

Signed at Seoul July 3, 2014

**CONSULAR AGREEMENT BETWEEN
THE REPUBLIC OF KOREA AND
THE PEOPLE'S REPUBLIC OF CHINA**

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

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

On the basis of the Vienna Convention on Consular Relations, done at Vienna on 24 April 1963 (hereinafter referred to as the "Vienna Convention"),

Have agreed as follows:

**Article 1
Definitions**

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

- (a) "consular post" means any consulate-general, consulate, vice-consulate, consular agency or consular office;
- (b) "consular district" means the area assigned to a consular post for the exercise of consular function;
- (c) "consular officer" means any person entrusted in that capacity with the exercise of consular functions, including the consul-general, vice consul-general, consul, vice-consul, consular attaché or consular agent;
- (d) "vessel of the sending State" means any vessel registered in the sending State pursuant to its law, excluding military vessels;
- (e) "aircraft of the sending State" means any aircraft registered in the sending State and bearing that State's registration marks, excluding military aircraft.

**Article 2
General Consular Functions**

Consular officers shall be entitled to perform the following functions:

- (a) protecting in the receiving State the rights and interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- (c) furthering the development of economic, commercial, scientific, technological, cultural, tourism and educational relations between the sending State and the receiving State, and otherwise promoting friendly relations between them;

- (d) ascertaining by all lawful means conditions and developments in the economic, commercial, scientific, technological, cultural, tourism and educational life of the receiving State, reporting thereon to the Government of the sending State, and giving information to persons interested;
- (e) exercising rights of supervision and inspection provided for in the laws of the sending State in respect of vessels of the sending State, and of aircraft of the sending State, and in respect of their crews;
- (f) extending assistance to the vessels and aircraft mentioned in sub-paragraph (e) of this Article, and to their crews, taking statements regarding their voyage, examining and stamping their papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling relevant disputes among their crews in so far as this may be authorized by the laws of the sending State;
- (g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of successions mortis causa in the territory of the receiving State, in accordance with the laws of the receiving State;
- (h) exercising their functions outside their consular district, in special circumstances, with the consent of the receiving State;
- (i) performing any other functions entrusted to a consular post by the sending State, which are not prohibited by the laws of the receiving State or to which no objection is taken by the receiving State, or which are referred to in the international agreements in force between the Contracting Parties.

Article 3

Facilities for the Work of the Consular Post

1. The receiving State shall accord full facilities for the performance of the functions of the consular post.
2. The receiving State shall treat the members of the consular post with due respect and shall take all appropriate steps to ensure the smooth performance of the functions of the consular post.

Article 4

Issuance of Passports and Visas

Consular officers shall be entitled to:

- (a) receive applications for passports or other travel documents from nationals of the sending State and issue, endorse or invalidate the said passports or documents; and
- (b) receive applications for visas from persons wishing to travel or to pass through the sending State and issue, endorse or invalidate the said visas.

Article 5

Notarization and Legalization

Consular officers shall be entitled to act as notaries and civil registrars and in capacities of a similar kind, legalize signatures and seals on documents issued by the

authorities concerned of the receiving State, and perform certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State.

Article 6

Assistance to Nationals of the Sending State

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

- (a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State. The receiving State shall not prevent nationals of the sending State from contacting a consular post, or from entering consular premises; and
- (b) consular officers shall be entitled to request the competent authorities of the receiving State to locate nationals of the sending State, and the competent authorities of the receiving State shall exert their best efforts to provide the relevant information.

2. Consular officers shall be entitled, subject to the practices and procedures obtaining in the receiving State, to arrange appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests.

Article 7

Notification of Detention and Arrest, and Visitation

1. If a national of the sending State, including a person who claims to be a national of the sending State, unless proved otherwise, is detained, arrested or deprived of freedom by any other means by the competent authorities of the receiving State, the said authorities shall, whether the national requests it or not, notify the consular post of the sending State, without delay but no later than four days from the date of the said compulsory actions, the name of the national, the means of identification, the reasons for, the date and the place of the said compulsory actions and the exact location where the national can be contacted. However, in the case where a national of the sending State is detained by the competent authorities of the receiving State for violation of the immigration laws and regulations of the receiving State, the competent authorities of the receiving State shall notify the consular post unless the national expressly opposes the notification in writing.

2. Consular officers shall have the right to visit a national of the sending State who is under detention, arrest or is deprived of freedom by any other means, to converse and communicate with the national and to arrange legal assistance for the national. If consular officers so request, the competent authorities of the receiving State shall arrange for them to visit the said national, without delay but no later than four days from the

date of the request. Nevertheless, consular officers shall refrain from taking actions on behalf of a national of the sending State who is under detention, arrest or is deprived of freedom by any other means if such a national expresses the intention to oppose such action in writing and the said authorities present it to the consular officers.

3. Any correspondence between the consular post and the above-mentioned national shall be forwarded to the addressee by the competent authorities of the receiving State without delay.

4. Consular officers shall have the right to visit a national of the sending State who is serving a sentence in the receiving State.

