by consular officers

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be authorised to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.
2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organisation. when so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a

二. 領事官員得於通知接受國後，擔任派遣國出席任何政府間組織之代表。領事官員擔任此項職務時，有權享受此等代表依國際習慣法或國際協定享有之任何特權及豁免；但就其執行領事職務而言，仍無權享有較領事官員依本公約所享者為廣之管轄之豁免。

#### 第十八條

##### 兩個以上國家委派同一人為領事官員

兩個以上國家經接受國之同意得委派同一人為駐該國之領事官員。

#### 第十九條

##### 領館館員之委派

- 一. 除第二十條、第二十二條及第二十三條另有規定外，派遣國得自由委派領館館員。
- 二. 派遣國應在充分時間前將領館館長以外所有領事官員之全名、職類及等級通知接受國，俾接受國得依其所願，行使第二十三條第三項所規定之權利。
- 三. 派遣國依其本國法律規章確有必要時，得請接受國對領館館長以外之領事官員發給領事證書。
- 四. 接受國依其本國法律規章確有必要時，得對領館館長以外之領事官員發給領事證書。

#### 第二十條

##### 領館館員人數

關於領館館員人數如無明確協議，接受國得酌量領館轄區內之環境與情況及特定領館之需要，要求館員人數不超過接受國認為合理及正常之限度。

representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

#### ARTICLE 18

##### Appointment of the same person by two or more States as a consular officer

Two or more States may, with the consent of the receiving State, appoint the same person as a consular officer in that State.

#### ARTICLE 19

##### Appointment of members of consular staff

1. Subject to the provisions of Articles 20, 22 and 23, the sending State may freely appoint the members of the consular staff.
2. The full name, category and class of all consular officers, other than the head of a consular post, shall be notified by the sending State to the receiving State in sufficient time for the receiving State, if it so wishes, to exercise its rights under paragraph 3 of Article 23.
3. The sending State may, if required by its laws and regulations, request the receiving State to grant an *exequatur* to a consular officer other than the head of a consular post.
4. The receiving State may, if required by its laws and regulations, grant an *exequatur* to a consular officer other than the head of a consular post.

#### ARTICLE 20

##### Size of the consular staff

In the absence of an express agreement as to the size of the consular staff, the receiving State may require that the size of the staff be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the consular district and to the needs of the particular consular post.

## 第二十一條

領館領事官員間之優先位次

同一領館內領事官員間之優先位次以及關於此項位次之任何變更應由派遣國使館通知接受國外交部或該部指定之機關，如派遣國在接受國未設使館，則由領館館長通知之。

## 第二十二條

領事官員之國籍

- 一. 領事官員原則上應屬派遣國國籍。
- 二. 委派屬接受國國籍之人為領事官員，非經該國明示同意，不得為之；此項同意得隨時撤銷之。
- 三. 接受國對於非亦為派遣國國民之第三國國民，得保留同樣之權利。

## 第二十三條

認為不受歡迎之人員

- 一. 接受國得隨時通知派遣國，宣告某一領事官員為不受歡迎人員或任何其他領館館員為不能接受。遇此情事，派遣國應視情形召回該員或終止其在領館中之職務。
- 二. 倘派遣國拒絕履行或不在相當期間內履行其依本條第一項所負之義務，接受國得視情形撤銷關係人員之領事證書或不復承認該員為領館館員。
- 三. 任何派為領館人員之人得於其到達接受國國境前——如其已在接受國境內，於其在領館就職前——被宣告為不能接受。遇此情形，派遣國應撤銷該員之任命。

## ARTICLE 21

Precedence as between consular officers of a consular post

The order of precedence as between the consular officers of a consular post and any change thereof shall be notified by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

## ARTICLE 22

Nationality of consular officers

1. Consular officers should, in principle, have the nationality of the sending State.
2. Consular officers may not be appointed from among persons having the nationality of the receiving State except with the express consent of that State which may be withdrawn at any time.
3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

## ARTICLE 23

Persons declared non grata

1. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions with the consular post.
2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this Article, the receiving State may, as the case may be, either withdraw the *exequatur* from the person concerned or cease to consider him as a member of the consular staff.
3. A person appointed as a member of a consular post may be declared unacceptable before arriving in the territory of the receiving State or, if already in the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment.

四. 遇本條第一項及第三項所稱之情形，接受國無須向派遣國說明其所為決定之理由。

## 第二十四條

### 向接受國通知委派到達及離境

一. 下列事項應通知接受國外交部或該部指定之機關：

- (一) 領館人員之委派，委派後之到達領館，其最後離境或職務終止，以及在領館供職期間所發生之身分上任何其他變更；
- (二) 與領館人員構成同一戶口之家屬到達及最後離境；任何人成為或不復為領館人員家屬時，在適當情形下，亦應通知；
- (三) 私人服務人員之到達及最後離境；其職務之終止，在適當情形下，亦應通知；
- (四) 僱用居留接受國之人為領館人員或為得享特權與豁免之私人服務人員時，其僱用及解僱。

二. 到達及最後離境，於可能範圍內，亦應事先通知。

## 第二節 領事職務之終了

### 第二十五條

#### 領館人員職務之終止

除其他情形外，領館人員之職務遇有下列情事之一即告終了：

- (一) 派遣國通知接受國謂該員職務業已終了；
- (二) 撤銷領事證書；
- (三) 接受國通知派遣國謂接受國不復承認該員為領館館員。

4. In the cases mentioned in paragraphs 1 and 3 of this Article, the receiving State is not obliged to give to the sending State reasons for its decision.

