

澳門特別行政區

REGIÃO ADMINISTRATIVA ESPECIAL DE MACAU

行政長官辦公室

GABINETE DO CHEFE DO EXECUTIVO

第 35/2013 號行政長官公告

Aviso do Chefe do Executivo n.º 35/2013

按照中央人民政府的命令，行政長官根據澳門特別行政區第3/1999號法律第六條第一款的規定，命令公佈二零零九年十月二十九日在馬尼拉簽訂的《中華人民共和國和菲律賓共和國領事協定》（下稱“協定”）的中文及英文正式文本。

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da Região Administrativa Especial de Macau, por ordem do Governo Popular Central, o Acordo sobre Relações Consulares entre a República Popular da China e a República das Filipinas, feito em Manila, em 29 de Outubro de 2009 (adiante designado por Acordo), nas suas versões autênticas em línguas chinesa e inglesa.

根據協定第四十九條及第五十一條的規定，該協定自二零一三年七月十三日起生效，並自同日起適用於澳門特別行政區。

Em conformidade com os seus artigos 49.º e 51.º, o Acordo entrou em vigor em 13 de Julho de 2013, tendo-se tornado igualmente aplicável a partir da mesma data na Região Administrativa Especial de Macau.

二零一三年八月二十三日發佈。

Promulgado em 23 de Agosto de 2013.

行政長官 崔世安

O Chefe do Executivo, *Chui Sai On*.

中華人民共和國和 菲律賓共和國領事協定

Consular Agreement between the People's Republic of China and the Republic of the Philippines

中華人民共和國和菲律賓共和國（以下稱“締約雙方”），

The People's Republic of China and the Republic of the Philippines (hereinafter referred to as “the Contracting Parties”),

為發展兩國的領事關係，以利於保護兩國國家和兩國國民的權利和利益，促進兩國間的友好合作關係，

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,

決定締結本協定，並議定下列各條：

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

第一章 定義

CHAPTER I DEFINITION

第一條 定義

Article 1

Definitions

就本協定而言，下列用語的含義是：

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

（一）“領館”指總領事館、領事館、副領事館或領事代理處；

(a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;

（二）“領區”指為領館執行領事職務而設定的區域；

(b) “consular district” means the area assigned to a consular post for the exercise of consular functions;

（三）“領館館長”指派遣國委派領導一個領館的總領事、領事、副領事或者領事代理人；

(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;

（四）“領事官員”指被委派執行領事職務的人員，包括領館館長在內；

(d) “consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

(五) “領館行政技術人員” 指在領館內從事行政或技術工作的人員；

(六) “領館服務人員” 指在領館內從事服務工作的人員；

(七) “領館成員” 指領事官員、領館行政技術人員和領館服務人員；

(八) “私人服務人員” 指領館成員私人僱用的服務人員；

(九) “領館館舍” 指專供領館使用的建築物或部分建築物及其附屬的土地，不論其所有權屬誰；

(十) “領館檔案” 指領館的一切文書、文件、函電、簿籍、膠片、膠帶和登記冊，以及明密電碼、紀錄卡片、存儲介質儲存的資料和保護或保管它們的任何器具；

(十一) “派遣國國民” 指具有派遣國國籍的自然人，適用時，也指法人；

(十二) “派遣國船舶” 指按照派遣國法律懸掛派遣國國旗的船舶，不包括軍用船舶；

(十三) “派遣國航空器” 指在派遣國登記並標有其登記標誌的航空器，不包括軍用航空器。

(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;

(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) “member of the private staff” means any person who is employed in the private service of a member of the consular post;

(i) “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;

(j) “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;

(k) “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;

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

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

第二章

領館的設立和領館成員的委派

第二條

領館的設立

一、派遣國須經接受國同意方能在該國境內設立領館。

二、派遣國和接受國經協商確定領館的所在地、等級和領區，以及與此有關的任何變動。

第三條

領館館長的任命和承認

一、派遣國應通過外交途徑向接受國遞交任命領館館長的照會。照會中應載明領館館長的姓名、職銜、領館所在地、等級和領區。

二、接受國在接到任命領館館長的照會後，應儘快以照會予以確認。接受國如拒絕確認，無須說明理由。

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 determination of the seat of the consular post, its classification and its consular district, as well as any changes pertaining thereto, shall be through consultation between the sending State and the receiving State.

Article 3

Appointment and Admission of Head of Consular Post

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 its confirmation, it is not obliged to give reasons for such refusal.

