

Consular Convention
Between
the People's Republic of China
And
the Kingdom of Cambodia

CONSULAR CONVENTION BETWEEN THE PEOPLE'S REPUBLIC
OF CHINA AND THE KINGDOM OF CAMBODIA

**CONSULAR CONVENTION
BETWEEN THE PEOPLE'S REPUBLIC OF CHINA AND
THE KINGDOM OF CAMBODIA**

The People's Republic of China and the Kingdom of Cambodia (hereinafter referred to as the Contracting Parties),

Desiring to develop their consular relations in order to facilitate the protection of the rights and interests of their nations and nationals, and promote the friendly relations and cooperation between the two countries,

Have decided to conclude the present Consular Convention and have agreed as follows:

**CHAPTER 1
DEFINITION**

Article 1
Definitions

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

(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 consul-general, consul, vice consul or consular agent who is charged by the sending State to head a consular post;

(d) "consular officer" means a consular-general, vice consul-general, consul, vice consul, consular attaché or consular agent;

(e) "member of the administrative and technical staff of the consular post" means any person who performs administrative or technical service at a consular post;

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(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, administrative and technical staff and service staff of the consular post;

(h) “family members” means the spouse of a member of the consular post and their minor children who live with them in the same household;

(i) “member of the private staff” means any person who is employed 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” means all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card indexes, the data stored in memory medium and any articles of furniture intended for their protection or safe-keeping;

(l) “national of the sending State” means any natural person having the nationality of the sending State, and when applicable, also any juridical person of the sending State;

(m) “vessel of the sending State” means any vessel sailing under the flag of the sending State pursuant to its law, excluding military vessels;

(n) “aircraft of the sending State” means any aircraft registered in the sending State and bearing that State’s registration marks, excluding military aircraft.

CHAPTER II
ESTABLISHMENT OF A CONSULAR POST AND
APPOINTMENT OF ITS MEMBERS

Article 2
Establishment of a consular post

1. A consular post may be established in the territory of the receiving State only with the consent of that State.
2. The seat of the consular post, its classification and its consular district, as well as any changes pertaining thereto, shall be determined by the sending State and shall be consented by the receiving State.

Article 3
Appointment and admission of heads
of consular posts

1. The sending State shall, through diplomatic channels, forward to the receiving State a note of appointment of the head of a consular post. This note shall specify the full name and rank of the head of the consular post, seat and classification of the consular post and the consular district.
2. Upon receiving the note of appointment of the head of a consular post, the receiving State shall confirm the appointment in a note as soon as possible. If the receiving State refuses to give its confirmation, it is not obliged to give reasons for such refusal.
3. The head of a consular post may enter upon his consular functions after the issue of a note of confirmation by the receiving State. Prior to the note of confirmation, the head of the consular post may, with the consent of the receiving State, perform his functions provisionally.
4. Upon confirming the appointment of the head of a consular post or permitting him to perform his functions provisionally, the receiving State shall immediately notify the competent authorities in the consular district and take all necessary measures to enable the head of the consular post to perform his functions and to enjoy the rights, facilities, privileges and immunities provided for in this Convention.

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Article 4

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

1. If for any reason the head of a consular post is unable to perform his functions, or if his position is temporarily vacant, the sending State may designate a consular officer of the consular post or of another consular post in the receiving State, or a diplomatic officer of its embassy in the receiving State as the acting head of the consular post. The sending State shall notify the receiving State in advance of the full name and the original rank of the acting head of the consular post.

2. The acting head of a consular post shall enjoy the same rights, facilities, privileges and immunities as enjoyed by a head of a consular post under this Convention.

3. A diplomatic officer designated as the acting head of a consular post shall continue to enjoy such diplomatic privileges and immunities as due to him.

Article 5

Notification of arrivals and departures

The sending State shall at an appropriate time notify the receiving State of the following in writing:

(a) The full name and rank of a member of a consular post, the date of his arrival and final departure or the termination of his functions, as well as any change of his status in the course of his service with the consular post;

(b) The full name, nationality and the date of arrival and final departure of a family member of a member of the consular post and the fact that any person becomes or ceases to be such a family member;

(c) The full name, nationality, function and the date of arrival and final departure of a member of the private staff.