## ARTICLE 24

### Notification to the receiving State of appointments, arrivals and departures

1. The Ministry for Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of:

- (a) the appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;
- (b) the arrival and final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;
- (c) the arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;
- (d) the engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.

2. When possible, prior notification of arrival and final departure shall also be given.

## SECTION II. END OF CONSULAR FUNCTIONS

### ARTICLE 25

#### Termination of the functions of a member of a consular post

The functions of a member of a consular post shall come to an end *inter alia*:

- (a) on notification by the sending State to the receiving State that his functions have come to an end;
- (b) on withdrawal of the *exequatur*;
- (c) on notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff.

## 第二十六條

離開接受國國境

接受國對於非為接受國國民之領館人員及私人服務人員以及與此等人員構成同一戶口之家屬，不論其國籍為何，應給予必要時間及便利使能於關係人員職務終止後準備離境並盡早出境，縱有武裝衝突情事，亦應如此辦理。遇必要時，接受國尤應供給彼等本人及財產所需之交通運輸工具，但財產之在接受國內取得而於離境時禁止出口者不在此列。

## 第二十七條

非常情況下領館館舍與檔案及派遣國利益之保護

一. 遇兩國斷絕領事關係時：

(一) 接受國應尊重並保護領館館舍以及領館財產與領館檔案，縱有武裝衝突情事，亦應如此辦理；

(二) 派遣國得將領館館舍以及其中財產與領館檔案委託接受國可以接受之第三國保管；

(三) 派遣國得委託接受國可以接受之第三國代為保護派遣國及其國民之利益。

二. 遇領館暫時或長期停閉，本條第一項第(一)款規定適用之。此外，

(一) 派遣國在接受國境內雖未設使館，但設有另一領館時，得責成該領館保管已停閉之領館之館舍以及其中財產與領館檔案，又經接受國同意後，得責令其兼理已停閉領館轄區內之領事職務。

(二) 派遣國在接受國內並無使館或其他領館時，本條第一項第(二)款及第(三)款之規定應適用之。

## ARTICLE 26

Departure from the territory of the receiving State

The receiving State shall, even in case of armed conflict, grant to members of the consular post and members of the private staff, other than nationals of the receiving State, and to members of their families forming part of their households irrespective of nationality, the necessary time and facilities to enable them to prepare their departure and to leave at the earliest possible moment after the termination of the functions of the members concerned. In particular, it shall, in case of need, place at their disposal the necessary means of transport for themselves and their property other than property acquired in the receiving State the export of which is prohibited at the time of departure.

## ARTICLE 27

Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances

1. In the event of the severance of consular relations between two States:
  - (a) the receiving State shall, even in case of armed conflict, respect and protect the consular premises, together with the property of the consular post and the consular archives;
  - (b) the sending State may entrust the custody of the consular premises, together with the property contained therein and the consular archives, to a third State acceptable to the receiving State;
  - (c) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.
2. In the event of the temporary or permanent closure of a consular post, the provisions of sub-paragraph (a) of paragraph 1 of this Article shall apply. In addition,
  - (a) if the sending State, although not represented in the receiving State by a diplomatic mission, has another consular post in the territory of that State, that consular post may be entrusted with the custody of the premises of the consular post which has been closed, together with the property contained therein and the consular archives, and, with the consent of the receiving State, with the exercise of consular functions in the district of that consular post; or
  - (b) if the sending State has no diplomatic mission and no other consular post in the receiving State, the provisions of sub-paragraphs (b) and (c) of paragraph 1 of this Article shall apply.

## 第二章 關於領館職業領事官員及其他領館人員之便利、特權與豁免

### 第一節 關於領館之便利、特權與豁免

#### 第二十八條

##### 領館工作之便利

接受國應給予領館執行職務之充分便利。

#### 第二十九條

##### 國旗與國徽之使用

- 一. 派遣國有權依本條之規定在接受國內使用本國之國旗與國徽。
- 二. 領館所在之建築物及其正門上、以及領館館長寓邸與在執行公務時乘用之交通工具上得懸掛派遣國國旗並揭示國徽。
- 三. 行使本條所規定之權利時、對於接受國之法律規章與慣例應加顧及。

#### 第三十條

##### 房舍

- 一. 接受國應便利派遣國依接受國法律規章在其境內置備領館所需之館舍、或協助領館以其他方法獲得房舍。

## CHAPTER II. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CONSULAR POSTS, CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

### SECTION 1. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO A CONSULAR POST

#### ARTICLE 28

##### Facilities for the work of the consular post

The receiving State shall accord full facilities for the performance of the functions of the consular post.

#### ARTICLE 29

##### Use of national flag and coat-of-arms

1. The sending State shall have the right to the use of its national flag and coat-of-arms in the receiving State in accordance with the provisions of this Article.
2. The national flag of the sending State may be flown and its coat-of-arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.
3. In the exercise of the right accorded by this Article regard shall be had to the laws, regulations and usages of the receiving State.