三、領館館長在接受國照會確認後即可執行職務。在此之前，經接受國同意，領館館長可臨時執行職務。

四、接受國確認領館館長或准許其臨時執行職務後，應立即通知領區內主管當局，並採取一切必要措施使領館館長能執行職務，並享受本協定規定的權利、便利、特權與豁免。

第四條

臨時代理領館館長職務

一、領館館長因故不能執行職務或其職位暫時空缺時，派遣國可指派該領館或駐接受國的其他領館的一位領事官員或駐接受國使館的一位外交人員擔任代理領館館長。派遣國應事先將代理領館館長的姓名和原職銜通知接受國。

二、代理領館館長享有本協定規定的領館館長應享有的權利、便利、特權與豁免。

三、被指派為代理領館館長的外交人員繼續享有其應享有的外交特權與豁免。

第五條

通知到達和離境

派遣國應在適當時間內將下列事項書面通知接受國：

(一) 領館成員的姓名、職銜和他們的到達、最後離境或職務終止，以及他們在領館任職期間職務上的任何變更；

(二) 領館成員的家庭成員的姓名、國籍和他們的到達和最後離境，以及任何人成為或不再是領館成員的家庭成員的事實；

(三) 私人服務人員的姓名、國籍、職務和他們的到達和最後離境，以及任何人成為或不再是私人服務人員的事實。

第六條

身份證

接受國主管當局應按其規定發給領館成員及其家庭成員相應的身份證件，但屬接受國國民或永久居民者除外。

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 Agreement.

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 Agreement.

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 and the fact that any person becomes or ceases to be such private staff.

Article 6

Identity Cards

The competent authorities of the receiving State shall, in accordance with its regulations, issue relevant identity cards to the members of the consular post and their family members, except those who are nationals or permanent residents of the receiving State.

第七條

領館成員和私人服務人員的國籍

一、領事官員只能是派遣國國民，且不得是接受國的永久居民。

二、領館行政技術人員、領館服務人員和私人服務人員應是派遣國國民或接受國國民。

第八條

宣告為不受歡迎的人

一、接受國可隨時通過外交途徑通知派遣國，宣告某一領館成員為不受歡迎的人或不可接受，並無須說明理由。

二、遇本條第一款所述情況，派遣國應召回有關人員或終止其在領館的工作。如派遣國未在適當期間內履行此義務，接受國有權撤銷對有關人員的承認或不再視其為領館成員。

第三章 領事職務

第九條

一般領事職務

領事官員有權執行下列職務：

- (一) 保護派遣國及其國民的權利和利益；
- (二) 增進派遣國和接受國之間的經濟、貿易、科技、文化和教育關係，並在其他方面促進兩國之間的友好合作；
- (三) 用一切合法手段調查接受國的經濟、貿易、科技、文化和教育等方面的情況，並向派遣國政府報告；
- (四) 執行派遣國授權而不為接受國法律規章所禁止或不為接受國所反對的其他職務。

第十條

接受有關國籍的申請和民事登記

一、領事官員有權：

- (一) 接受有關國籍問題的申請；
- (二) 登記派遣國國民；
- (三) 登記派遣國國民的出生和死亡；

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 those of its nationals;
- (b) furthering the development of economic, trade, scientific-technological, cultural and educational relations between the sending State and 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, 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;

(四) 辦理派遣國國民間的婚姻手續並發給相應的證書。

二、本條第一款的規定不免除當事人遵守接受國法律規章的義務。

第十一條 頒發護照和簽證

領事官員有權：

(一) 受理派遣國國民的護照或其他旅行證件的申請，和向派遣國國民頒發護照或其他旅行證件，以及加註或吊銷上述護照或證件；

(二) 受理前往或途經派遣國的人員的簽證申請，和向前往或途經派遣國的人員頒發簽證，以及加註或吊銷上述簽證。

第十二條 公證和認證

一、領事官員有權：

(一) 應任何國籍的個人要求，為其出具在派遣國使用的各種文書；

(二) 應派遣國國民的要求，為其出具在派遣國境外使用的各種文書；

(三) 把文書譯成派遣國或接受國的官方文字，並證明譯本與原文相符；

(四) 執行派遣國授權而不為接受國所反對的其他公證職務；

(五) 認證派遣國有關當局或接受國有關當局所頒發的文書上的簽字和印章。

二、領事官員出具、證明或認證的文書如在接受國使用，只要他們符合接受國法律規章，應與接受國主管當局出具、證明或認證的文書具有同等效力。

三、在與接受國法律規章不相抵觸的前提下，領事官員有權接受和臨時保管派遣國國民的證件和文書。

第十三條 拘留、逮捕通知和探視

一、遇有派遣國國民在領區內被接受國主管當局拘留、逮捕或以任何其他方式剝奪自由時，不論其本人是否請求，該當局應於四日內通知領館有關該國民被拘留、逮捕或以任何其他方式剝奪自由的事實並說明原因。

