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STATUTORY INSTRUMENTS

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**1978 No. 1105**

**The European Space Agency  
(Immunities and Privileges) Order 1978**

**PART II**

**THE ORGANISATION**

**4.** The Agency is an organisation of which the United Kingdom and foreign sovereign Powers are members.

**5.** The Agency shall have the legal capacities of a body corporate.

**6.—(1)** The Agency shall have immunity from suit and legal process except:

- (a) to the extent that the Agency shall have expressly waived such immunity in a particular case;
- (b) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to or operated on behalf of the Agency, or in respect of a motor traffic offence involving such a vehicle;
- (c) in respect of the enforcement of an arbitration award made under Article XXV or XXVI of Annex I to the Convention; and
- (d) in the event of the attachment, pursuant to the order of a court of law, of the salaries and emoluments owed by the Agency to a staff member of the Agency.

(2) Paragraph (1) of this Article shall not prevent the taking of such measures as may be permitted by law in relation to the property and assets of the Agency in so far as they may be temporarily necessary in connection with the prevention of and investigation into accidents involving motor vehicles belonging to or operated on behalf of the Agency.

**7.** The Agency shall have the like inviolability of official archives and premises as in accordance with the 1961 Convention Articles is accorded in respect of the official archives and premises of a diplomatic mission.

**8.** Within the scope of its official activities, the Agency shall have the like exemption or relief from taxes, other than customs duties and taxes on the importation of goods, as is accorded to a foreign sovereign Power.

**9.** Within the scope of its official activities, the Agency shall have the like relief from rates as in accordance with Article 23 of the 1961 Convention Articles is accorded in respect of the premises of a diplomatic mission.

**10.** The Agency shall have exemption from customs duties and taxes on the importation of goods imported by or on behalf of the Agency and strictly necessary for the exercise of its official activities in the United Kingdom, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

**11.** The Agency shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by or on behalf of the Agency and strictly

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necessary for the exercise of its official activities and in the case of any publications of the Agency imported or exported by it.

**12.** The Agency shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of customs duty paid on or value added tax paid on the importation of any hydrocarbon oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971) which is bought in the United Kingdom and used for the official purposes of the Agency and which is strictly necessary for the exercise of its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

**13.** The Agency shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax paid on any vehicles and value added tax paid on the supply of any goods or services which are of substantial value and which are used for the official purposes of the Agency and are strictly necessary for the exercise of its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.