#### ARTICLE 30

##### Accommodation

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way.

二. 接受國遇必要時，並應協助領館為其人員獲得適當房舍。

### 第三十一條

#### 領館館舍不得侵犯

- 一. 領館館舍於本條所規定之限度內不得侵犯。
- 二. 接受國官吏非經領館館長或其指定人員或派遣國使館館長同意，不得進入領館館舍中專供領館工作之用之部分。惟遇火災或其他災害須迅速採取保護行動時，得推定領館館長已表示同意。
- 三. 除本條第二項另有規定外，接受國負有特殊責任，採取一切適當步驟保護領館館舍免受侵入或損害，並防止任何擾亂領館安寧或有損領館尊嚴之情事。
- 四. 領館館舍、館舍設備以及領館之財產與交通工具應免受為國防或公用目的而實施之任何方式之徵用。如為此等目的確有徵用之必要時，應採取一切可能步驟以免領館職務之執行受有妨礙，並應向派遣國為迅速、充分及有效之賠償。

### 第三十二條

#### 領館館舍免稅

- 一. 領館館舍及職業領館館長寓邸之以派遣國或代表派遣國人員為所有權人或承租人者，概免繳納國家、區域或地方性之一切捐稅，但其為對供給特定服務應納之費者不在此列。
- 二. 本條第一項所稱之免稅，對於與派遣國或代表派遣國人員訂立承辦契約之人依接受國法律應納之捐稅不適用之。

2. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

### ARTICLE 31

#### Inviolability of the consular premises

1. Consular premises shall be inviolable to the extent provided in this Article.
2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.
3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.
4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

### ARTICLE 32

#### Exemption from taxation of consular premises

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.
2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

## 第三十三條

領館檔案及文件不得侵犯

領館檔案及文件無論何時，亦不論位於何處，均屬不得侵犯。

## 第三十四條

行動自由

除接受國為國家安全設定禁止或限制進入區域所訂法律規章另有規定外，接受國應確保所有領館人員在其境內行動及旅行之自由。

## 第三十五條

通訊自由

- 一. 接受國應准許領館為一切公務目的自由通訊，並予保護。領館與派遣國政府及無論何處之該國使館及其他領館通訊，得採用一切適當方法，包括外交或領館信差，外交或領館郵袋及明密碼電信在內。但領館須經接受國許可，始得裝置及使用無線電發報機。
- 二. 領館之來往公文不得侵犯。來往公文係指有關領館及其職務之一切來往文件。
- 三. 領館郵袋不得予以開拆或扣留。但如接受國主管當局有重大理由認為郵袋裝有不在本條第四項所稱公文文件及用品之列之物品時，得請派遣國授權代表一人在該當局前將郵袋開拆。如派遣國當局拒絕此項請求，郵袋應予退回至原發送地點。
- 四. 構成領館郵袋之包裹須附可資識別之外部標記，並以裝載來往公文及公務文件或專供公務之用之物品為限。
- 五. 領館信差應持有官方文件，載明其身分及構成領館郵袋之包裹件數。除經接受國同意外，領館信差不得為接受國國民，亦不得為接受國永久居民，但其為派遣國國民者不在此限。其於執行職務時，應受接受國保護。領館信差享有人身不得侵犯權，不受任何方式之逮捕或拘禁。
- 六. 派遣國，其使館及領館得派特別領館信差。遇此情形，本條第五項之規定亦應適用，惟特別信差將其所負責攜帶之領館郵袋送交收件人後，即不復享有該項所稱之豁免。

## ARTICLE 33

Inviolability of the consular archives and documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

## ARTICLE 34

Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

## ARTICLE 35

Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.
2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.
3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorised representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.
4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents of articles intended exclusively for official use.

七. 領館郵袋得托交預定在准許入境地點停泊之船舶船長或在該地降落之商業飛機機長運帶。船長或機長應持有官方文件，載明構成郵袋之包裹件數，但不得視為領館信差。領館得與主管地方當局商定，派領館人員一人徑向船長或機長自由提取領館郵袋。

### 第三十六條

#### 與派遣國國民通訊及聯絡

一. 為便於領館執行其對派遣國國民之職務計：

(一) 領事官員得自由與派遣國國民通訊及會見。派遣國國民與派遣國領事官員通訊及會見應有同樣自由。

(二) 遇有領館轄區內有派遣國國民受逮捕或監禁或羈押候審，或受任何其他方式之拘禁之情事，經其本人請求時，接受國主管當局應迅即通知派遣國領館。受逮捕、監禁、羈押或拘禁之人致領館之信件亦應由該當局迅予遞交。該當局應將本款規定之權利迅即告知當事人。

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

### ARTICLE 36

#### Communication and contact with nationals of the sending State

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;

(b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

(三) 領事官員有權探訪受監禁、羈押或拘禁之派遣國國民，與之交談或通訊，並代聘其法律代表。領事官員並有權探訪其轄區內依判決而受監禁、羈押或拘禁之派遣國國民。但如受監禁、羈押或拘禁之國民明示反對為其採取行動時，領事官員應避免採取此種行動。

