THE REGULATION FOR HONORARY CONSULS

CHAPTER ONE
GENERAL PROVISIONS

Article 1
General Provisions

1. The present Regulation complies with the Article 4.4 of the Law on Diplomatic Service.

2. 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.

3. 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 third State,
   3.3. require any payment or salary from Mongolia while serving this position,
   3.4. In the special case 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 written form to the Government member in charge of foreign affairs of Mongolia and submit in composition of the following documents to the relevant Diplomatic missions of Mongolia:
   1.1. curriculum vitae (Enclosure 1),
1.2. An action program to be implemented during the term of service as honorary consul,
1.3. Letters of recommendation, not less than two, done by influential figures of politics, business and cultural sectors,
1.4. Police clearance.
1.5. Bank clearance

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 their reasoned opinion and proposal to the Consular Department of the state central administrative authority in the charge of the foreign policy.

3. Upon the receipt of the documents from 1-2 candidate applied for the position of honorary consul the Consular Department of the state central administrative authority in the charge of the foreign policy shall process its proposal, with consideration of opinions given by the bilateral political department and diplomatic mission, 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 Government member in charge of foreign affairs of Mongolia, and formally approved by the Order of the Government member in charge of foreign affairs of Mongolia (Enclosure 2).

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

5. Honorary consul shall be appointed for the term of two years.

**Article 4**

**Consular Commission**

1. The consular commission on appointing honorary consul shall be provided on base of the Order by the Government member in charge of foreign affairs of Mongolia.

2. The consular commission shall contain particulars certifying full name, the class, the consular district of honorary consul and the seat of consular post (Enclosure 3).

3. The consular commission shall be made in triplicate and one shall be transmitted to the Ministry of Foreign Ministry of the receiving state and another be presented to honorary consul and last be kept in the archive.

**Article 5**

**Admission of the Honorary Consul**
1. Honorary consul is admitted to the exercise of his functions from the date authorized by an exequatur from the receiving state.

2. The state central administrative authority in the charge of the foreign policy shall provide with a seal prescribed both in Mongolian and English as “Honorary Consul of Mongolia” and with specific registered number.

3. Honorary consul shall have the national flag of Mongolia be flown on the office occupied by the consular post and on his means of transport and be displayed banner “Honorary Consulate of Mongolia” at the entrance thereof. (Enclosure 4).

4. Diplomatic protocol division of the state central administrative authority in the charge of the foreign policy shall provide Identification card for the Honorary to Mongolia with the signature of the State secretary of the state central administrative authority in the charge of the foreign policy. (Enclosure 5).

5. Official correspondence of the Honorary consular shall take place on letterhead page. (Enclosure 6).

Article 6
Privileges and Immunities of Honorary Consul

Privileges and immunities of honorary consul 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 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, and scientific and technology fields of the receiving state, report thereon to the state central administrative authority in the charge of the foreign policy and the diplomatic mission concerned.

5. Honorary consul shall have duties in protecting legitimate right of citizens of Mongolia as follows:
5.1. to notify immediately the diplomatic mission concerned or the honorary consular officer about each case of a citizen of Mongolia has been detained or arrested as well as if any lawsuit filed against a legal entity of Mongolia,
5.2. to represent citizens and legal entities of Mongolia, protect their legitimate right,
5.3. to undertake necessary measures in protecting or restoring deprived rights of legal entity and citizen of Mongolia,
5.4. to notify immediately the diplomatic mission concerned or the honorary consular officer in case if death of Mongolian citizen has been reported, and shall take subsequent action to find kith and kins of demised, arrange a keeping of corpse, 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 the corpse or relic to Mongolia,
5.5. to find a caretaker or a custodian for under-aged Mongolian citizen, left without parental care and the disabled adults due to health problems,
5.6. in case if honorary consul finds any information on property inheritance of a citizen of Mongolia, he shall immediately notify the diplomatic missions or the honorary consular officer and keep the inherit assets under protection till the matter solved,
5.7. to render all possible assistances to citizens of Mongolia who are victims of natural disaster or terrorist attack,
5.8. to transmit judicial documents or evidences,
5.9. 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,
5.10. to facilitate civil society and initiatives and maintain goodwill cooperation,
5.11. to cooperate with non-governmental, human right and advocacy organizations in order to insure protection of legitimate right of citizens of Mongolia.

6. With clearance of the state central administrative authority in the charge of the foreign policy, honorary consul shall issue visa if such is authorized by the order stipulated in the Paragraph 3 of the Article 3 of the present Regulation.

7. In accordance with the paragraph 17.3 of the Law of Mongolia on the Legal status of Foreign nationals Honorary consul with the permission of the state central administrative authority in the charge of the foreign policy shall grant “O”, “B”, “J” visas with 30 days, “D”, “A” visas and grant other visas with the permission of the state central administrative authority in the charge of the foreign nationals.

8. At the demand of the concerned authorities of Mongolia, honorary consul shall inquire necessary documents from competent authorities of the receiving state.

9. Honorary consul shall immediately notify the state central administrative authority in the charge of the foreign policy and diplomatic missions about the incidences of acute animal and men’s infectious diseases and of any other emergency situations and make awareness for citizens of Mongolia.
10. 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 the state central administrative authority in the charge of the foreign policy, and report every quarter /not later than the 10th day of the next month/ to the state central administrative authority in the charge of the foreign policy, the diplomatic mission and the honorary consular officer.

11. Honorary consul shall not carry out any notary service and civil registration.

**Article 8**

**Exercise of Consular Functions**

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

2. Honorary consul shall exercise his 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 carry out any activity prohibited by the legislation of the receiving state.

3. Honorary consul shall respect the aureole and dignity of Mongolia in exercising his consular functions.

4. Honorary consul shall keep his correspondences in accordance of the Archive Instructions of Mongolia and insure the confidentiality.

