
STATUTORY INSTRUMENTS

2006 No. 1922

The European Organization for Nuclear Research
(Privileges and Immunities) Order 2006

PART II

THE ORGANISATION

3. The Organisation is an organisation of which the United Kingdom and other sovereign Powers are members.
4. The Organisation shall have the legal capacities of a body corporate.
5. In the exercise of the official activities of the Organisation, the Organisation shall enjoy immunity from suit and legal process except—
 - (a) in so far as such immunity is waived in a particular case by the Council of the Organisation;
 - (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 Organisation 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 16 or 18 of the Protocol;
 - (d) in respect of any counter-claim directly connected with court proceedings initiated by the Organisation.
6. The Organisation's property and assets shall enjoy immunity from suit and legal process, except—
 - (a) in so far as such immunity is waived in a particular case by the Council of the Organisation;
 - (b) in so far as the property or assets may be temporarily necessary in connection with the prevention or investigation of accidents involving motor vehicles belonging to, or operated on behalf of, the Organisation;
 - (c) in respect of an attachment order against the salaries, wages and emoluments owed by the Organisation to an official of the Organisation.
7. The Organisation 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, except that the premises of the Organisation may be entered by an agent of the competent authorities with the express consent of the Director-General of the Organisation or his duly authorised representative; such consent shall be presumed if it is not practicable to contact the Director-General in the case of fire or other disaster requiring prompt protective action.
8. Within the scope of its official activities the Organisation, its property and income shall be exempt from Income Tax, Corporation Tax and Capital Gains Tax.
- 9.—(1) The Organisation shall have—

- (a) relief, under arrangements made by the Secretary of State, by way of refund of value added tax paid on the supply of any goods and services of substantial value which are necessary for the official activities of the Organisation, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements;
 - (b) exemption from prohibitions and restrictions on importation or exportation of goods by the Organisation which are necessary for the exercise of its official activities except where the prohibitions or restrictions arise from European Community law; and
 - (c) exemption from duties (whether of customs or excise) and taxes on the importation of goods by the Organisation which are necessary for the exercise of its official activities, such exemption to be subject to compliance with such conditions as the Commissioners for Her Majesty's Revenue and Customs may prescribe for the protection of the Revenue.
- (2) No exemption or reimbursement shall be granted for duties, taxes or other charges of any kind which only constitute remuneration for services rendered.
- (3) No provision within this article is applicable to the purchase or use of goods or services or the importation of goods intended for the personal use of the Director-General or any official of the Organisation.