THE REGULATION FOR HONORARY CONSULS

CHAPTER ONE
GENERAL PROVISIONS

Article 1
General Provisions

1. The present Regulation shall govern the affairs concerning the establishment of the consular posts headed by honorary consuls in Mongolia and abroad, and the rights, duties and functions of honorary consuls.

2. The Present Regulation shall apply within the scope of the 1963 Vienna Convention on Consular Relations as well as related international treaties and laws of Mongolia.

CHAPTER TWO
HONORARY CONSUL OF MONGOLIA

Article 2
Honorary consul

1. Honorary consuls are divided into the following classes:
   1.1. Honorary Consul General,
   1.2. Honorary Consul.

2. Honorary consul shall be a citizen either of Mongolia or of the receiving State.

3. Honorary consul shall not:
   3.1. be a civil servant,
   3.2. exercise consular functions on behalf of third State,
   3.3. require any payment (operational costs) or salary from Mongolia while serving this position,
   3.4. be over 70 years old, in special circumstances can be over 70 years old.

Article 3
Appointment of Honorary consul

1. An applicant for the position of honorary consul shall address his/her request in a written form to the Government member in charge of foreign affairs of Mongolia (hereafter “Minister of Foreign Affairs of Mongolia”) and submit it along with the following documents to the respective Diplomatic mission of Mongolia. In case Diplomatic missions of Mongolia are not available, the request shall be sent to the
Consular Department of the state central administrative authority in charge of foreign policy (hereafter “Ministry of Foreign Affairs”):
1.1. curriculum vitae (Annex 1),
1.2. action program to be implemented during the term of service as honorary consul,
1.3. letters of recommendation, not less than two, provided by influential figures of politics, business and cultural sectors,
1.4. police clearance.
1.5. bank clearance
1.6. proof of permanent residency and operational continuity in the consular district

Note: in present Regulation, “respective Diplomatic mission” is the Diplomatic mission in charge of daily operations of the honorary consulate.

2. Diplomatic missions shall transmit the completed set of documents of the applicant in accordance with the paragraph 1 of the Article 3 of the present Regulation together with the their objective opinion and proposal to the Consular Department of the Ministry of Foreign Affairs (hereafter “Consular Department”) within 30 days.

3. Upon receipt of the documents from 1-2 candidates applying for the position of Honorary consul the Consular Department shall process their proposal(s), with consideration of opinions given by the political department and other relevant organizations, or the respective Diplomatic mission in case the request was submitted directly to the Consular Department, on the establishment of the consular post headed by honorary consul, defining consular district, appointing of honorary consul and authorizing him/her for issuing visa.

4. The appointment of honorary consul shall be reviewed by the Council of the Minister of Foreign Affairs of Mongolia, and formally approved by the Order of the Minister of Foreign Affairs of Mongolia (Annex 2).

The Order shall be passed after obtaining the consent of the receiving State if such is required.

5. Honorary consul shall be appointed for a term of two years. The appointment shall be deemed effective from the date of exequatur issuance by the receiving State.

Article 4
Consular Commission

1. The consular commission on appointing honorary consul shall be provided pursuant to the Order by the Minister of Foreign Affairs of Mongolia.

2. The consular commission shall contain particulars certifying full name, class, consular district of an honorary consul and the seat of a consular post (Annex 3).
3. The consular district of honorary consul shall not overlap with the consular district a Consular Section, Consulate General, Consular Department or a Consular representative office of the respective Diplomatic mission in the receiving State.

4. The consular commission shall be made in triplicate to be transmitted to the Ministry of Foreign Affairs of the receiving State, to be presented to honorary consul and to be kept in the archive.

**Article 5**

**Admission of the honorary consul**

1. Honorary consul is admitted to the exercise of his/her functions from the date authorized by an exequatur from the receiving State.

2. The Ministry of Foreign Affairs shall provide an honorary consul with a numbered seal prescribed both in Mongolian and English as “Honorary Consul of Mongolia.

3. The national flag of Mongolia shall be flown on the office occupied by the honorary consul and on his/her means of transport and a nameplate “Honorary Consulate of Mongolia” both in Mongolian and English shall be displayed at the entrance thereof. (Annex 4).

4. Honorary consul shall be provided with an Identification card “Honorary Consul to Mongolia” signed by the Head of the Consular Department for the term of his/her appointment. (Annex 5).

5. The Honorary consul shall use the Identification card issued in accordance with the paragraph 4 of the Article 5 of the present Regulation to exercise his/her functions and access the Ministry of Foreign Affairs of Mongolia.

6. Official correspondence of the honorary consul shall take place on a letterhead page. (Annex 6).

**Article 6**

**Privileges and Immunities of Honorary Consul**

Privileges and immunities of honorary consuls shall be governed by the Chapter III of the 1963 Vienna Convention on Consular Relations, customary international law and national laws of a receiving State.

