
STATUTORY INSTRUMENTS

1997 No. 2973

EUROPEAN COMMUNITIES

The European Communities (Immunities and Privileges of the European Police Office) Order 1997

Made - - - - 17th December 1997

Coming into force in accordance with Article 1

At the Court at Buckingham Palace the 17th day of December 1997

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972⁽¹⁾ or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

PART I

GENERAL

1. This Order may be cited as the European Communities (Immunities and Privileges of the European Police Office) Order 1997. It shall come into force on the date on which the Protocol drawn up, on the basis of Article K.3 of the Treaty of European Union and Article 41(3) of the Europol Convention, on the Privileges and Immunities of Europol, the members of its organs, the Deputy Director and employees of Europol signed at Brussels on 19th June 1997⁽²⁾ (“the Protocol”) enters into force in respect of the United Kingdom. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. The European Police Office (Legal Capacities) Order 1996⁽³⁾ is hereby revoked.

3. In this Order:

⁽¹⁾ 1972 c. 68.

⁽²⁾ Cm. 3767.

⁽³⁾ S.I. 1996/3157.

“Convention” means the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention)(4);

“Europol” means the European Police Office;

“the 1961 Convention Articles” means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964(5);

“Organs of Europol” means the Management Board as referred to in Article 28 of the Convention, the Financial Controller as referred to in Article 35(7) of the Convention, and the Financial Committee as referred to in Article 35(8) of the Convention;

“Director” means the Director of the European Police Office as referred to in Article 29 of the Convention;

“Board” means the Management Board as referred to in Article 28 of the Convention.

PART II

THE ORGANISATION

4. Europol is an organisation of which the United Kingdom and other sovereign Powers are members.

5. Europol shall have the legal capacities of a body corporate.

6. Europol shall have immunity from suit and legal process, except to the extent that the Director shall have waived such immunity in a particular case, in respect of any damage caused to an individual as a result of legal or factual errors in data stored or processed at Europol.

7. Europol shall have the like inviolability in respect of its 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, Europol, its property, assets and income shall have exemption from taxes on income, capital gains tax and corporation tax.

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

10. Europol shall have exemption from all duties (whether of customs or excise) and taxes on the importation by it or on its behalf of goods necessary for the exercise of its official activities, 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. Europol shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by it and necessary for its official activities and in the case of its official publications, imported or exported by it.

12. Europol shall have relief, under arrangements made by the Commissioners of Customs and Excise, by way of refund of duty (whether customs or excise) paid on imported hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979(6)) or value added tax paid on the importation of such oil which is bought in the United Kingdom and is necessary for the exercise of

(4) Cm. 3050.

(5) 1964 c. 81.

(6) 1979 c. 5.

its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

13. Europol shall have relief, under arrangements made by the Secretary of State, by way of refund of car tax and value added tax paid on any official vehicle and value added tax paid on the supply of any goods or services which are supplied for its official activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with arrangements.

14. Europol shall have relief, under arrangements made by the Secretary of State, by way of a refund of insurance premium tax and air passenger duty paid by Europol in the exercise of its official activities.

PART III

OFFICERS

15. Except in so far as in any particular case any privilege or immunity is waived by the Board, in the case of the Director, Financial Controller and members of the Financial Committee, by the Director, in the case of staff members of Europol, or, in the case of the members of the Board, by the Member State of the European Union of which the member is the representative, such persons shall enjoy immunity from suit and legal process in respect of acts, including words written or spoken, done by them in the exercise of their official functions, except in respect of civil liability in the case of damage arising from a road traffic accident caused by them.

16.—(1) Staff members of Europol shall enjoy;

- (a) exemption from income tax in respect of such salaries and emoluments which are subject to taxation for the benefit of Europol, provided that nothing in this paragraph shall be interpreted as precluding such salaries and emoluments from being taken into account for the purpose of assessing the amount of taxation to be applied to income from other sources;
- (b) the same treatment as, in accordance with Article 14 of the Protocol on the privileges and immunities of the European Communities annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities⁽⁷⁾, is accorded to officials and other servants of the European Communities.

(2) Paragraph 1(a) of this Article shall not apply to pensions or annuities paid by Europol.

N. H. Nicholls
Clerk of the Privy Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers privileges and immunities on the European Police Office “Europol”, members of its Organs and its staff members. These privileges and immunities are conferred in accordance with the Protocol on the Privileges and Immunities of Europol, the Members of its Organs, the Deputy Directors and Employees of Europol (Cm. 3767) which was signed at Brussels on 19 June 1997 and in accordance with Article 41 of the Convention based on Article K.3 of the Treaty on European Union, on the Establishment of a European Police Office (Europol Convention) (Cm. 3050). The Order revokes the European Police Office (Legal Capacities) Order 1996 (S.I.1996/3157). It will enable Her Majesty’s Government to give effect to the Protocol and will come into operation on the date on which the Protocol enters into force in respect of the United Kingdom.