(d) handle marriage formalities for nationals of the sending State and issue appropriate 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 the said passports or documents;

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

Article 12

Notarization and Authentication

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) authenticate signatures and seals on documents issued by the authorities concerned of the sending State or of the receiving State.

2. When used in the receiving State, the documents drawn up, certified or authenticated 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 authenticated 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, whether the national requests it or not, notify the consular post within four days, of the fact and reasons for which the national has been detained, arrested or deprived of freedom by any means.

二、領事官員有權探視被拘留、逮捕或以任何其他方式剝奪自由的派遣國國民，使用被拘禁國民熟悉的任何語言或方言就個人狀況和案情與其交談或通信，為其提供法律協助。接受國主管當局應於通知領館該國民被拘留、逮捕或剝奪自由後三日內儘速安排領事官員探視。經領事官員請求，探視可多次進行。但如被拘留、逮捕或以任何其他方式剝奪自由的派遣國國民書面明確表示反對探視時，領事官員應停止採取行動。

三、領事官員有權探視正在服刑的派遣國國民。

四、派遣國國民的家屬同樣有權在接受國法律規章允許的範圍內探監。

五、接受國主管當局應將本條第一、二、三、四款的規定通知上述派遣國國民。

六、領事官員在執行本條職務時，應遵守接受國的有關法律規章。但接受國有關法律規章的適用不應限制本條規定的權利的實施。

第十四條 監護和託管

一、領區內包括未成年人在內的無行為能力或限制行為能力的派遣國國民需要指定監護人或託管人時，接受國主管當局應通知領館。

二、領事官員有權在接受國法律規章允許的範圍內保護包括未成年人在內的無行為能力或限制行為能力的派遣國國民的權利和利益，必要時可為他們推薦或指定監護人或託管人，並監督他們的監護或託管活動。

第十五條 協助派遣國國民

一、領事官員有權：

(一) 在領區內同派遣國國民聯繫和會見，接受國不應限制派遣國國民同領館聯繫及進入領館；

(二) 瞭解派遣國國民在接受國的居留和工作情況，並向他們提供一切必要的協助；

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 in any language or dialect known to the said detained national relating to his condition and his case 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 and, within three days of notification to the consular posts of his detention, arrest or deprivation of freedom. These visits may be made on a recurring basis at the request of the consular officer. Nevertheless, the consular officers shall refrain from taking action if the national who is under detention and arrest, or is deprived of freedom by any other means expressly objects to such action in writing.

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

4. Members of the family of the national of the sending State shall likewise be entitled to jail visit, subject to pertinent laws and regulations of the receiving State.

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

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 a minor, 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 a minor, of the sending State who has no capacity or limited capacity to act on his own 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;

(三) 請求接受國主管當局查尋派遣國國民的下落，接受國主管當局應儘可能提供有關情況；

(四) 在不違反接受國法律規章的情況下，接受和臨時保管派遣國國民的錢款和貴重物品。

二、遇有派遣國國民不在當地或由於其他原因不能及時保護自己的權利和利益時，領事官員可根據接受國法律規章在接受國法院或其他主管當局前代表該國民，或為其安排適當代理人，直至該國民指定了自己的代理人或本人能自行保護其權利和利益時為止。

第十六條 死亡通知

接受國主管當局獲悉派遣國國民在接受國死亡時，應儘快通知領館，並應領館請求提供死亡證書或其他證明死亡的文件副本。

第十七條 有關處理遺產的職務

一、如死亡的派遣國國民在接受國遺有財產，但在接受國無繼承人或遺囑執行人時，接受國主管當局應儘速通知領館。

二、當接受國主管當局清點和封存本條第一款所述遺產時，領事官員有權到場。

三、如派遣國某國民作為遺產繼承人或受遺贈人有權繼承或受領一位任何國籍的死者在接受國的遺產或遺贈，且該國民不在接受國境內，接受國主管當局應將該國民繼承或受領遺產或遺贈的事宜通知領館。

四、遇有派遣國國民有權或聲稱有權繼承在接受國境內的某項遺產，但本人或其代理人不能在遺產繼承程序中到場時，領事官員可在接受國法律規章允許的範圍內，經該國民明確授權後在接受國法院或其他主管當局前代表該國民。

五、領事官員經非永久居住在接受國的派遣國國民明確授權後，有權代其接受在接受國應得的遺產或遺贈，並將該遺產或遺贈轉交給該國民。

六、遇非永久居住在接受國的派遣國國民在接受國境內臨時逗留時或過境時死亡，而其在接受國又無親屬或代理人時，領

(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 until 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 document certifying the death.