二. 本條第一項所稱各項權利應遵照接受國法律規章行使之，但此項法律規章務須使本條所規定之權利之目的得以充分實現。

### 第三十七條

#### 關於死亡、監護或托管及船舶毀損與航空事故之通知

倘接受國主管當局獲有有關情報，該當局負有義務：

- (一) 遇有派遣國國民死亡時，迅即通知轄區所及之領館；
- (二) 遇有為隸籍派遣國之未成年人或其他無充分行為能力人之利益計，似宜指定監護人或托管人時，迅將此項情事通知主管領館。惟此項通知不得妨礙接受國關於指派此等人員之法律規章之施行。
- (三) 遇具有派遣國國籍之船舶在接受國領海或內國水域毀損或擱淺時，或遇在派遣國登記之航空機在接受國領域內發生意外事故時，迅即通知最接近出事地點之領館。

### 第三十八條

#### 與接受國當局通訊

領事官員執行職務時，得與下列當局接洽：

- (一) 其轄區內之主管地方當局；

(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.

### ARTICLE 37

#### Information in cases of deaths, guardianship or trusteeship, wrecks and air accidents

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

- (a) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred;
- (b) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments;
- (c) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consular post nearest to the scene of the occurrence.

### ARTICLE 38

#### Communication with the authorities of the receiving State

In the exercise of their functions, consular officers may address:

- (a) the competent local authorities of their consular district;

(二) 接受國之主管中央當局，但以經接受國之法律規章與慣例或有關國際協定所許可且在其規定範圍內之情形為限。

### 第三十九條

#### 領館規費與手續費

- 一. 領館得在接受國境內徵收派遣國法律規章所規定之領館辦事規費與手續費。
- 二. 本條第一項所稱規費與手續費之收入款項以及此項規費或手續費之收據，概免繳納接受國內之一切捐稅。

## 第二節 關於職業領事官員及其他領館人員之便利、特權與豁免

### 第四十條

#### 對領事官員之保護

接受國對於領事官員應表示適當尊重並應採取一切適當步驟以防其人身自由或尊嚴受任何侵犯。

### 第四十一條

#### 領事官員人身不得侵犯

- 一. 領事官員不得予以逮捕候審或羈押候審，但遇犯嚴重罪行之情形，依主管司法機關之裁判執行者不在此列。
- 二. 除有本條第一項所規定之情形外，對於領事官員不得施以監禁或對其人身自由加以任何其他方式之拘束，但為執行有確定效力之司法判決者不在此限。
- 三. 如對領事官員提起刑事訴訟，該員須到管轄機關出庭。惟進行訴訟程序時，應顧及該員所任職位予以適當之尊重，除有本條第一項所規定之情形外，並應盡量避免妨礙領事職

(b) the competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

### ARTICLE 39

#### Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.
2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

## SECTION II. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

### ARTICLE 40

#### Protection of consular officers

The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

### ARTICLE 41

#### Personal inviolability of consular officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.
2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.
3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with

務之執行。遇有本條第一項所稱之情形，確有羈押領事官員之必要時，對該員提起訴訟，應盡速辦理。

#### 第四十二條

##### 逮捕、羈押或訴究之通知

遇領館館員受逮捕候審或羈押候審，或對其提起刑事訴訟時，接受國應迅即通知領館館長。倘領館館長本人為該項措施之對象時，接受國應經由外交途徑通知派遣國。

#### 第四十三條

##### 管轄之豁免

- 一、領事官員及領館僱員對其為執行領事職務而實施之行為不受接受國司法或行政機關之管轄。
- 二、惟本條第一項之規定不適用下列民事訴訟：
  - (一) 因領事官員或領館僱員並未明示或默示以派遣國代表身分而訂契約所生之訴訟；
  - (二) 第三者因車輛船舶或航空機在接受國內所造成之意外事故而要求損害賠償之訴訟。

#### 第四十四條

##### 作證之義務

- 一、領館人員得被請在司法或行政程序中到場作證。除本條第三項所稱之情形外，領館僱員或服務人員不得拒絕作證。如領事官員拒絕作證，不得對其施行強制措施或處罰。

the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this Article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this Article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

#### ARTICLE 42

##### Notification of arrest, detention or prosecution

In the event of the arrest or detention, pending trial, of a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

#### ARTICLE 43

##### Immunity from jurisdiction

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.
2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either:
  - (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
  - (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