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

6. Honorary consul shall maintain his daily communication with the state central administrative authority in the charge of the foreign policy and the diplomatic mission using [www.consuls.net](http://www.consuls.net) information system, e-mail, chat and other phone or fax channels.

**Article 9**

**Supervision of Honorary Consul**

1. The concerned diplomatic mission shall supervise honorary consul on policy matters towards relations and cooperation, and receive his annual report and review the implementation of an action program specified by the Paragraph 1.2 of the Article 3, the Paragraph 1.2 of the Article 10 of the present Regulation and reflect in its annual report.
2. The bilateral relations department of the state central administrative authority in the charge of the foreign policy shall evaluate relations and cooperation matters, and the Consular Department of the state central administrative authority in the charge of the foreign policy shall evaluate civil and consular matters of an annual report on functions of honorary consul and implementation of his action program, and recoup honorary consul trough the diplomatic mission with instructions.

3. The officer in charge of honorary consuls in the Consular Department of the state central administrative authority in the charge of the foreign policy and honorary consular officer of the diplomatic mission (referred as “honorary consular officer”) shall oversee daily activities of honorary consul and facilitate and guide on administrative matters.

4. On the base of the proposal of diplomatic mission Honorary consul who has served with effort and commitment more than 6 years could be nominated for the State award.

Article 10
Appointment Extension of Honorary Consul

1. The Consular Department of the state central administrative authority in the charge of the foreign policy shall process the proposal on the appointment extension of honorary consul in collaboration with bilateral relations department of the state central administrative authority in the charge of the foreign policy on base of:
   1.1. request of honorary consul,  
   1.2. action program to be implemented during the service as honorary consul for afterward two years.

2. Honorary consul requesting the extension of the appointment shall submit set of the documents in accordance to the paragraph 1 of the Article 10 to the Consular department of the state central administrative authority in the charge of the foreign policy no later than 1 month before consular function come to an end.

3. On base of the aforestated proposal the Government member in charge of foreign affairs of Mongolia shall pass an order on extending the appointment of honorary consul for the two years.

Article 11
Changes in Classification and Consular District of Honorary Consul

1. The Consular Department of the state central administrative authority in the charge of the foreign policy taking note the proposal from diplomatic mission shall process the issue to change the classification and the consular district of honorary consul, in collaboration with the bilateral relations department of the state central administrative authority in the charge of the foreign policy.
2. On base of the aforestated proposal the Government member in charge 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 such is required.

3. Based on an order of the Government member in charge of foreign affairs of Mongolia the consular commission, specified by the Article 4 of the present Regulation, shall be provided.

Article 12
End of Consular Functions

1. The Consular Department of the state central administrative authority in the charge of the foreign policy shall process the proposal to end functions of honorary consul in collaboration with the bilateral relations department of the state central administrative authority in the charge of the foreign policy upon the following circumstances:
   1.1. appointment is ended,
   1.2. the receiving state has notified the withdrawal of an exequatur or ceased to consider him as honorary consul,
   1.3. honorary consul is unable to perform efficiently since his appointment or run no activities,
   1.4. submission of a written application to the Government member in charge of foreign affairs of Mongolia underlining the impracticable reason to exercise functions,
   1.5. honorary consul is sworn into civil service or appointed as honorary consul by third country.
   1.6. exceeded more than three quarter the trasformation of the consular charges and other service fee report to the account of the state central administrative authority in the charge of the foreign policy.

2. On base of the aforesaid proposal, the Government member in charge of foreign affairs of Mongolia shall pass an order on ending functions of honorary consul.

3. Following an order of the Government member in charge of foreign affairs of Mongolia the receiving state shall be notified by the note verbal about the ending of functions of honorary consul.

4. Upon the ending functions of honorary consul the diplomatic missions shall:
   4.1. formally receive back the seal, visa labels, documents and other articles all were presented to honorary consul, and transmit the Consular Department of the state central administrative authority in the charge of the foreign policy,
4.2. clear financial balance and payment related to consular service charges and report to the Financial and Economic Department of the state central administrative authority in the charge of the foreign policy.

**Article 13**

**Consultative Meeting of Honorary Consuls**

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

2. The Ministry of Foreign Affairs 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 state central administrative authority in the charge of the foreign policy of the sending state shall submit its request to the state central administrative authority in the charge of the foreign policy 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 or center of prefecture 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. On base of the request of the sending state, the Consular Department of the state central administrative authority in the charge of the foreign policy shall process the proposal, in collaboration with the bilateral political department of the state central administrative authority in the charge of the foreign policy, on the establishment of the consular post headed by honorary consul.
5. The establishment of the consular post headed by foreign honorary consul and granting of an exequatur to honorary consul shall be decided by the Council of the Government member in charge of foreign affairs of Mongolia.

6. On base of the recommendation of the Council of the Government member in charge of foreign affairs of Mongolia, the sending state shall be responded by a note verbal.

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 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. On base of the consular commission provided by the sending state an exequatur shall be granted to honorary consul (enclosure 4).

2. Honorary consul shall have a right to be admitted to exercise his 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 sending state about the end of functions of honorary consul.

2. Withdrawal of an exequatur shall be proposed to the state central administrative authority in the charge of the foreign policy of the sending state upon the 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,
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 by the sending state.

2. Honorary consul shall further the cooperation with Mongolia in all sectors, particularly commercial, investment, tourism, cultural, educational, scientific and technology sectors etc.

3. Honorary consul shall exercise his functions within his consular district. In special circumstances, with the consent of the state central administrative authority in the charge of the foreign policy, may exercise his functions outside his consular district.

4. Honorary consul shall exercise his 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 office occupied by the consular post and means of transport for the purposes 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 consular functions.