Article 6

Identity cards

The competent authorities of the receiving State shall, in accordance with its laws and regulations, issue relevant identity cards to

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the members of the consular post and their family members, except those who are nationals or permanent residents of the receiving State.

Article 7

Nationality of members of the consular
post and members of the private staff

1. A consular officer shall be a national of the sending State, and not a permanent resident of the receiving State.

2. Members of the administrative and technical staff and members of the service staff of the consular post and members of the private staff shall be either nationals of the sending State or nationals of the receiving State.

Article 8

Persons declared "non grata"

1. The receiving State may at any time notify the sending State through diplomatic channels that a member of the consular post is persona non grata or is not acceptable, and the receiving State is not obliged to give reasons for its decision.

2. In the cases mentioned in paragraph 1 of this Article, the sending State shall recall that person or terminate his functions with the consular post. If the sending State fails within a reasonable time to carry out its obligations, the receiving State is entitled to withdraw acceptance from the person concerned or cease to consider him as a member of the consular post.

CHAPTER III
CONSULAR FUNCTIONS

Article 9

General consular functions

A consular officer shall be entitled to the performance of the following functions:

(a) protecting the rights and interests of the sending State and of its nationals;

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(b) furthering the development of economic, trade, scientific-technological, cultural, tourism and educational relations between the sending State and the receiving State and otherwise promoting their friendly relations and cooperation;

(c) ascertaining by all lawful means conditions of the receiving State in the economic, trade, scientific-technological, cultural, tourism, educational and other fields, and reporting thereon to the government of the sending State;

(d) performing other functions authorized 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.

Article 10

Applications pertaining to nationality
and civil registration

1. A consular officer shall be entitled to:

(a) receive applications pertaining to nationality;

(b) register nationals of the sending State;

(c) register births and deaths of nationals of the sending State;

(d) handle marriage formalities for nationals of the sending State and grant them relevant marriage certificates.

2. The provisions of paragraph 1 of this Article shall not exempt the persons concerned from the obligation to observe the laws and regulations of the receiving State.

Article 11

Issuance of passports and visas

A consular officer shall be entitled to:

(a) receive applications for and issue passports or other travel documents to nationals of the sending State and may endorse or invalidate or extend the validity of the said passports or documents;

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(b) receive applications for and issue visas to persons who will go to or pass through the sending State and may endorse or invalidate or extend the validity of the said visas.

Article 12
Notarization and legalization

1. A consular officer shall be entitled to:

(a) draw up documents of a person of any nationality for use in the sending State upon the request of that person;

(b) draw up documents of a national of the sending State for use outside the sending State upon the request of that national;

(c) translate documents into the official language of the sending State or of the receiving State and certify that the translation is in conformity with the original;

(d) carry out other notarial functions which are authorized by the sending State, and to which no objection is taken by the receiving State;

(e) legalize signatures and seals on documents issued by the competent authorities of the sending State or of the receiving State.

2. When used in the receiving State, the documents drawn up, certified or legalized by consular officers in accordance with the laws and regulations of the receiving State shall have the same validity and effect as the documents drawn up, certified or legalized by the competent authorities of the receiving State.

3. A consular officer shall be entitled to receive or take into temporary custody the certificates and documents of a national of the sending State provided that this is not incompatible with the laws and regulations of the receiving State.

Article 13
Notification of detention and
arrest and visit

1. If a national of the sending State is detained, arrested or deprived of freedom by any other means in the consular district by the competent authorities of the receiving State, the said authorities shall

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notify the consular post of the matter as soon as possible.

2. A consular officer shall be entitled to visit a national of the sending State who is under detention, arrest or deprived of freedom by any other means, to converse or communicate with him and to arrange legal assistance for him. The competent authorities of the receiving State shall make arrangements for the visit to the said national by a consular officer as soon as possible.

3. A consular officer shall be entitled to visit a national of the sending State who is serving a sentence.

4. The competent authorities of the receiving State shall inform the above-mentioned national of the sending State of the provisions under paragraphs 1, 2 and 3 of this Article.

5. In the case of a trial or other proceedings against a national of the sending State in the receiving State, the competent authorities of the receiving State, at the request of that person, shall inform a consular officer of the sending State of the charges against such a person and of the time, date and place set for the trial or other proceedings. A consular officer shall be entitled to attend the trial or other proceedings against such a person in accordance with the laws and regulations of the receiving State.