#### ARTICLE 44

##### Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article,

二. 要求領事官員作證之機關應避免對其執行職務有所妨礙。於可能情形下得在其寓所或領館錄取證言，或接受其書面陳述。

三. 領館人員就其執行職務所涉事項，無擔任作證或提供有關來往公文及文件之義務。領館人員並有權拒絕以鑑定人身分就派遣國之法律提出證言。

#### 第四十五條

##### 特權及豁免之拋棄

一. 派遣國得就某一領館人員拋棄第四十一條、第四十三條及第四十四條所規定之任何一項特權及豁免。

二. 除本條第三項所規定之情形外，特權及豁免之拋棄概須明示，並應以書面通知接受國。

三. 領事官員或領館僱員如就第四十三條規定可免受管轄之事項，主動提起訴訟，即不得對與本訴直接相關之反訴主張管轄之豁免。

四. 民事或行政訴訟程序上管轄豁免之拋棄，不得視為對司法判決執行處分之豁免亦默示拋棄；拋棄此項處分之豁免，須分別為之。

#### 第四十六條

##### 免除外僑登記及居留證

一. 領事官員及領事僱員，以及與其構成同一戶口之家屬應免除接受國法律規章就外僑登記及居留證所規定之一切義務。

decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

#### ARTICLE 45

##### Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

#### ARTICLE 46

##### Exemption from registration of aliens and residence permits

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

二. 但本條第一項之規定對於任何非派遣國常任僱員，或在接受國內從事私人有償職業之領館僱員，應不適用，對於此等僱員之家屬，亦不應適用。

#### 第四十七條

##### 免除工作證

一. 領館人員就其對派遣國所為之服務而言，應免除接受國關於僱用外國勞工之法律規章所規定之任何有關工作證之義務。

二. 屬於領事官員及領館僱員之私人服務人員，如不在接受國內從事其他有償職業，應免除本條第一項所稱之義務。

#### 第四十八條

##### 社會保險辦法免於適用

一. 除本條第三項另有規定外，領館人員就其對派遣國所為之服務而言，以及與其構成同一戶口之家屬，應免適用接受國施行之社會保險辦法。

二. 專受領館人員僱用之私人服務人員亦應享有本條第一項所規定之豁免，但以符合下列兩項條件為限：

(一) 非為接受國國民且不在該國永久居留者；

(二) 受有派遣國或第三國所施行之社會保險辦法保護者。

三. 領館人員如其所僱人員不享受本條第二項所規定之豁免時，應履行接受國社會保險辦法對僱用人所規定之義務。

四. 本條第一項及第二項所規定之豁免並不妨礙對於接受國社會保險制度之自願參加，但以接受國許可參加為限。

2. The provisions of paragraph 1 of this Article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

#### ARTICLE 47

##### Exemption from work permits

1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.

2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this Article.

#### ARTICLE 48

##### Social security exemption

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition;

(a) that they are not nationals of or permanently resident in the receiving State; and

(b) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

## 第四十九條

免 稅

一、領事官員及領館僱員以及與其構成同一戶口之家屬免納一切對人或對物課徵之國家、區域或地方性捐稅，但下列各項不在此列：

- (一) 通常計入商品或勞務價格內之一類間接稅；
- (二) 對於接受國境內私有不動產課徵之捐稅，但第三十二條之規定不在此限；
- (三) 接受國課徵之遺產稅、遺產取得稅或繼承稅及讓與稅，但第五十一條第(二)項之規定不在此限；
- (四) 對於自接受國內獲致之私人所得，包括資本收益在內，所課徵之捐稅以及對於在接受國內商務或金融事業上所為投資課徵之資本稅；
- (五) 為供給特定服務所徵收之費用；
- (六) 登記費、法院手續費或記錄費、抵押稅及印花稅，但第三十二條之規定不在此限。

二、領館服務人員就其服務所得之工資，免納捐稅。

三、領館人員如其所僱人員之工資薪給不在接受國內免除所得稅時，應履行該國關於徵收所得稅之法律規章對僱用人所規定之義務。

## 第五十條

免納關稅及免受查驗

一、接受國應依本國制定之法律規章，准許下列物品入境並免除一切關稅以及貯存、運送及類似服務費用以外之一切其他課徵：

- (一) 領館公務用品；
- (二) 領事官員或與其構成同一戶口之家屬之私人自用品，包括供其初到任定居之用之物品在內。消費用品不得超過關係人員本人直接需用之數量。

## ARTICLE 49

Exemption from taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;
- (c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of Article 51;
- (d) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

## ARTICLE 50

Exemption from customs duties and inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

- (a) articles for the official use of the consular post;
- (b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilisation by the persons concerned.

- 二. 領館僱員就其初到任時運入之物品，享有本條第一項所規定之特權與豁免。
- 三. 領事官員及與其構成同一戶口之家屬所携私人行李免受查驗。倘有重大理由認為其中裝有不在本條第一項第(二)款之列之物品或接受國法律規章禁止進出口或須受其檢疫法律規章管制之物品，始可查驗。此項查驗應在有關領事官員或其家屬前為之。

#### 第五十一條

##### 領館人員或其家屬之遺產

遇領館人員或與其構成同一戶口之家屬死亡時，接受國：

- (一) 應許可亡故者之動產移送出國，但任何動產係在接受國內取得而在當事人死亡時禁止出口者不在此列；
- (二) 對於動產之在接受國境內純係因亡故者為領館人員或領館人員之家屬而在接受國境內所致者，應不課徵國家、區域或地方性遺產稅、遺產取得稅或繼承稅及讓與稅。

#### 第五十二條

##### 免除個人勞務及捐獻

接受國應准領館人員及與其構成同一戶口之家屬免除一切個人勞務及所有各種公共服務，並免除類如有關徵用、軍事捐獻及屯宿等之軍事義務。

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this article in respect of articles imported at the time of first installation.
3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

#### ARTICLE 51

##### Estate of a member of the consular post or of a member of his family

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

- (a) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
- (b) shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