**Article 7**

**Honorary Consular Functions**
1. Honorary consul shall actively advertise and promote public awareness about Mongolia.

2. Honorary consul shall encourage bilateral cooperation in entire socio-economic fields such as of trade, investment, tourism, culture, education technology etc.

3. Take measures to promote Mongolian national production to the receiving State, identify new markets, increase export and introduce new technology and foreign investment to Mongolia.

4. Honorary consul shall ascertain by all lawful means conditions and developments in the commercial, economic, tourism, cultural, educational, scientific and technological fields of the receiving State and report thereon to the Ministry of Foreign Affairs and the respective Diplomatic mission concerned.

5. Honorary consul shall have duties in protecting legitimate right of citizens and legal entities of Mongolia as follows:
   5.1. to notify immediately the respective Diplomatic mission concerned or the Consular officer in charge of honorary consuls about each case of a citizen of Mongolia having been detained, arrested or convicted as well as if any lawsuit is filed against a legal entity of Mongolia,
   5.2. to represent citizens and legal entities of Mongolia, protect their legitimate right,
   5.3. to visit a Mongolian citizen being imprisoned for a long term not less than once a year
   5.4. to undertake necessary measures in protecting or restoring the deprived rights of legal entities and citizens of Mongolia,
   5.5. to notify immediately the respective Diplomatic mission or the officer in charge of honorary consuls in case a death of Mongolian citizen has been reported, and shall take subsequent action to find relatives, immediate family of the deceased, arrange safekeeping of remains, demand police and medical certificate, claim lawsuit if need be, keep for safety reason the money, valuables, securities or documents belonging to demised and facilitate smooth transmission of remains to Mongolia,
   5.6. to find a caretaker or a custodian for under-aged Mongolian citizen, left without parental care and the disabled adults with health problems,
   5.7. in case if honorary consul finds any information on property inheritance of a citizen of Mongolia, he shall immediately notify the respective Diplomatic missions or the Consular officer in charge of honorary consuls and keep the inherited assets under protection until the matter is solved,
   5.8. to render all possible assistances to citizens of Mongolia in case of natural disaster, terrorist attack, martial law or military emergency is announced, outbreak of human and animal epidemic diseases, armed offensive, or internal riot,
   5.9. to transmit judicial and extrajudicial documents, or executing letters rogatory or commissions to take evidence for the courts of Mongolia in accordance with the
international agreements in force, in the absence of such agreements in any other manner compatible with the laws and regulations of the receiving State,

5.10. to familiarize and advise citizens and legal entities of Mongolia on national laws, customs and regulations of the receiving State and their rights and responsibilities,

5.11. to facilitate civil society and initiatives and maintain goodwill cooperation,

5.12. to cooperate with non-governmental, human right and advocacy organizations in order to ensure protection of legitimate rights of citizens of Mongolia.

6. Honorary consul shall grant visas if such is authorized by the order stipulated in the Paragraph 3 of the Article 3 of the present Regulation. In accordance with the paragraph 17.3 of the Law of Mongolia on the Legal status of Foreign nationals and with the permission of the Consular Department honorary consul shall grant “O”, “B”, “J” visas up to 30 days, “D”, “A” visas and visas with the permission of the state central administrative authority in charge of foreign nationals.

7. At the demand of the concerned authorities of Mongolia, Honorary consul shall inquire necessary documents from competent authorities of the receiving State.

8. Honorary consul shall immediately notify the respective Diplomatic missions and Consular officer in charge of honorary consuls about the incidences of acute animal and human epidemic diseases and of any other emergency situations and warn the citizens of Mongolia residing in and traveling to the consular district.

9. Honorary consul shall receive consular charges and other service fees in currency of the receiving State or any other convertible one in accordance with tariffs specified by national laws of Mongolia, and remit to the bank account designated by Ministry of Foreign Affairs, and report every quarter /not later than the 10th day of the next month/ to the Department in charge of Finance and Economy of the Ministry of Foreign Affairs of Mongolia, and copy to the respective Diplomatic mission and the Consular officer in charge of honorary consuls.

10. Honorary consul shall not perform any notary service and civil registration.

Article 8

Exercise of Consular Functions

1. Honorary consul shall exercise his/her functions within his/her consular district. In special circumstances, with consent of the receiving State, honorary consul may exercise consular functions outside of his/her consular district.

2. Honorary consul shall exercise his/her consular functions with regards to the national laws of Mongolia, laws and regulations of the receiving State and provision of international laws. Honorary consul shall not perform any activity prohibited by the legislation of the receiving State.
3. Honorary consul shall respect the reputation of Mongolia while exercising his/her consular functions.