6. A consular officer shall comply with the relevant laws and regulations of the receiving State in performing the functions provided for in this Article. Nevertheless, the application of the relevant laws and regulations of the receiving State shall not restrict the implementation of the rights provided for in this Article.

Article 14
Guardianship and trusteeship

1. The competent authorities of the receiving State shall notify the consular post when a guardian or trustee is required for a national, including an underaged national, of the sending State in the consular district who has no capacity or limited capacity to act on his own behalf.

2. A consular officer shall be entitled to protect, to the extent permitted by the laws and regulations of the receiving State, the rights and interests of a national, including an underaged national, of the sending State who has no capacity or limited capacity to act on his own

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behalf, and when necessary, to recommend or designate a guardian or trustee to the person concerned and supervise the activities pertaining to guardianship or trusteeship.

Article 15

Assistance to nationals of the sending State

1. A consular officer shall be entitled to:

(a) communicate and meet with any national of the sending State in the consular district, and the receiving State shall neither restrict communication between nationals of the sending State and a consular post nor restrict their access to the consular post;

(b) ascertain conditions in life and work of a national of the sending State in the receiving State and provide him with all necessary assistance;

(c) request the competent authorities of the receiving State to ascertain the whereabouts of a national of the sending State, and the competent authorities of the receiving State shall do everything possible to provide the relevant information;

(d) receive and take into temporary custody money or valuables of a national of the sending State in accordance with the laws and regulations of the receiving State.

2. In case a national of the sending State is not in the locality or for any other reason is unable in time to defend his own rights and interests, a consular officer may represent him before the court or other competent authorities of the receiving State or arrange for him an appropriate representative in accordance with the laws and regulations of the receiving State till he designates his own representative or is able to assume the defence of his own rights and interests.

Article 16

Notification on deaths

Upon learning of the death of a national of the sending State in the receiving State, the competent authorities of the receiving State shall inform the consular post as soon as possible, and provide upon the request of the consular post a death certificate or a copy of other documents certifying the death.

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Article 17
Functions concerning estates

1. If a deceased national of the sending State has left an estate in the receiving State and there is no heir or testamentary executor in the receiving State, the competent authorities of the receiving State shall promptly inform the consular post.

2. A consular officer shall be entitled to be present when an estate as referred to in paragraph 1 of this Article is being inventoried and sealed by the competent authorities of the receiving State.

3. If a national of the sending State as an heir or legatee is entitled to inherit or receive an estate or bequeathed gift of a deceased of any nationality in the receiving State and if such a person is not in the territory of the receiving State, the competent authorities of the receiving State shall inform the consular post about such inheritance or reception of estate or bequeathed gift by the said person.

4. In case a national of the sending State has or claims to have right to inherit an estate in the receiving State but neither he nor his representative is able to be present at the inheritance proceedings, a consular officer may himself or through his deputy represent the national before a court or other competent authorities of the receiving State.

5. A consular officer shall be entitled, on behalf of a national of the sending State who is not a permanent resident in the receiving State, to receive for transmission to that national any estate or bequeathed gift in the receiving State, which is due to that national.

6. If a national of the sending State who is not a permanent resident in the receiving State dies during a temporary stay in or transit through the receiving State, and if there is no relative or representative of his in the receiving State, a consular officer shall be entitled to immediately take into provisional custody all the documents, money and personal effects which were with the deceased national for transmission to his heir, testamentary executor or other persons authorized to receive the assets.

7. A consular officer shall comply with the laws and regulations of the receiving State in performing his functions as referred to in paragraphs 4, 5 and 6 of this Article.

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Article 18

Assistance to vessels, master and crew of the sending State

1. A consular officer shall be entitled to render assistance to vessels of the sending State which are in the inland or territorial waters of the receiving State, and to their masters and crew members, and also:

(a) to board a vessel when free access to shore has been granted to the vessel, question the master and any member of the crew and receive reports on the vessel, its cargo and voyage;

(b) to investigate any incident which occurred during the voyage on the premise that this does not prejudice the power of the competent authorities of the receiving State;

(c) to settle disputes between the master and crew, including disputes about wages and service contracts;

(d) to receive visits from the master or any member of the crew, and when necessary, make arrangements for his medical treatment or return home;

(e) to receive, examine, draw up, sign or legalize documents with regard to a vessel;

(f) to handle other matters relating to a vessel, which are entrusted by the competent authorities of the sending State.