#### ARTICLE 52

##### Exemption from personal services and contributions

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

## 第五十三條

領事特權與豁免之開始及終止

一. 各領館人員自進入接受國國境前往就任之時起享有本公約所規定之特權與豁免，其在該國境內者，自其就領館職務之時起開始享有。

二. 領館人員之與其構成同一戶口之家屬及其私人服務人員自領館人員依本條第一項享受特權及豁免之日起，或自本人進入接受國國境之時起，或自其成為領館人員之家屬或私人服務人員之日起，享有本公約所規定之特權與豁免，以在後之日期為準。

三. 領館人員之職務如已終止，其本人之特權與豁免以及與其構成同一戶口之家屬或私人服務人員之特權與豁免通常應於各該人員離接受國國境時或其離境之合理期間終了時停止，以在先之時間為準，縱有武裝衝突情事，亦應繼續有效至該時為止。就本條第二項所稱之人員而言，其特權與豁免於其不復為領館人員戶內家屬或不復為領館人員僱用時終止，但如此等人員意欲於稍後合理期間內離接受國國境，其特權與豁免應繼續有效，至其離境之時為止。

四. 惟關於領事官員或領館僱員為執行職務所實施之行為，其管轄之豁免應繼續有效，無時間限制。

五. 遇領館人員死亡，與其構成同一戶口之家屬應繼續享有應享之特權與豁免至其離接受國國境時或其離境之合理期間終了時為止，以在先之時間為準。

## 第五十四條

第三國之義務

一. 遇領事官員前往就任或返任或返回派遣國道經第三國國境或在該國境內，而該國已發給其應領之簽證時，第三國應給予本公約其他條款所規定而為確保其過境或返回所必需之

## ARTICLE 53

Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving state or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

## ARTICLE 54

Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his

一切豁免。與領事官員構成同一戶口而享有特權與豁免之家屬與領事官員同行時或單獨旅行前往會聚或返回派遣國時，本項規定應同樣適用。

二. 遇有類似本條第一項所述之情形，第三國不應阻礙其他領館人員或與其構成同一戶口之家屬經過該國國境。

三. 第三國對於過境之來往公文及其他公務通訊，包括明密碼電信在內，應比照接受國依本公約所負之義務，給予同樣之自由及保護。第三國遇有已領其所應領簽證之領館信差及領館郵袋過境時，應比照接受國依本公約所負之義務，給予同樣之不得侵犯權及保護。

四. 第三國依本條第一項、第二項及第三項規定所負之義務，對於各該項內分別述及之人員與公務通訊及領館郵袋之因不可抗力而在第三國境內者，亦適用之。

## 第五十五條

### 尊重接受國法律規章

一. 在不妨礙領事特權與豁免之情形下，凡享有此項特權與豁免之人員均負有尊重接受國法律規章之義務。此等人員並負有不干涉該國內政之義務。

二. 領館館舍不得充作任何與執行領事職務不相符合之用途。

三. 本條第二項之規定並不禁止於領館館舍所在之建築物之一部分設置其他團體或機關之辦事處，但供此類辦事處應用之房舍須與領館自用房舍隔離。在此情形下，此項辦事處在本公約之適用上，不得視為領館館舍之一部分。

post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to *force majeure*.

## ARTICLE 55

### Respect for the laws and regulations of the receiving State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

## 第五十六條

對於第三者損害之保險

領館人員對於接受國法律規章就使用車輛、船舶或航空機對第三者可能發生之損害所規定之任何保險辦法，應加遵守。

## 第五十七條

關於私人有償職業之特別規定

- 一、職業領事官員不應在接受國內為私人利益從事任何專業或商業活動。
- 二、下列人員不應享受本章所規定之特權及豁免：
  - (一) 在接受國內從事私人有償職業之領館僱員或服務人員；
  - (二) 本項第(一)款所稱人員之家屬或其私人服務人員；
  - (三) 領館人員家屬本人在接受國內從事私人有償職業者。

### 第三章 對於名譽領事官員及此等官員為館長之領館所適用之辦法

## 第五十八條

關於便利、特權及豁免之一般規定

一、第二十八條、第二十九條、第三十條、第三十四條、第三十五條、第三十六條、第三十七條、第三十八條、第三十九條、第五十四條第三項、第五十五條第二項及第三項對於以名譽領事官員為館長之領館應適用之。此外，關於此等領館所享之便利、特權及豁免應適用第五十九條、第六十條、第六十一條及第六十二條之規定。

## ARTICLE 56

Insurance against third party risks

Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

## ARTICLE 57

Special provisions concerning private gainful occupation

1. Career consular officers shall not carry on for personal profit any professional or commercial activity in the receiving State.
2. Privileges and immunities provided in this Chapter shall not be accorded:
  - (a) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;
  - (b) to members of the family of a person referred to in sub-paragraph (a) of this paragraph or to members of his private staff;
  - (c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

### CHAPTER III. REGIME RELATING TO HONORARY CONSULAR OFFICERS AND CONSULAR POSTS HEADED BY SUCH OFFICERS

## ARTICLE 58

General provisions relating to facilities, privileges and immunities

1. Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles 59, 60, 61 and 62.