4. Honorary consul shall keep his/her correspondence in accordance of the Archive Instructions of Mongolia and insure the confidentiality and entirety of the correspondence.

5. Every document related to the functions of honorary consul, particularly specially assigned tasks or instructions given to honorary consul shall be strictly prohibited from being divulged, published or transmitted to the third party without any permission.

6. Honorary consul shall maintain his/her daily communication with the Ministry of Foreign Affairs and the respective Diplomatic mission using www.consuls.net, www.consul.mn information system, e-mail, chat and other phone or fax channels.

**Article 9**

**Supervision of Honorary consul**

1. The respective Diplomatic mission shall supervise the honorary consul on policy matters towards relations and cooperation, and receive his/her annual report and review the implementation of an action program specified by the Paragraph 1.2 of the Article 3, and include in his/her annual report.

2. The political department shall evaluate relations and cooperation matters, and the Consular Department shall evaluate civil and consular matters of an annual report on functions of honorary consul and implementation of his/her action program, and respond to honorary consul through respective Diplomatic mission with instructions.

3. The Consular officer in charge of honorary consuls and respective Diplomatic mission officer in charge of honorary consul shall oversee and facilitate daily activities of honorary consuls and provide necessary assistance on administrative matters.

4. Based on the proposal of Diplomatic mission an honorary consul who has served with effort and commitment for more than 6 years could be nominated for the Mongolian State award.

**Article 10**

**Appointment Extension of Honorary consul**

1. The Consular Department shall process the proposal on the appointment extension of honorary consuls based on:
   1.1. a request submitted by an honorary consul 2 months prior to the end of the appointment along with an,
1.2. action program to be implemented during the service as honorary consul for the following two years.

2. In case honorary consul had not submitted the request to extend the appointment in the period mentioned in the Paragraph 1 of the Article 10, the appointment shall be terminated.

3. In accordance with the paragraph 1 of the Article 10 the Consular department shall submit the request for extension of appointment along with a proposal of political departments, respective Diplomatic missions to the Council of the Minister of Foreign Affairs of Mongolia.

4. Based on the aforesaid decision of the Council of the Minister of Foreign Affairs of Mongolia to extend the appointment Minister of Foreign Affairs of Mongolia shall pass an order on extending the appointment of honorary consul for two years.

Article 11
Changes in Classification and Consular District of Honorary consul

1. The Consular Department upon receiving the proposal from respective Diplomatic mission shall process the issue to change the classification and the consular district of honorary consuls, in collaboration with the political department, and in collaboration with the respective Diplomatic missions in case honorary consul has sent the request directly to the Consular Department, and present to the Minister of Foreign Affairs for decision.

2. Based on the decision to uphold the aforesaid proposal submitted according to the Paragraph 1 of the Article 11 the Minister of Foreign Affairs of Mongolia shall pass an order on changing the classification and the consular district of honorary consul.

An order shall be passed after obtaining the consent of the receiving State if required.

3. Based on an order of the Minister of Foreign Affairs of Mongolia specified by the Paragraph 2 of the Article 11 of the present Regulation the consular commission shall be renewed.

Article 12
End of Consular Functions

1. In case the appointment of honorary consul has ended and the request to extend the appointment has not been submitted in accordance with Paragraph 1 of the Article 10 of the present Regulation, honorary consul shall be relieved of his/her duties.

2. The proposal to terminate the appointment of honorary consul in advance by the Consular Department, or based on the proposal of a respective Diplomatic mission
or a political department in following circumstances shall be presented to the Minister of Foreign Affairs of Mongolia:
2.1. the receiving State has notified the withdrawal of an exequatur or ceased to consider him/her as honorary consul,
2.2. Honorary consuls performance was inefficient since his/her appointment or non-existent,
2.3. submission of a written application to the Minister of Foreign Affairs of Mongolia underlining the reason of inability to exercise functions,
2.4. Honorary consul is sworn into civil service or appointed as honorary consul by third country.
2.5. failure to transfer the consular charges and other services fees for more than three quarters to the account indicated by the Ministry of Foreign Affairs.

3. Based on the aforesaid end of appointment specified in Paragraph 1 of Article 12 of the present Regulation and aforesaid proposal specified in Paragraph 2 of Article 12 of the present Regulation, the Minister of Foreign Affairs of Mongolia shall pass an order regarding the end of functions of honorary consul.

4. Following an order of the Minister of Foreign Affairs of Mongolia passed in accordance with Paragraph 3 of Article 12 of the present Regulation the receiving State shall be notified by the note verbal about the ending of functions of the honorary consul.

5. Upon ending of functions of honorary consul the Diplomatic missions shall:
5.1. formally receive back the seal, visa labels, documents and all other articles that were presented to honorary consul, and transmit them to the Consular Department,
5.2. clear financial balance and payment related to consular service charges and report to the Financial and Economic Department of the Ministry of Foreign Affairs.

