

中華人民共和國政府與歐洲共同體委員會
關於在中華人民共和國
香港特別行政區保留辦事處
籍換函而達成的協議

Agreement Constituted by Exchange of Letters
Between the Government of the People's Republic of China
and the Commission of the European Communities
Concerning the Maintenance of
the Office of the Commission of the European Communities
in the Hong Kong Special Administrative Region
of the People's Republic of China

Your Excellency,

I have the honour to confirm, on behalf of the Commission of the European Communities, that our two sides have, through friendly consultations, reached the following agreements on the question of the maintenance of the Office of the Commission of the European Communities in the Hong Kong Special Administrative Region of the People's Republic of China from the date of 1 July 1997, when the Government of the People's Republic of China resumes its exercise of sovereignty over Hong Kong:

1. The Government of the People's Republic of China agrees to the maintenance by the Commission of the European Communities of its Office in the Hong Kong Special Administrative Region of the People's Republic of China.
2. The Government of the People's Republic of China, aware of the fact that the Office is also responsible for the affairs of the Commission of the European Communities in Macao, agrees to the maintenance by the Office of such responsibility from the date of 20 December 1999, when the Government of the People's Republic of China resumes its exercise of sovereignty over Macao.
3. The European Communities — the European Coal and Steel Community, the European Community and the European Atomic Energy Community — shall each have legal personality in the Hong Kong Special Administrative Region of the People's Republic of China.

Accordingly, the European Communities shall have the capacity to conclude contracts, to acquire and dispose of immovable and movable property as necessary for the effective fulfilment of their duties, in accordance with the procedural and administrative requirements imposed by the law of the Hong Kong Special Administrative Region of the People's Republic of China and by any other law of the People's Republic of China, and to conduct legal proceedings, and shall be represented for that purpose by the Commission.

His Excellency
Mr. Qian Qichen
Vice Premier of the State Council and
Foreign Minister of the People's Republic of China

4. The Office, its Head and members accredited by the Commission of the European Communities who are nationals of the Member States of the European Communities but not in their capacity as the permanent residents of the Hong Kong Special Administrative Region, as well as the members of their families forming part of their respective households, shall enjoy consular privileges and immunities as correspond to those enjoyed by consular posts, Heads and members of consular posts in accordance with the provisions of the Vienna Convention on Consular Relations of 24 April 1963.

They will, consistent with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the other national laws of China applicable in the Hong Kong Special Administrative Region in accordance with the Basic Law, enjoy such rights and consular privileges and immunities as are necessary for the effective fulfillment of their duties.

5. The laissez-passer issued by the European Communities to officials and other servants of its institutions shall be recognized as a valid travel document.
6. The Government of the People's Republic of China, and the Government of the Hong Kong Special Administrative Region of the People's Republic of China, shall accord necessary assistance and facilities to the Office for the fulfillment of its duties.
7. Any difference between the two parties concerning the interpretation or application of this exchange of letters shall be handled through negotiations and consultations on the basis of equality and mutual benefit and in a friendly and cooperative spirit.
8. The Government of the People's Republic of China agrees to the maintenance of the diplomatic privileges and immunities enjoyed by Mr. Etienne Reuter, Head of the Office, until the termination of his term in office.

If the above points receive Your Excellency's confirmation in a letter of reply, this letter and the letter of reply shall form an agreement between the Commission of the European Communities and the Government of the People's Republic of China, which shall enter into force on the date of 1 July 1997.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Leon Brittan
Vice President of the European Commission

Brussels, 25 June 1997

歐洲共同體委員會副主席利昂·布里坦爵士

閣下：

我榮幸地收到你一九九七年六月二十五日的來函，內容如下：

“一、中華人民共和國政府同意歐洲共同體委員會在中華人民共和國香港特別行政區保留辦事處。

二、中華人民共和國政府注意到辦事處兼管歐洲共同體委員會在澳門的事務，並同意自一九九九年十二月二十日中華人民共和國政府恢復對澳門行使主權起，辦事處繼續兼管歐洲共同體委員會在澳門的事務。

三、歐洲共同體——歐洲煤鋼共同體、歐洲經濟共同體和歐洲原子能共同體——在中華人民共和國香港特別行政區具有法人地位。

鑑此，為有效行使其職能，歐洲共同體有權按中華人民共和國香港特別行政區法律 and 中華人民共和國其他任何法律規定的程序和行政要求，締結契約，取得和處置不動產和動產，並可進行法律訴訟。上述活動得由歐洲共同體委員會代理。