Article 17

Functions Concerning Estate

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 represent the national before the court or other competent authorities of the receiving State upon the express authorization of the said national, subject to pertinent laws and regulations 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, upon his express authorization, 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

事官員有權立即臨時保管該國民隨身攜帶的所有文件、錢款和物品，以便轉交給該國民的遺產繼承人、遺囑執行人或其他授權接受這些物品的人。

七、領事官員在執行本條第四、五、六款所規定的職務時，應遵守接受國的有關法律規章。

第十八條 協助派遣國船舶

一、領事官員有權對在接受國內水或領海的派遣國船舶及其船長和船員提供協助，並有權：

(一) 在船舶獲准同岸上自由往來後登訪船舶，詢問船長或船員，聽取有關船舶、貨物及航行的報告；

(二) 在不妨害接受國主管當局權力的前提下，調查船舶航行期間所發生的事故；

(三) 在派遣國法律規章許可範圍內調解船長與船員之間的任何爭端；

(四) 接受船長和船員的訪問，並在必要時為其安排就醫或返回本國；

(五) 接受、查驗、出具、簽署或認證與船舶有關的文書；

(六) 辦理派遣國主管當局委託的其他與船舶有關的事務。

二、船長與船員可同領事官員聯繫。在不違反接受國有關港口和外國人管理的法律規章的前提下，船長與船員可前往領館。

第十九條 對派遣國船舶實行強制措施時的保護

一、接受國法院或其他主管當局如欲對派遣國船舶或在派遣國船舶上採取強制性措施或進行正式調查時，必須事先通知領館，以便在採取行動時領事官員或其代表能到場。如情況緊急不能事先通知，接受國主管當局應在採取上述行動後立即通知領館，並迅速提供所採取行動的全部情況。

二、本條第一款的規定也適用於接受國主管當局在岸上對船長或船員所採取的同樣行動。

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.

Article 18

Assistance to Vessels of the Sending State

1. A consular officer shall be entitled to render assistance to vessels of the sending State which are in the internal or territorial waters of the receiving State, and to their master 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 accident 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 of any kind between the master and the crew insofar as this may be authorized by the laws and regulations of the sending State;

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

(e) to receive, examine, draw up, sign or authenticate 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.

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 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.

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.

三、本條第一、二款的規定不適用於接受國主管當局進行的有關海關、港口管理、檢疫或邊防檢查等事項的例行檢查，也不適用於接受國主管當局為保障海上航行安全或防止水域污染所採取的措施。

四、除非應船長或領事官員的請求或徵得其同意，接受國主管當局在接受國的安寧、安全及公共秩序未受破壞的情況下，不得干涉派遣國船舶的內部事務。

第二十條

協助失事的派遣國船舶

一、遇派遣國船舶在接受國內水或領海失事，接受國主管當局應儘快通知領館，並通知為搶救船上人員、船舶、貨物及其他財產所採取的措施。

二、領事官員有權採取措施向失事的派遣國船舶、船員和旅客提供協助；並可為此請求接受國當局給予協助。

三、如果失事的派遣國船舶或屬於該船的物品或所載的貨物處於接受國海岸附近或被運進接受國港口，而船長、船舶所有人、船公司代理人和有關係保險人均不在場或無法採取措施保存或處理時，接受國主管當局應儘速通知領館。領事官員可代表船舶所有人採取適當的措施。

四、如失事的派遣國船舶及其貨物和用品不在接受國境內出售或交付使用，接受國不應徵收關稅或類似費用。

第二十一條

派遣國航空器

本協定關於派遣國船舶的規定，同樣適用於派遣國航空器，但任何此種適用不得違反派遣國和接受國之間生效的雙邊條約或雙方參加的國際條約的規定，以及中華人民共和國香港特別行政區政府、中華人民共和國澳門特別行政區政府與菲律賓共和國政府簽訂的民用航空運輸協定的規定。

第二十二條

轉送司法文書

領事官員有權在接受國法律規章允許的範圍內轉送司法文書和司法外文書。如派遣國和接受國之間另有協議，則按協議辦理。

3. The provisions of 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 internal 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 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 Agreement 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 parties, 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 Republic of the Philippines.

