

Regulations of the PRC on Diplomatic Privileges and Immunities

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Article 1 — These Regulations are formulated for the purpose of defining the diplomatic privileges and immunities of foreign diplomatic missions in China and their members, and facilitating the efficient performance of the functions of diplomatic missions as representing States.

Article 2 — The members of a diplomatic mission in China are the head of the diplomatic mission and the members of the staff of the mission having diplomatic rank. The members of the administrative and technical staff and of the service staff of the mission, together with their spouses and their unmarried children under the age of eighteen who are not nationals of, or permanently resident in, China, shall also enjoy the privileges and immunities specified in these Regulations, except as otherwise provided in these Regulations. Members of the staff of the mission who are nationals of China shall enjoy the privileges and immunities specified in these Regulations only insofar as they are in conformity with the provisions of the Vienna Convention on Diplomatic Relations.

Article 3 — Members of the diplomatic staff of the mission who are nationals of China or of a third State shall enjoy the privileges and immunities specified in these Regulations insofar as China grants them to such persons, and, in the case of nationals of a third State, to the extent consistent with the provisions of the Vienna Convention on Diplomatic Relations.

Article 4 — The premises of the mission shall be inviolable. Chinese authorities may not enter the premises without the consent of the head of the mission. The Chinese authorities shall take all appropriate measures to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity. The premises of the mission, their furnishings and other property thereon, and the means of transport of the mission shall be immune from search, requisition, attachment, or execution.

Article 5 — The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 6 — The mission shall enjoy freedom of communication for all official purposes and may employ all appropriate means, including the use of diplomatic couriers and messages in code or cipher, in its communication with the government and the other missions and consulates of the sending State. However, the mission may install and use a wireless transmitter only with the consent of the Chinese government. The official correspondence of the mission shall be inviolable. The diplomatic bag shall not be opened or detained.

Article 7 — The diplomatic courier shall enjoy personal inviolability and shall not be liable to any form of arrest or detention. The diplomatic bag shall not be opened or detained. A diplomatic bag may be entrusted to the captain of a commercial aircraft or vessel, who shall be provided with an official document indicating the number of packages constituting the bag, but the captain shall not be regarded as a diplomatic courier.

Article 8 — The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The Chinese authorities shall take all appropriate measures to prevent any attack on his person, freedom, or dignity.

Article 9 — The residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission. His papers, correspondence, and property shall likewise be inviolable.

Article 10 — A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the Chinese authorities.

Article 11 — A diplomatic agent shall enjoy immunity from the civil and administrative jurisdiction of the Chinese authorities, except in the case of: (1) a real action relating to private immovable property situated in the territory of China, unless he holds it on behalf of the sending State for the purposes of the mission; (2) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir, or legatee as a private person and not on behalf of the sending State; and (3) an action relating to any professional or commercial activity exercised by the diplomatic agent in China outside his official functions.

Article 12 — A diplomatic agent is not obliged to give evidence as a witness.

Article 13 — The immunity from jurisdiction of diplomatic agents may be waived by the sending State. The initiation of proceedings by a diplomatic agent shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim. Waiver of immunity from civil or administrative jurisdiction shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

Article 14 — A diplomatic agent and the members of his family forming part of his household, who are not nationals of China, shall enjoy exemption from all dues and taxes, personal or real, national, regional, or municipal, except: (1) indirect taxes of a kind which are normally incorporated in the price of goods or services; (2) dues and taxes on private immovable property situated in the territory of China, unless held on behalf of the sending State for the purposes of the mission; (3) estate, succession, or inheritance duties, except as provided in the relevant provisions of these Regulations; (4) dues and taxes on private income having its source in China; (5) charges levied for specific services rendered; and (6) registration, court, or record fees, mortgage dues, and stamp duties.

Article 15 — The mission and its members shall be exempt from all customs duties and related charges on articles for the official use of the mission and on articles for the personal use of a diplomatic agent and the members of his family forming part of his household, including articles intended for his establishment. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions, or articles the import or export of which is prohibited by Chinese law or controlled by the quarantine laws and regulations of China. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.

Article 16 — The members of the administrative and technical staff of the mission, together with the members of their families forming part of their respective households, who are not nationals of, or permanently resident in, China, shall enjoy the privileges and immunities specified in Articles 4 through 12 and Articles 14 and 15 of these Regulations, except that immunity from civil and administrative jurisdiction shall not extend to acts performed outside the course of their duties, and that the exemption from customs duties specified in Article 15 shall be limited to articles imported at the time of first installation.

Article 17 — The members of the service staff of the mission who are not nationals of, or permanently resident in, China shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment, and exemption from customs duties on articles imported at the time of first installation. The private servants of members of the mission who are not nationals of, or permanently resident in, China shall be exempt from dues and taxes on the emoluments they receive by reason of their employment.

Article 18 — Members of the families of the administrative and technical staff and of the service staff of the mission, and private servants who are nationals of China or of a third State, shall enjoy the privileges and immunities specified in these Regulations only insofar as China grants them to such persons.

Article 19 — Diplomatic agents and the members of the administrative and technical staff and of the service staff of the mission who are nationals of China, together with the members of their families, shall enjoy the privileges and immunities specified in these Regulations only insofar as they are in conformity with the relevant provisions of the Vienna Convention on Diplomatic Relations.

Article 20 — Where a third State accords to members of the diplomatic mission of China and the members of their families privileges and immunities less favorable than those provided for in these Regulations, the Chinese government may, on the basis of reciprocity, accord to members of the diplomatic mission of that State and the members of their families the corresponding privileges and immunities.

Article 21 — If a diplomatic agent passes through or is in the territory of China while proceeding to take up or to return to his post, or when returning to his own country, China shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country. Diplomatic couriers and diplomatic bags in transit shall likewise be protected.

Article 22 — The travel of diplomatic agents in the territory of China shall be governed by the relevant provisions of China. The Chinese government may designate certain areas as areas into which travel by diplomatic agents requires special permission.

Article 23 — The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, and on the residence and the means of transport of the head of the mission.

Article 24 — Diplomatic agents arriving in China to take up their posts, or persons enjoying the privileges and immunities specified in these Regulations, shall notify the Ministry of Foreign Affairs of China of their arrival and of the date of their assumption of duties, and shall present the relevant documents in accordance with the relevant provisions of China.

Article 25 — Members of the diplomatic staff of the mission, and the members of their families, who are nationals of China or of a third State, may not enjoy the privileges and immunities specified in these Regulations without the prior approval of the Chinese government.

Article 26 — All persons enjoying diplomatic privileges and immunities shall respect the laws and regulations of China, and shall not interfere in the internal affairs of China. They shall not use the premises of the mission or their residences in any manner incompatible with the functions of the mission.

Article 27 — The Chinese government may at any time and without having to explain its decision declare the head of the mission or any member of the diplomatic staff of the mission *persona non grata*, or declare any other member of the staff of the mission not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. If the sending State refuses or fails within a reasonable period to carry out its obligations, the Chinese government may refuse to recognize the person concerned as a member of the mission.

Article 28 — Where a diplomatic mission or any of its members performs acts not in conformity with the functions of a diplomatic mission, the Chinese government may, in accordance with the actual circumstances, take measures to deal with the matter, including declaring the person concerned *persona non grata* or requesting the sending State to recall the person concerned or to close the mission.

Article 29 — These Regulations shall enter into force as of the date of promulgation.

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