二、第四十二及第四十三條、第四十四條第三項、第四十五條、第五十三條及第五十五條第一項之規定應適用於名譽領事官員。此外，關於此等領事官員所享之便利、特權及豁免應適用第六十三條、第六十四條、第六十五條、第六十六條及第六十七條之規定。

三、名譽領事官員之家屬及以名譽領事官員為館長之領館所僱用僱員之家屬不得享受本公約所規定之特權及豁免。

四、不同國家內以名譽領事官員為館長之兩個領館間，非經兩有關接受國同意，不得互換領館郵袋。

#### 第五十九條

##### 領館館舍之保護

接受國應採取必要步驟保護以名譽領事官員為館長之領館館舍使不受侵入或損害，並防止任何擾亂領館安寧或有損領館尊嚴之情事。

#### 第六十條

##### 領館館舍免稅

一、以名譽領事官員為館長之領館館舍，如以派遣國為所有權人或承租人，概免繳納國家、區域或地方性之一切捐稅，但其為對供給特定服務應納之費者不在此列。

二、本條第一項所稱之免稅，對於與派遣國訂立承辦契約之人依接受國法律規章應納之捐稅不適用之。

#### 第六十一條

##### 領館檔案及文件不得侵犯

領館以名譽領事官員為館長者，其領館檔案及文件無論何時亦不論位於何處，均屬不得侵犯，但此等檔案及文件以與其他文書及文件，尤其與領館館長及其所屬工作人員之私人信件以及關於彼等專業或行業之物資、簿籍或文件分別保管者為限。

2. Articles 42 and 43, paragraph 3 of Article 44, Articles 45 and 53 and paragraph 1 of Article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles 63, 64, 65, 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

4. The exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned.

#### ARTICLE 59

##### Protection of the consular premises

The receiving State shall take such steps as may be necessary to protect the consular premises of a consular post headed by an honorary consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

#### ARTICLE 60

##### Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

#### ARTICLE 61

##### Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

## 第六十二條

免納關稅

接受國應依本國制定之法律規章，准許下列物品入境並免除一切關稅以及貯存、運送及類似服務費用以外之一切其他課徵，但以此等物品係供以名譽領事官員為館長之領館公務上使用者為限：國徽、國旗、牌匾、印章、簿籍、公務印刷品、辦公室用具、辦公室設備以及由派遣國或應派遣國之請供給與領館之類似物品。

## 第六十三條

刑事訴訟

如對名譽領事官員提起刑事訴訟，該員須到管轄機關出庭。惟訴訟程序進行時，應顧及該員所任職位予以適當尊重，且除該員已受逮捕或羈押外，應盡量避免妨礙領事職務之執行。遇確有羈押名譽領事官員之必要時，對該員提起訴訟，應盡速辦理。

## 第六十四條

對名譽領事官員之保護

接受國負有義務對名譽領事官員給予因其所任職位關係而需要之保護。

## 第六十五條

免除外僑登記及居留證

名譽領事官員，除在接受國內為私人利益從事任何專業或商業活動者外，應免除接受國法律規章就外僑登記及居留證所規定之一切義務。

## ARTICLE 62

Exemption from customs duties

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

## ARTICLE 63

Criminal proceedings

If criminal proceedings are instituted against an honorary consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of consular functions as little as possible. When it has become necessary to detain an honorary consular officer, the proceedings against him shall be instituted with the minimum of delay.

## ARTICLE 64

Protection of honorary consular officers

The receiving State is under a duty to accord to an honorary consular officer such protection as may be required by reason of his official position.

## ARTICLE 65

Exemption from registration of aliens and residence permits

Honorary consular officers, with the exception of those who carry on for personal profit any professional or commercial activity in the receiving State, shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

## 第六十六條

免 稅

名譽領事官員因執行領事職務向派遣國支領之薪酬免納一切捐稅。

## 第六十七條

免除個人勞務及捐獻

接受國應准名譽領事官員免除一切個人勞務及所有各種公共服務、並免除類如有關徵用、軍事捐獻及屯宿等之軍事義務。

## 第六十八條

名譽領事官員制度由各國任意選用

各國可自由決定是否委派或接受名譽領事官員。

## 第四章 一般條款

## 第六十九條

非為領館館長之領事代理人

一、各國可自由決定是否設立或承認由派遣國並未派為領館館長之領事代理人主持之領事代理處。

## ARTICLE 66

Exemption from taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

## ARTICLE 67

Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

## ARTICLE 68

Optional character of the institution of honorary consular officers

Each State is free to decide whether it will appoint or receive honorary consular officers.

## CHAPTER IV. GENERAL PROVISIONS

## ARTICLE 69

Consular agents who are not heads of consular posts

1. Each State is free to decide whether it will establish or admit consular agencies conducted by consular agents not designated as heads of consular post by the sending State.