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.

第二十三條

執行領事職務的區域

領事官員只能在領區內執行職務。經接受國同意，領事官員也可在領區外執行職務。

第二十四條

同接受國當局聯繫

領事官員在執行職務時，可與其領區內的地方主管當局聯繫，必要時也可與接受國的中央主管當局聯繫，但以接受國的法律規章和慣例允許為限。

第四章

便利、特權與豁免

第二十五條

為領館提供便利

- 一、接受國應為領館執行職務提供充分的便利。
- 二、接受國對領館成員應給予應有的尊重，並採取適當措施保證領館成員順利地執行職務和享受本協定規定的權利、便利、特權與豁免。

第二十六條

領館館舍和住宅的獲得

- 一、在接受國法律規章允許的範圍內，派遣國或其代表有權：
 - (一) 購置、租用或以其他方式獲得用作領館館舍和領館成員住宅的建築物或部分建築物及其附屬的土地，但領館成員為接受國國民或永久居民的住宅除外；
 - (二) 在已獲得的土地上建造或修繕建築物。
- 二、接受國應為派遣國獲得領館館舍提供協助，必要時，應協助派遣國為其領館成員獲得適當的住宅。
- 三、派遣國或其代表在行使本條第一款規定的權利時，應遵守接受國有關土地、建築和城市規劃的法律規章。

第二十七條

國旗和國徽的使用

- 一、派遣國有權在領館館舍懸掛本國國徽和用派遣國與接受國文字書寫的館牌。

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 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 communicate with 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 Agreement.

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) to construct or improve buildings on the land acquired.
2. The receiving State shall assist the sending State in acquiring 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 of the receiving States.

二、派遣國有權在領館館舍、領館館長寓邸和領館館長執行公務時所乘用的交通工具上懸掛本國國旗。

第二十八條

領館館舍和領事官員的住宅不受侵犯

一、領館館舍和領事官員的住宅不受侵犯。接受國當局人員未經領館館長或派遣國使館館長或他們兩人中一人指定的人的同意，不得進入領館館舍和領事官員的住宅。遇有火災或其他災害須迅速採取保護行動時，可推定領館館長已經同意。

二、接受國應採取一切必要措施保護領館館舍和領事官員的住宅免受侵入或損害，防止擾亂領館的安寧和損害領館的尊嚴。

第二十九條

領館館舍免予徵用

領館館舍和領館的設備、財產和交通工具免予徵用。

第三十條

領館檔案不受侵犯

領館檔案在任何時間和任何地點均不受侵犯。

第三十一條

通訊自由

一、接受國應准許並保護領館為一切公務目的的通訊自由。領館同派遣國政府、派遣國使館和派遣國其他領館進行通訊，可使用一切適當方法，包括明密碼電信，外交信使或領事信使，外交郵袋或領事郵袋。但領館須經接受國同意才能裝置和使用無線電發報機。

二、領館的來往公文不受侵犯。領事郵袋不得開拆或扣留。領事郵袋必須附有可資識別的外部標記，並以裝載來往公文、公務文件及專供公務之用的物品為限。

三、領事信使只能是派遣國國民，且不得是接受國的永久居民。領事信使應持有證明其身份的官方文件。領事信使在接受國境內享有與外交信使相同的權利、便利、特權與豁免。

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 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. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

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.

Article 30

Inviolability of the Consular Archives

The consular archives shall be inviolable at all times and wherever 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 neither be 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.

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.