四、辦事處及其由歐洲共同體委員會委派的具有歐洲共同體成員國國籍且不具有香港特別行政區永久性居民身份的辦事處的主任和人員，以及構成他們同一戶口之家屬，享受領館、領館館長及領館人員根據一九六三年四月二十四日《維也納領事關係公約》的條款規定所享有的領事特權與豁免。

他們將根據《中華人民共和國香港特別行政區基本法》以及根據基本法的規定應適用於香港特別行政區的其他全國性法律，享受為有效履行職責所必須的權利、領事特權和豁免。

五、歐洲共同體發給其機構官員和其他公務人員的通行證應被承認為有效的旅行證件。

六、中華人民共和國政府以及中華人民共和國香港特別行政區政府將為辦事處履行職務提供必要的協助和便利。

七、雙方應在平等互利的基礎上以友好與合作的精神通過談判協商解決涉及解釋和實施此換文出現的任何分歧。

八、中華人民共和國政府同意辦事處主任艾蒂安·駱一德先生繼續享有外交特權與豁免直至其卸任。”

我榮幸地通知閣下、中華人民共和國政府接受前述的協議，因此同意你的來函和此覆函即構成中華人民共和國政府和歐洲共同體委員會之間的協議，並自一九九七年七月一日起生效。

順致最崇高的敬意。

中華人民共和國
國務院副總理兼外交部長
錢其琛

一九九七年六月二十九日於北京

(English translation)

The Right Honourable Sir Leon Brittan, QC
Vice President of the Commission
of the European Communities

Your Excellency,

I have the honour to acknowledge receipt of your letter of 25 June 1997, which reads as follows:

“1. The Government of the People’s Republic of China agrees to the maintenance by the Commission of the European Communities of its Office in the Hong Kong Special Administrative Region of the People’s Republic of China.

2. The Government of the People’s Republic of China, aware of the fact that the Office is also responsible for the affairs of the Commission of the European Communities in Macao, agrees to the maintenance by the Office of such responsibility from the date of 20 December 1999, when the Government of the People’s Republic of China resumes its exercise of sovereignty over Macao.

3. The European Communities — the European Coal and Steel Community, the European Community and the European Atomic Energy Community — shall each have legal personality in the Hong Kong Special Administrative Region of the People’s Republic of China.

Accordingly, the European Communities shall have the capacity to conclude contracts, to acquire and dispose of immovable and movable property as necessary for the effective fulfillment of their duties, in accordance with the procedural and administrative requirements imposed by the law of the Hong Kong Special Administrative Region of the People’s Republic of China and by any other law of the People’s Republic of China, and to conduct legal proceedings, and shall be represented for that purpose by the Commission.

4. The Office, its Head and members accredited by the Commission of the European Communities who are nationals of the Member States of the European Communities but not in their capacity as the permanent residents of the Hong Kong Special Administrative Region, as well as the members of their families forming part of their respective households, shall enjoy consular privileges and immunities as correspond to those enjoyed by consular posts, Heads and members of consular posts in accordance with the provisions of the Vienna Convention on Consular Relations of 24 April 1963.

They will, consistent with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the other national laws of China applicable in the Hong Kong Special Administrative Region in accordance with the Basic Law, enjoy such rights and consular privileges and immunities as are necessary for the effective fulfillment of their duties.

5. The laissez-passer issued by the European Communities to officials and other servants of its institutions shall be recognized as a valid travel document.

6. The Government of the People's Republic of China, and the Government of the Hong Kong Special Administrative Region of the People's Republic of China, shall accord necessary assistance and facilities to the Office for the fulfillment of its duties.

7. Any difference between the two parties concerning the interpretation or application of this exchange of letters shall be handled through negotiations and consultations on the basis of equality and mutual benefit and in a friendly and cooperative spirit.

8. The Government of the People's Republic of China agrees to the maintenance of the diplomatic privileges and immunities enjoyed by Mr. Etienne Reuter, Head of the Office, until the termination of his term in office."

I have the honour to inform you that the foregoing agreement is acceptable to the Government of the People's Republic of China, and agree, therefore, that your letter and this letter of reply shall form an Agreement between the Government of the People's Republic of China and the Commission of the European Communities, which shall enter into force on 1 July 1997.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Qian Qichen
Vice Premier of the State Council
and Minister of Foreign Affairs
People's Republic of China

Beijing, 29 June 1997