5. The competent authorities of the receiving State shall inform the nationals of the sending State mentioned in paragraphs 1, 2, 3 and 4 of this Article of their rights under those paragraphs.

6. If a national of the sending State is detained, arrested or deprived of freedom by any other means by the competent authorities of the receiving State or in the case of a criminal trial against the said national in the receiving State, upon the request of consular officers and unless it is prohibited by the laws and regulations of the receiving State, the competent authorities of the receiving State shall make available to the consular post information on charges against the national, including the name, gender, date of birth, passport number or other means of identification of the national, and the date on, the place in, the reasons for, the legal basis on and the situation in which the said compulsory actions were taken, and the name and contact information of the authorities in charge. In the case of a criminal trial against the said national in the receiving State, the information of the date and place of the trial and the charges against the national shall also be made available to the consular post. The competent authorities of the receiving State shall, upon the request of consular officers, unless prohibited by the laws and regulations of the receiving State and unless the said national expressly objects to such action, allow the consular officers to observe the trial.

7. If a national of the sending State is detained, arrested or deprived of freedom by any other means by the competent authorities of the receiving State or in the case of a criminal trial against a national of the sending State in the receiving State, the competent authorities of the receiving State shall make available adequate interpretation/translation services to that national in accordance with the laws and regulations of the receiving State.

8. In the case of a death penalty imposed on a national of the sending State by the receiving State, the competent authorities of the receiving State shall notify the consular post and let the said post know without delay, both the sentence and the intended execution of the sentence, before the execution. If the execution of the sentence is postponed or changed, the competent authorities of the receiving State shall notify the consular post without delay.

Article 8

Notification of 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 without delay. The competent authorities of the receiving State, upon the request of the consular post, shall provide information concerning the death, including the cause of the death, issue a death certificate or a copy of any other document certifying the death and render assistance to the family members of the deceased for traveling to the receiving State, such as expedited visa issuance, to handle funeral affairs.

Article 9

Assistance in Cases of Wrecks and Air Accidents

If the relevant information is available to the competent authorities of the receiving State, such authorities shall, if a vessel of the sending State is wrecked or runs aground in the internal waters or territorial sea of the receiving State, or if an aircraft of the sending State suffers an accident on the territory of the receiving State, inform without delay the consular post nearest to the scene of the occurrence.

Article 10

Protection in Case of Compulsory Actions against a Vessel of the Sending State

1. If a court or other competent authorities of the receiving State intend to take compulsory actions against or start an official investigation into a vessel or aboard a vessel of the sending State in the internal or territorial waters of the receiving State, those authorities shall notify the consular post in advance so as to enable a consular officer or his or her 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 full details 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 of a vessel of the sending State.
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, including those relating to customs, administration of ports, quarantine and border checks, nor to measures taken by such authorities to ensure the safety of navigation or to prevent marine pollution accidents.
4. Except upon the request or with the consent of the master of a vessel or a consular officer of the sending State, the competent authorities of the receiving State shall not interfere in the internal affairs of the vessel, including relations between the members of the crew, labour relations, discipline and other activities of an internal nature, when the peace, security and public order of the receiving State are not violated.

Article 11

Respect for the Laws and Regulations of the Receiving State

The rights contained in the present Agreement shall be exercised in accordance with the laws and regulations of the receiving State. Nevertheless, such laws and regulations shall be applied so as to give full effect to the purposes for which the rights are intended.

Article 12

Relations with other International Agreements

1. The Contracting Parties affirm the provisions of the Vienna Convention and agree that matters not explicitly covered in the present Agreement shall be dealt with in accordance with the Vienna Convention.
2. All ex-pressions used in the present Agreement not defined in Article 1 shall have the same meanings as those given to them in the Vienna Convention.
3. Nothing in the present Agreement shall affect the rights and obligations of the Contracting Parties under international agreements other than the Vienna Convention and the present Agreement.
4. Nothing in the present Agreement shall affect the rights and obligations between one of the Contracting Parties and any third country under the Vienna Convention.

Article 13

Scope of Application of the Present Agreement

The present Agreement shall also 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 14

Consultations

The Contracting Parties agree to meet when necessary for consultations on consular matters of mutual concern, and to facilitate the smooth and efficient performance of the consular functions provided for in the present Agreement.

Article 15

Entry into Force, Amendment and Termination

1. The Contracting Parties shall inform each other through diplomatic channels that the necessary domestic legislative procedures for the Agreement to enter into force have been completed. The Agreement shall enter into force thirty days after the last notification is received.
2. The present Agreement may be amended with mutual written consent of the Contracting Parties.

3. The present Agreement shall remain in force unless one Contracting Party gives the other Contracting Party a written notification six months in advance through diplomatic channels of its intention to terminate the Agreement.

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

DONE at Seoul, on this 3rd day of July, 2014, in duplicate in the Korean, Chinese and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

FOR THE REPUBLIC OF

FOR THE PEOPLE'S REPUBLIC OF

KOREA

CHINA