四、領事郵袋可委託派遣國航空器的機長或派遣國船舶的船長攜帶。該機長或船長應持有載明郵袋件數的官方文件，但不得視為領事信使。經與接受國有關當局商定，領館成員可直接並自由地與機長或船長接交領事郵袋。

第三十二條 領事規費和手續費

一、領館可在接受國境內根據派遣國法律規章收取領事規費和手續費。

二、本條第一款所述的規費和手續費的收入及其收據應被免除接受國的一切捐稅。

三、接受國應准許領館將本條第一款所述規費和手續費的收入匯回派遣國。

第三十三條 行動自由

除接受國法律規章禁止或限制進入的區域外，領館成員在接受國享有行動及旅行自由。

第三十四條 領事官員人身不受侵犯

領事官員人身不受侵犯。不得對其予以任何形式的拘留或逮捕。接受國應採取適當措施防止領事官員的人身自由和尊嚴受到侵犯。

第三十五條 管轄豁免

一、領事官員免受接受國的司法或行政管轄，但下列民事訴訟除外：

(一) 未明示以派遣國代表身份所訂契約引起的訴訟；

(二) 因車輛、船舶或航空器在接受國內造成損害，第三者要求損害賠償的訴訟；

(三) 在接受國境內的私有不動產的訴訟，但以派遣國代表身份所擁有的為領館使用的不動產不在此限；

(四) 私人繼承所涉及的訴訟；

(五) 公務範圍外在接受國所進行的職業或商業活動所引起的訴訟。

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.

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 that State.

Article 34

Personal Inviolability of Consular Officers

The person of consular officers shall be inviolable, and they shall not be liable to any form of 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 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.

二、除本條第一款所列案件外，接受國不得對領事官員採取執行措施。如對本條第一款所列案件採取執行措施，應不損害領事官員的人身和住宅不受侵犯權。

三、領館行政技術人員和領館服務人員執行公務的行為免受接受國司法或行政機關的管轄，但本條第一款第（一）、（二）項的民事訴訟除外。

第三十六條 作證的義務

一、領事官員無以證人身份作證的義務。

二、領館行政技術人員和領館服務人員可被請在接受國司法或行政程序中到場作證。除本條第三款所述情形外，領館行政技術人員和領館服務人員不得拒絕作證。

三、領館行政技術人員和領館服務人員沒有義務就其執行職務所涉及事項作證，或提供有關的公文或文件。領館行政技術人員和領館服務人員有權拒絕以鑒定人身份就派遣國的法律提供證詞。

四、接受國主管當局要求領館行政技術人員和領館服務人員作證時，應避免妨礙其執行職務。在可能情況下，可在其寓所或領館館舍錄取證詞，或接受其書面陳述。

第三十七條 勞務、外國人登記和居留許可的免除

一、領館成員應免除接受國任何形式的個人勞務、公共服務及軍事義務。

二、領事官員和領館行政技術人員應免除接受國法律規章關於外國人登記和居留許可所規定的一切義務。

第三十八條 財產免稅

一、在對等的基礎上及接受國法律規章允許的範圍內，接受國應免除下列項目的一切捐稅：

（一）以派遣國或其代表名義獲得的領館館舍和領館成員的住宅及其有關的交易或契據；

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 proceeding 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.

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 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 followings 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;

(二) 專用於職務目的而獲得的領館的設備和交通工具以及這些財產的獲得、佔有或維修。

二、本條第一款的規定不適用於：

(一) 對特定服務的收費；

(二) 與派遣國或其代表訂立契約的人按照接受國法律規章應繳納的捐稅。

第三十九條 領館成員的免稅

一、領事官員和領館行政技術人員應免納接受國對人對物課徵的一切國家、地方或市政的捐稅，但下列項目除外：

(一) 通常計入商品或勞務價格中的間接稅；

(二) 在接受國境內私有不動產的捐稅，但本協定第三十八條第一款第(一)項的規定不在此限；

(三) 遺產稅、繼承稅和讓與稅，但本協定第四十三條的規定除外；

(四) 在接受國取得的職務範圍外的私人收入的所得稅；

(五) 為提供特定服務所收取的費用；

(六) 註冊費、法院手續費或記錄費、抵押稅及印花稅，但本協定第三十八條第一款的規定除外。

二、領館服務人員就其在領館服務所得的工資，在接受國免納捐稅。

第四十條 關稅和查驗的免除

一、接受國依照本國法律規章應准許下列物品進出境，並免除一切關稅，但保管、運輸及類似服務費除外：

(一) 領館公務用品；

(二) 領事官員的自用物品；

(三) 領館行政技術人員初到任時運入的自用物品，包括安家物品。

二、本條第一款第(二)、(三)項所述物品不得超過有關人員直接需要的數量。

(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 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, subject to the provisions in sub-paragraph (a) of paragraph 1 of Article 38 of this Agreement;

(c) estate and inheritance duties and duties on transfers, subject to the provisions of Article 43 of this Agreement;

(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, subject to the provisions of paragraph 1 of Article 38 of this Agreement.