2. The master and any member of the crew may contact a consular officer. They may go to the consular post on the premise of no contravention of the laws and regulations of the receiving State concerning the administration of ports and aliens.

3. A consular officer may address the competent authorities of the receiving State and request their support in carrying out his functions with regard to all matters relating to a vessel of the sending State, the master, and the members of the crew and cargo.

4. The consular officer shall be entitled, in accordance with the laws and regulations of the receiving State, to appear together with the master or crew members before a court or other competent authorities of the receiving State in order to render them assistance.

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Article 19

Protection in case of compulsory actions
against a vessel of the sending State

1. In case the courts or other competent authorities of the receiving State intend to take compulsory actions or start an official investigation with regard to a vessel or aboard a vessel of the sending State, those authorities shall notify the consular post in advance so as to enable a consular officer or his representative to be present when such actions are taken. If the urgency of the matter prevents prior notification, the competent authorities of the receiving State shall notify the consular post immediately after the actions have been taken and promptly provide him with full particulars of the said actions, upon the request of a consular officer.

2. The provisions of paragraph 1 of this Article shall apply to similar actions taken on shore by the competent authorities of the receiving State against the master of a vessel or any member of the crew.

3. The provisions of the paragraphs 1 and 2 of this Article shall not apply to any routine inspection carried out by the competent authorities of the receiving State in relation to customs, administration of ports quarantine or border check, nor to measures taken by such authorities to ensure navigation safety on sea or the prevention of pollution of waters.

4. Except upon the request or with the consent of the master of a vessel of the sending State or of a consular officer, the competent authorities of the receiving State shall not interfere in the internal affairs of the vessel, when the peace, security and public order of the receiving State are not violated.

Article 20

Assistance to wrecked vessels of the sending State

1. If a vessel of the sending State suffers an accident in the inland or territorial waters of the receiving State, the competent authorities of the receiving State shall notify the consular post as soon as possible and inform it of the measures taken for rescuing the persons aboard, the vessel and its cargo and other properties.

2. A consular officer shall be entitled to take measures to render assistance to any wrecked vessel of the sending State and its crew

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and passengers and to request assistance from the authorities of the receiving State in this connection.

3. If a wrecked vessel of the sending State or its articles or cargo are found near the coast of, or are brought into a port of the receiving State and neither the master nor the owner of the vessel, nor any agent of the vessel company or of its insurance company is present or is in a position to take measures for their preservation or disposal, the competent authorities of the receiving State shall inform the consular post as promptly as possible. A consular officer may take appropriate measures on behalf of the owner of the vessel.

4. A wrecked vessel of the sending State and its cargo and articles shall not be subjected to customs duties or other similar charges by the receiving State provided they are not delivered for sale or for use in the receiving State.

Article 21

Aircraft of the sending State

The provisions of this Convention concerning vessels of the sending State shall apply to aircraft of the sending State provided that such application does not contravene the provisions of bilateral agreements in force between the sending State and the receiving State or of multilateral agreements to which both States are signatories, as well as the provisions of any air service agreement concluded between the governments of Hong Kong and Macao Special Administrative Regions of the People's Republic of China and the government of the Kingdom of Cambodia.

Article 22

Transmitting judicial documents

A consular officer shall be entitled to transmit judicial and extra-judicial documents to the extent permitted by the laws and regulations of the receiving State, subject to the operation of the existing agreements between the sending State and the receiving State.

Article 23

Area for performance of consular functions

A consular officer shall perform his functions only in his consular district. With the consent of the receiving State, he may also

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perform his functions outside the consular district.

Article 24
Communication with the authorities of
the receiving State

In the exercise of his functions, a consular officer may address the competent local authorities in his consular district and when necessary, the competent central authorities of the receiving State to the extent permitted by the laws, regulations and usages of the receiving State.

CHAPTER IV
FACILITIES, PRIVILEGES AND IMMUNITIES

Article 25
Facilities for a consular post

1. The receiving State shall accord full facilities for the performance of the functions of a consular post.
2. The receiving State shall treat members of a consular post with due respect and take appropriate measures to ensure the smooth performance of functions by such members and their rights, facilities, privileges and immunities as provided for in this Convention.