二. 本條第一項所稱之領事代理處執行職務之條件以及主持代理處之領事代理人可享之特權及豁免由派遣國與接受國協議定之。

#### 第七十條

##### 使館承辦領事職務

- 一. 本公約之各項規定，在其文義所許可之範圍內，對於使館承辦領事職務，亦適用之。
- 二. 使館人員派任領事組工作者，或另經指派擔任使館內領事職務者，其姓名應通知接受國外交部或該部指定之機關。
- 三. 使館執行領事職務時得與下列當局接洽：
  - (一) 其轄區內之地方當局；
  - (二) 接受國之中央當局，但以經接受國之法律規章與慣例或有關國際協定所許可者為限。
- 四. 本條第二項所稱使館人員之特權與豁免仍以關於外交關係之國際法規則為準。

#### 第七十一條

##### 接受國國民或永久居民

- 一. 除接受國特許享有其他便利、特權與豁免外，領事官員為接受國國民或永久居民者，僅就其為執行職務而實施之公務行為享有管轄之豁免及人身不得侵犯權，並享有本公約第四十四條第三項所規定之特權。就此等領事官員而言，接受國應同樣負有第四十二條所規定之義務。如對此等領事官員提起刑事訴訟，除該員已受逮捕或羈押外，訴訟程序之進行，應盡量避免妨礙領事職務之執行。

2. The conditions under which the consular agencies referred to in paragraph 1 of this Article may carry on their activities and the privileges and immunities which may be enjoyed by the consular agents in charge of them shall be determined by agreement between the sending State and the receiving State.

#### ARTICLE 70

##### Exercise of consular functions by diplomatic missions

1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.
2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.
3. In the exercise of consular functions a diplomatic mission may address:
  - (a) the local authorities of the consular district;
  - (b) the central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State or by relevant international agreements.
4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

#### ARTICLE 71

##### Nationals or permanent residents of the receiving State

1. Except in so far as additional facilities, privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44. So far as these consular officers are concerned, the receiving State shall likewise be bound by the obligation laid down in Article 42. If criminal proceedings are instituted against such a consular officer, the proceedings shall, except when he is under arrest or detention, be conducted in a manner which will hamper the exercise of consular functions as little as possible.

二、其他為接受國國民或永久居民之領館人員及其家屬，以及本條第一項所稱領事官員之家屬，僅得在接受國許可之範圍內享有便利、特權和豁免。領館人員家屬及私人服務人員本人為接受國國民或永久居民者，亦僅得在接受國許可之範圍內享有便利、特權及豁免。但接受國對此等人員行使管轄時，應避免對領館職務之執行有不當之妨礙。

#### 第七十二條

##### 無差別待遇

- 一、接受國適用本公約之規定時，對各國不得差別待遇。
- 二、惟下列情形不以差別待遇論：
  - (一) 接受國因派遣國對接受國領館適用本公約之任何規定時有所限制，對同一規定之適用亦予限制；
  - (二) 各國依慣例或協定彼此間給予較本公約規定為優之待遇。

#### 第七十三條

##### 本公約與其他國際協定之關係

- 一、本公約之規定不影響當事國間現行有效之其他國際協定。
- 二、本公約並不禁止各國間另訂國際協定以確認、或補充、或推廣、或引申本公約之各項規定。

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

#### ARTICLE 72

##### Non-discrimination

1. In the application of the provisions of the present Convention the receiving State shall not discriminate as between States.
2. However, discrimination shall not be regarded as taking place:
  - (a) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its consular posts in the sending State;
  - (b) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

#### ARTICLE 73

##### Relationship between the present Convention and other international agreements

1. The provisions of the present Convention shall not affect other international agreements in force as between States parties to them.
2. Nothing in the present Convention shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the provisions thereof.

## 第七十四條

簽署

本公約應聽由聯合國或任何專門機關之全體會員國、或國際法院規約當事國、及經聯合國大會邀請成為本公約當事一方之任何其他國家簽署，其辦法如下：至 1963 年 10 月 31 日止在奧地利共和國聯邦外交部簽署，其後至 1964 年 3 月 31 日止在紐約聯合國會所簽署。

## 第七十五條

批准

本公約須經批准。批准文件應送交聯合國秘書長存放。

## 第七十六條

加入

本公約應聽由屬於第七十四條所稱四類之一之國家加入。加入文件應送交聯合國秘書長存放。

## 第七十七條

生效

- 一、本公約應於第二十二件批准或加入文件送交聯合國秘書長存放之日後第三十日起發生效力。
- 二、對於在第二十二件批准或加入文件存放後批准或加入本公約之國家，本公約應於各該國存放批准或加入文件後第三十日起發生效力。

## CHAPTER V. FINAL PROVISIONS

## ARTICLE 74

Signature

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a party to the Convention, as follows until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

## ARTICLE 75

Ratification

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

## ARTICLE 76

Accession

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 74. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

## ARTICLE 77

Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.
2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

## 第七十八條

秘書長之通知

聯合國秘書長應將下列事項通知所有屬於第七十四條所稱四類之一之國家：

- (一) 依第七十四條、第七十五條及第七十六條對本公約所為之簽署及送存之批准或加入文件；
- (二) 依第七十七條本公約發生效力之日期。

## 第七十九條

作準文本

本公約之原本應交聯合國秘書長存放，其中文、英文、法文、俄文及西班牙文各本同一作準；秘書長應將各文正式副本分送所有屬於第七十四條所稱四類之一之國家。

為此，下列全權代表，各秉本國政府正式授予簽字之權，謹簽字於本公約，以昭信守。

1963年4月24日訂於維也納。

## ARTICLE 78

Notifications by the Secretary-General

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 74:

- (a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 74, 75 and 76;
- (b) of the date on which the present Convention will enter into force, in accordance with Article 77.

## ARTICLE 79

Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in Article 74.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE AT VIENNA, this twenty-fourth day of April, one thousand nine hundred and sixty-three.