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 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;

(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 person concerned.

三、領事官員的個人行李免受海關查驗。接受國主管當局只有在有重大理由推定行李中裝有不屬本條第一款第(二)項所述物品，或為接受國法律規章禁止進出境的物品，或為檢疫法規所管制的物品時，才可查驗。查驗須在有相關領事官員或其代表在場時進行。

第四十一條

家庭成員的特權與豁免

領事官員和領館行政技術人員的家庭成員，分別享有領事官員和領館行政技術人員根據本協定規定所享有的特權與豁免。領館服務人員的家庭成員享有領館服務人員根據本協定第三十七條第一款所享有的特權與豁免，但身為接受國國民或永久居民或在接受國從事私人有償職業者除外。

第四十二條

不享受特權與豁免的人員

一、除本協定第三十六條第三款的規定外，身為接受國國民或永久居民的領館行政技術人員和領館服務人員不享有本協定規定的特權與豁免。

二、本條第一款所述人員的家庭成員不享有本協定規定的特權與豁免。

第四十三條

領館成員的遺產

領館成員或其家庭成員死亡時，接受國應：

(一) 准許將死者的動產運出境外，但死者在接受國境內獲得的動產中，在其死亡時屬於禁止出口的物品除外；

(二) 免除死者的動產的遺產稅和一切有關的捐稅。

第四十四條

特權與豁免的開始及終止

一、領館成員自進入接受國國境前往就任之時起享有本協定所規定的特權與豁免，其已在接受國境內的，自其就任領館職務時起開始享有。

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 Agreement; 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 Agreement, 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. Members 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 this Agreement, subject to the provisions of paragraph 3 of Article 36 of this Agreement.

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

Article 43

Estate of 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 in this Agreement 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.

二、領館成員的家庭成員自領館成員享有特權與豁免之時起享有本協定規定的特權與豁免。如家庭成員在此之後才進入接受國或某人在此之後才成為其家庭成員，則自本人進入接受國國境之時起或成為家庭成員之時起享有。

三、領館成員的職務如已終止，本人及其家庭成員的特權與豁免應於其離開接受國國境時或離境所需的合理期限完結時終止，以在先之時間為準。領館成員的家庭成員如不再是其家庭成員時，其特權與豁免隨即終止，但如該人打算在合理期間內離開接受國，其特權與豁免可延續至其離境時為止。

四、如某一領館成員死亡，其家庭成員的特權與豁免應於該家庭成員離開接受國國境之時或該家庭成員離境所需合理期限完結時終止。

五、涉及領館成員任職期間為履行職務而實施的行為，對其管轄豁免應繼續有效，無時間限制。

第四十五條 特權與豁免的放棄

一、派遣國可放棄本協定第三十五條和第三十六條規定的有關人員所享有的任何一項特權與豁免。但每次放棄應明確表示，並書面通知接受國。

二、根據本協定規定享有管轄豁免的人員如就本可免受管轄的事項主動起訴，則不得對同本訴直接有關的反訴主張管轄豁免。

三、在民事或行政訴訟程序上放棄豁免，不得視為對司法判決執行的豁免亦默示放棄。放棄對司法判決執行的豁免必須另行書面通知。

第五章 一般條款

第四十六條 尊重接受國法律規章

一、根據本協定享有特權與豁免的人員，在其特權與豁免不受妨礙的情況下，均負有尊重接受國法律規章，包括交通管理的

2. Family members of a member of the consular post shall enjoy the privileges and immunities provided in this Agreement from the date from which he enjoys privileges and immunities, or from the date of their entry into the territory of the receiving State or from the date of their becoming such family members in the case of their entry or becoming such family members after the date from which he enjoys privileges and immunities.

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, whichever is sooner. 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 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.

5. However, with respect to acts performed by a member of the consular post in the exercise of his functions during his tenure of office, immunity from jurisdiction shall continue to subsist without limitation of time.