Article 26
Acquisition of consular premises and residences

1. To the extent permitted by the laws and regulations of the receiving State, the sending State or its representative shall have the right to:
 - (a) purchase, lease or acquire in any other way a building or a part of a building and the land ancillary thereto for use as the consular premises and the residences of the members of the consular post, excluding the residences of those members who are nationals or permanent residents of the receiving State;
 - (b) construct or improve buildings on the land acquired.
2. The receiving State shall assist the sending State in acquiring

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consular premises and, when necessary, in acquiring appropriate residences for members of the consular post.

3. In the exercise of their rights provided for in paragraph 1 of this Article, the sending State or its representative shall comply with the laws and regulations of the receiving State concerning land, construction and city planning.

Article 27

Use of the national flag and emblem

1. The sending State shall have the right to place on the consular premises its national emblem and the designation of the consular post in the languages of the sending and the receiving States.

2. The sending State shall have the right to fly its national flag on the consular premises, the residence of the head of a consular post and the means of transport used in the performance of his official duties.

Article 28

Inviolability of the consular premises and
the residences of consular officers

1. Consular premises and the residences of consular officers shall be inviolable. The authorities of the receiving State may not enter the consular premises and the residences of consular officers without the consent of the head of the consular post or the head of the diplomatic mission of the sending State in the receiving State, or of a person designated by one of them.

2. The receiving State shall take all necessary measures to protect the consular premises and the residences of consular officers against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

Article 29

Immunity from requisition of consular premises

The consular premises, their furnishings and the property and means of transport of the consular post shall be immune from any form of requisition.

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Article 30

Inviolability of the consular archives and documents

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

Article 31

Freedom of communication

1. The receiving State shall permit and protect freedom of communication by a consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts of the sending State, the consular post may employ all appropriate means of communication, including messages in cipher or code, diplomatic or consular couriers and diplomatic or consular bags. However, the consular post may install and use a radio transmitter only with the consent of the receiving State.

2. The official correspondence of a consular post shall be inviolable. The consular bag shall be neither opened nor detained. The consular bag must bear visible external marks of its character and may contain nothing other than official correspondence, official documents and articles intended exclusively for official use. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the consular bag contains something other than the above-mentioned articles, they may request that the consular bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorized representative of the sending State, the consular bag shall be returned to its place of origin.

3. The consular courier shall only be a national of the sending State, and not be a permanent resident of the receiving State. He shall be provided with an official document certifying his status. He shall enjoy the same rights, facilities, privileges and immunities in the receiving State as enjoyed by a diplomatic courier.

4. A consular bag may be entrusted to the captain of an aircraft or a vessel of the sending State. But he shall be provided with an official document indicating the number of packages constituting the bag, however, he shall not be considered as a consular courier. By arrangement with the appropriate authorities of the receiving State, a member of the consular post may directly and freely collect the bag from or deliver it to him.

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Article 32
Consular fees and charges

1. A consular post may, in the territory of the receiving State, levy fees and charges for consular acts in accordance with the laws and regulations of the sending state.

2. The fees and charges referred to in paragraph 1 of this Article and their receipts shall be exempt from all dues and taxes of the receiving State.

3. The receiving State shall permit a consular post to remit to the sending State the income from the fees and charges referred to in paragraph 1 of this Article.

Article 33
Freedom of movement

Subject to the laws and regulations of the receiving State concerning zones entry into which is prohibited or regulated, members of the consular post shall enjoy freedom of movement and travel in the receiving state.

Article 34
Personal inviolability of consular officers

The person of consular officers shall be inviolable, and they shall not be liable to detention or arrest. The receiving State shall take appropriate measures to prevent any attack on their freedom of person and dignity.

Article 35
Immunity from jurisdiction

1. A consular officer shall be immune from the judicial or administrative jurisdiction of the receiving State, except in civil proceedings:

(a) arising out of a contract concluded by a consular officer in which he did not contract expressly as an agent of the sending State;

(b) by a third party for damage arising from an accident in the

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receiving State caused by a vehicle, vessel or aircraft;

(c) concerning private immovable property in the receiving State, unless a consular officer is holding it in the capacity of representative of the sending State and for the purposes of the consular post;

(d) concerning private succession;

(e) arising out of any professional or commercial activities in the receiving State by a consular officer outside of his official functions.