Article 13
Consultative Meeting of Honorary consuls

1. The consultative meeting of Honorary consuls shall be conducted biannually and will discuss the following:
   1.1. basic directives of the activities of the upcoming two years,
   1.2. particular issues concerning the implementation of the Government Action Plan.

2. The Consular Department and political departments shall instruct honorary consuls on their functions and brief about newly promulgated laws and regulations.

3. The protocol shall be made on disused issues and implemented with a particular plan.

CHAPTER THREE
FOREIGN HONORARY CONSUL TO MONGOLIA

Article 14
Establishment of a Consular Post headed by Honorary consul

1. The Ministry of Foreign Affairs of the sending State shall submit its request to the Ministry of Foreign Affairs of Mongolia on the establishment of the consular post headed by Honorary consul containing following particulars:
   1.1. category of the consular post and consular district,
   1.2. full name and CV of a candidate for the position of honorary consul,
   1.3. seat of the consular post, phone, fax and email for communication,
   1.4. authorization of the consular post for issuing passport, visa, travel document to return and civil registration document,
   1.5. Diplomatic mission to supervise daily activities of the consular post.

2. The consular post headed by honorary consul shall be established in the capital city of Mongolia.

3. The quantity of the consular post, to be established by same sending state, is unlimited; however their consular district shall not overlap.

4. Based on the request of the sending State in accordance with Paragraph 1 of Article 14 of the present Regulation, the Consular Department shall process the proposal, in collaboration with the political department on the establishment of the consular post headed by a foreign honorary consul and granting of an exequatur to honorary consul shall be presented to the Council of the Minister of Foreign Affairs of Mongolia.

5. Based on the recommendation of the Council of the Minister of Foreign Affairs of Mongolia, the sending State shall be responded by a note verbal.

6. Honorary consul to reside in Mongolia shall be issued an Identification card authorized by the signature and stamp of the Head of Consular Department (Annex 8) to be used during the appointment.

Note: and identification card of an honorary consul general shall bear “Identification card of Honorary Consul General” sign in English. The number of an identification card shall begin with lettering HC (Honorary Consul)

Article 15
Honorary consul

1. The sending State shall define the class of honorary consul.

2. Honorary consul shall be a citizen either of Mongolia or of the sending State.
3. Honorary consul shall not:
   3.1. be a civil servant,
   3.2. exercise consular functions on behalf of a third State.

4. Subsequent changes in classification of the consular post and the consular district shall be made with obtaining of the consent in response of a written request of the sending State.

**Article 16**

**Exequatur**

1. Based on the consular commission provided by the sending State an exequatur shall be granted to honorary consul (Annex 8).

2. Honorary consul shall have a right to be admitted to exercise his/her functions from the date when an exequatur is granted.

3. An exequatur shall be renewed if the changes in classification of honorary consul or the consular district have been changed in compliance to the Paragraph 4 of the Article 15 of the present Regulation.

**Article 17**

**Withdrawal of Exequatur**

1. An exequatur shall be withdrawn upon the notification of the Ministry of Foreign Affairs of the sending State about the end of functions of honorary consul to the Ministry of Foreign Affairs of Mongolia.

2. Withdrawal of an exequatur shall be proposed to the Ministry of Foreign Affairs of the sending State in following circumstances:
   2.1. functions of honorary consul conflict with national laws, regulations, customs and national security of Mongolia,
   2.2. Honorary consul sworn into civil service of Mongolia,
   2.3. Honorary consul is appointed as honorary consul by third country.

**Article 18**

**Functions of Honorary consul**

1. Honorary consul shall exercise consular functions specified in the Article 5 of the 1963 Vienna Convention on Consular Relations and entrusted those by the sending State.

2. Honorary consul shall further the cooperation with Mongolia in all sectors, particularly commercial, investment, tourism, cultural, educational, scientific and technological sectors etc.
3. Honorary consul shall exercise his/her functions within his/her consular district. In special circumstances, with the consent of the Ministry of Foreign Affairs of Mongolia, may exercise his/her functions outside his/her consular district.

4. Honorary consul shall exercise his/her consular functions with regards to national laws of Mongolia, applicable provisions of international treaties. Honorary consul shall not carry out any activity prohibited by national law of Mongolia.

5. Honorary consul shall not use his/her office occupied by the consular post and means of transport for the purposes to be considered incompatible with consular functions.

**Article 19**  
**Privileges and immunities of Honorary consul**

1. Privileges and immunities of honorary consul shall be governed by the Chapter III of the 1963 Vienna Convention on Consular Relations, customary international law, national laws and regulations of Mongolia.

2. Honorary consul shall not enjoy privileges and immunities for the purpose other than his/her consular functions.

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