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 Agreement. 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 Agreement 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 their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities

規章制度的義務。他們也負有不干涉接受國內政的義務。

二、領館館舍不得用作任何與執行領事職務不相符合的用途。

三、領館和領館成員及其家庭成員應遵守接受國有關交通工具保險的法律規章。

四、凡從派遣國派入接受國的領館成員除了執行職務外，不得在接受國內從事其他職業或商業活動。

第四十七條 使館執行領事職務

一、派遣國駐接受國使館可執行領事職務。本協定規定的領事官員的權利和義務，適用於派遣國委派執行領事職務的外交人員。

二、派遣國使館應將執行領事職務的外交人員的姓名和職銜通知接受國外交部。

三、被委派執行領事職務的外交人員繼續享有按其外交身份所享有的權利、便利、特權與豁免。

第四十八條 其他國際協定的適用範圍

締約雙方確認一九六三年四月二十四日在維也納簽訂的《維也納領事關係公約》的規定，並同意本協定未明文規定的所有事項應繼續適用《維也納領事關係公約》。

第四十九條 本協定的適用範圍

本協定同時適用於中華人民共和國香港特別行政區和中華人民共和國澳門特別行政區。

第五十條 磋商

締約雙方同意不定期舉行領事磋商，回顧領事關係。各方可在需要時就具體領事事務尋求磋商。

as provided in this Agreement to respect the laws and regulations of the receiving State, including those governing traffic rules and regulations. They also have the duty not to interfere in the internal affairs of the receiving State.

2. 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 Agreement 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, 24 April 1963, and agree that all matters not expressly covered by this Agreement shall continue to be governed by the Vienna Convention on Consular Relations.

Article 49

Applicability of the Agreement

This Agreement shall simultaneously apply to the Hong Kong Special Administrative Region of the People's Republic of China and the Macao Special Administrative Region of the People's Republic of China.

Article 50

Consultations

The Contracting Parties agree to meet from time to time for consular consultations to review the consular relationship. Either Party may seek consultations on individual consular matters whenever necessary.

第六章
最後條款

第五十一條

批准、生效和終止

一、本協定須經批准，批准書在北京互換。本協定自互換批准書之日起第三十天開始生效。

二、除非締約一方在六個月前以書面方式通知締約另一方要求終止本協定，則本協定應無限期有效。

本協定於二〇〇九年十月二十九日在馬尼拉簽訂，一式兩份，每份都用中文和英文寫成，兩種文本同等作準。

第 36/2013 號行政長官公告

中華人民共和國於二零零九年二月九日批准二零零七年六月二十七日在比什凱克簽訂的《上海合作組織成員國關於舉行聯合軍事演習的協定》（下稱“協定”）；

根據協定第二十八條的規定，協定自二零零七年六月二十七日起對中華人民共和國（包括澳門特別行政區）臨時適用；

基於此，行政長官根據澳門特別行政區第3/1999號法律第六條第一款的規定，命令公佈協定的中文正式文本。

二零一三年九月三日發佈。

行政長官 崔世安

CHAPTER VI

FINAL PROVISIONS

Article 51

Ratification, Entry into Force and Termination

1. This Agreement shall be subject to ratification. The exchange of instruments of ratification shall take place in Beijing, the present Agreement shall enter into force on the thirtieth day from the date of the exchange of instruments of ratification.

2. This Agreement shall remain in force indefinitely 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 Agreement.

DONE at Manila, on this 29th day of October, 2009, in duplicate in the Chinese and English languages, both texts being equally authentic.

Aviso do Chefe do Executivo n.º 36/2013

Considerando que a República Popular da China ratificou, em 9 de Fevereiro de 2009, o Acordo entre os Estados Membros da Organização de Cooperação de Xangai relativo à Realização de Exercícios Militares Conjuntos, concluído em Biskeque, em 27 de Junho de 2007, adiante designado por Acordo;

Considerando igualmente que, em conformidade com o disposto no seu artigo 28.º, o Acordo é aplicável provisoriamente na República Popular da China, incluindo a Região Administrativa Especial de Macau, a partir de 27 de Junho de 2007;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da Região Administrativa Especial de Macau, o Acordo no seu texto autêntico em língua chinesa.

Promulgado em 3 de Setembro de 2013.

O Chefe do Executivo, *Chui Sai On*.

上海合作組織成員國
關於舉行聯合軍事演習的協定

上海合作組織成員國—哈薩克斯坦共和國、中華人民共和國、吉爾吉斯共和國、俄羅斯聯邦、塔吉克斯坦共和國和烏茲別克斯坦共和國（以下稱各方），

恪守《聯合國憲章》的宗旨和原則，以及公認的國際法準則，

遵循二零零二年六月七日簽署的《上海合作組織憲章》，二零零一年六月十五日簽署的《打擊恐怖主義、分裂主義和極端主義上海公約》，

致力於共同保障上海合作組織有效應對上海合作組織範圍內威脅和平、安全以及穩定的局勢，包括通過各國國防部門的相互協調行動，