2. The receiving State shall not take measures of execution against a consular officer except in cases referred to in paragraph 1 of this Article. In the event of taking such measures in such cases, the inviolability of the person and residence of the consular officer shall not be impaired.

3. Members of the administrative and technical staff and of the service staff of the consular post shall be immune from the jurisdiction of the judicial or administrative authorities of the receiving State in respect of any act in the performance of their functions, except in the civil proceedings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

Article 36
Liability to give evidence

1. A consular officer is under no obligation to give evidence as a witness.

2. A member of the administrative and technical staff or of the service staff of the consular post may be called upon to give evidence in the course of judicial or administrative proceedings of the receiving State. He shall not, except in the cases referred to in paragraph 3 of this Article, decline to give evidence.

3. A member of the administrative and technical staff or of the service staff of the consular post is under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce any official correspondence or documents relating thereto. He is entitled to decline to give evidence as expert witness with regard to the law of the sending State.

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4. The competent authorities of the receiving State requiring the evidence of a member of the administrative and technical staff or of the service staff of the consular post shall avoid interference with the performance of his functions. They may, when possible, take such evidence at his residence or at the consular premises or accept a statement from him in writing.

Article 37

Exemption from services and registration of
aliens and residence permits

1. A member of the consular post shall be exempt in the receiving State from any kind of personal services, public services and military obligations.

2. A consular officer and a member of the administrative and technical staff of the consular post shall be exempt from all obligations under the laws and regulations of the receiving State concerning the registration of aliens and residence permits.

Article 38

Exemption of properties from taxation

1. On a reciprocal basis and to the extent permitted by the laws and regulations of the receiving State, the following shall be exempt from all dues and taxes:

(a) consular premises and residences of the members of a consular post acquired in the name of the sending State or its representative and transactions or instruments related thereto;

(b) consular facilities and means of transport acquired exclusively for official purposes as well as their acquisition, possession or maintenance.

2. The provisions of paragraph 1 of this Article shall not apply in respect of:

(a) charges levied for specific services;

(b) dues and taxes collectable under the laws and regulations of the receiving State from a person who concludes a contract with the

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sending State or its representative.

Article 39
Exemption of members of the consular
post from taxation

1. Consular officers and members of the administrative and technical staff of the consular post shall be exempt from all national, regional or municipal dues and taxes of the receiving State on person or object except:

(a) indirect taxes of a kind which are normally incorporated in the price of commodities or services;

(b) dues and taxes on private immovable property situated in the territory of the receiving State, other than the provisions stipulated in sub-paragraph (a) of paragraph 1 of Article 38 of this Convention;

(c) estate and inheritance duties and duties on transfers, other than the provisions stipulated in Article 43 of this Convention;

(d) dues and taxes on private income other than the income acquired from their official functions in the receiving State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duties, other than the provisions stipulated in paragraph 1 of Article 38 of this Convention.

2. Members of the service staff of the consular post shall be exempt from dues and taxes in the receiving State on their wages which they receive for their services at the consular post.

Article 40
Exemption from customs duties and inspection

1. The receiving State shall, in accordance with its laws and regulations, permit entry and exit of and grant exemption from all customs duties other than charges for storage, cartage and similar services, on:

(a) articles for the official use of a consular post;

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(b) articles for the personal use of a consular officer;

(c) articles imported at the time of first installation for the personal use of a member of the administrative and technical staff of the consular post, including household articles intended for his establishment.

2. Articles referred to in sub-paragraphs (b) and (c) of paragraph 1 of this Article shall not exceed the quantities necessary for direct use by the persons concerned.

3. Personal baggage of a consular officer shall be exempt from customs inspection. It may be inspected by the competent authorities of the receiving State 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 are 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 concerned or his representative.

Article 41

Privileges and immunities of family members

Family members of a consular officer and family members of a member of the administrative and technical staff of the consular post shall enjoy respectively the privileges and immunities to which the consular officer and the member of the administrative and technical staff are respectively entitled under the provisions of this Convention; Family members of a member of the service staff of the consular post shall enjoy the privileges and immunities to which the member of service staff is entitled under paragraph 1 of Article 37 of this Convention, except those who are nationals or permanent residents of the receiving State, or who carry on any private gainful occupation in the receiving State.

Article 42

Persons who shall not enjoy
privileges and immunities

1. Member of the administrative and technical staff or of the service staff of the consular post who are nationals or permanent residents of the receiving State shall not enjoy the privileges and immunities provided for in the Convention, other than the provisions stipulated in paragraph 3 of Article 36 of this Convention.

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2. Family members of the persons mentioned in paragraph 1 of this Article shall not enjoy the privileges and immunities provided for in this Convention.

Article 43

Estate of a member of the consular post

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

(a) permit the export of the movable property of the deceased except any such property acquired by the deceased in the territory of the receiving State the export of which was prohibited at the time of his death;

(b) exempt the movable property of the deceased from estate duties and all duties concerned.

Article 44

Beginning and end of privileges
and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided for in this 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. Family members of a member of the consular post shall enjoy the privileges and immunities provided for in this Convention from the date from which the member of the consular post enjoys privileges and immunities. In the case that they enter into the territory of the receiving State or become a member of such family members after the member of the consular post enjoys privileges and immunities, they enjoy such privileges and immunities from the date of their entry or their becoming such family members.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of his family members shall 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. The privileges and immunities of the family members of a member of the consular post shall come to an end when they cease to be the said family

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members. However if such persons intend to leave the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. In the event of the death of a member of the consular post, his family members 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 in which to do so.

Article 45

Waiver of privileges and immunities

1. The sending State may waive any of the privileges and immunities enjoyed by the persons concerned under Article 35 and 36 of this Convention. The waiver shall in all cases be explicit and shall be communicated to the receiving State in writing.

2. The initiation of proceedings by a person in a matter where he might enjoy immunity from jurisdiction under this Convention shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

3. 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 execution of judicial decision. In respect of such execution, a separate waiver of immunity in writing shall be necessary.

CHAPTER V
GENERAL PROVISIONS

Article 46

Respect for the laws and regulations of
the receiving State

1. Without prejudice to the privileges and immunities, it is the duty of all persons enjoying such privileges and immunities as provided for in this Convention to respect the laws and regulations of the receiving State, including those governing traffic control. They also have the duty not to interfere in the internal affairs of the receiving State.

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2. The consular premises shall not be used for any purposes incompatible with the performance of consular functions.

3. A consular post, members of the consular post and their family members shall comply with the laws and regulations of the receiving State concerning vehicle insurance.

4. Members of the consular post who are sent by the sending State to the receiving State shall not engage in any professional or commercial activities in the receiving State other than their official functions.

Article 47

Exercise of consular functions
by diplomatic missions

1. The diplomatic mission of the sending State in the receiving State may perform consular functions. The rights and obligations of consular officers provided for in this Convention shall apply to diplomatic personnel of the sending State charged with consular functions.

2. The diplomatic mission of the sending State shall notify the Foreign Ministry of the receiving State of the names and ranks of the diplomatic personnel charged with consular functions.

3. Diplomatic personnel charged with consular functions shall continue to enjoy such rights, facilities, privileges and immunities as due to them by virtue of their diplomatic status.

Article 48

Applicability of other international agreements

The Contracting Parties affirm the provisions of the *Vienna Convention on Consular Relations* done at Vienna on 24 April 1963, and agree that all matters not expressly covered by this Convention shall continue to be governed by the *Vienna Convention on Consular Relations*.

Article 49

Applicability of the Convention

This Convention shall simultaneously apply to the Hong Kong

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Special Administrative Region of the People's Republic of China and the
Macao Special Administrative Region of the People's Republic of China.

CHAPTER VI
FINAL PROVISIONS

Article 50
Ratification, entry into force
and termination

1. This Convention is subject to ratification and shall enter into force on the thirtieth days after the date of the exchange of instruments of ratification^(Note).

2. This Convention shall remain in force until the expiration of six months from the date on which one of the Contracting Parties gives to the other Contracting Party written notification of its intention to terminate the Convention.

DONE at Phnom Penh, on this 25th day of February, 2010, in duplicate in the Chinese, Khmer and English languages, all three texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**FOR THE PEOPLE'S REPUBLIC
OF CHINA**

**FOR THE KINGDOM
OF CAMBODIA**

Zhang Jinfeng

Long Visalo

Note : The People's Republic of China and the Kingdom of Cambodia exchanged instruments of ratification in respect of this Convention on 13 December 2010 at Beijing. This Convention came into force on 12 January 2011.