

EXPLANATORY MEMORANDUM TO
THE EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH
(PRIVILEGES AND IMMUNITIES) ORDER 2006

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 The United Kingdom signed the Protocol on the Privileges and Immunities of the European Organization for Nuclear Research (“the Agreement”) on 18th March 2004. The Protocol obliges the United Kingdom to confer legal capacity and privileges and immunities on the European Organization for Nuclear Research (“the Organisation”); and to confer privileges and immunities on specified categories of individuals connected with the Organisation: -

- (i) representatives of State Parties;
- (ii) the Director-General;
- (iii) officials of the Organisation;

2.2 The draft Order confers legal capacity and privileges and immunities on the Organisation; and confers privileges and immunities on the categories of individuals referred to in paragraph 2.1.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 Article 7(a) of the Order allows for the agents of the ‘competent authorities’ to enter the premises of the Organisation, without the express consent of the Director-General, in the event of a fire or other disaster. The usage of this term follows the precedent set in Article 6 of the European Police College (Immunities and Privileges) Order 2004 (2004/3334). The term ‘competent authorities’ is intended to mean whichever public authority or emergency service is best suited to dealing with the emergency in question.

4. **Legislative Background**

4.1 It is proposed that the above Order should be made under section 1 of the International Organisations Act 1968 (“the 1968 Act). Section 10 of the 1968 Act provides that no recommendation shall be made to Her Majesty in Council to make an Order under any provision (other than section 6), unless a draft has been laid before Parliament and approved by a resolution of each House.

4.2 The table attached to this explanatory memorandum sets out, in relation to each article of the draft Order, the relevant provisions in the Protocol, as well as the power in the 1968 Act which provides for the making of that particular provision in the draft Order.

4.3 The privileges and immunities conferred by the draft Order are no greater in extent than those required by the Protocol to enable the Organization and specified individuals connected with the Organization to function effectively.

4.5 Article 1 of the draft Order provides that it will come into force on the date on which the Protocol enters into force in respect of the United Kingdom, which date shall be notified in the London, Edinburgh and Belfast Gazettes.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention of Human Rights

Lord Triesman has made the following statement regarding Human Rights:

In my view the provisions of the European Organization for Nuclear Research (Immunities and Privileges) Order 2006 are compatible with the Convention rights.

7. Policy Background

7.1 The Organisation was founded by 12 member states that ratified the convention on 29 September 1954. The Organisation situated on the French-Swiss border near Geneva is the world's leading particle physics centre, and provides an infrastructure for member states to engage in science projects that would not otherwise be viable.

7.2 The Organisation is funded by 20 member states, with the UK contributing £70 million, which is 16% of the total budget. The particle Physics and Astronomy Research Council (PPARC) lead on policy at official level.

7.3 Since the Organisation is based near Geneva, and is unlikely to move to the United Kingdom, the practical implications of the Protocol for the United Kingdom are limited.

7.4 UK implementation of the Protocol is unlikely to be controversial. Little public or media interest is envisaged.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has little or no impact on business, charities or voluntary bodies.

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9. Contact

Jackie Brown at the Foreign and Commonwealth Office [Tel: 020 7008 0397 or e-mail: Jackie.Brown@fco.gov.uk] can answer any queries regarding the instrument.

ARTICLE IN DRAFT ORDER	ARTICLE IN AGREEMENT	INTERNATIONAL ORGANISATIONS ACT 1968
Article 4	Article 2	Section 1(2)(a)
Article 5	Article 5 (1)	Section 1(2)(b); Schedule 1, Part I, para.1
Article 6	Articles 5 (2)	Section 1(2)(b); Schedule 1, Part I, para.1
Article 7	Articles 3 & 4	Section 1(2)(b); Schedule 1, Part I, para.2
Article 8	Article 6(1)	Section 1(2)(b); Schedule 1, Part I, para.3(1)
Article 9 (1)(a)	Article 6(2)	Section 1(2)(b); Schedule 1, Part I, para.7
Article 9(1)(b)	Article 6(3)	Section 1(2)(b); Schedule 1, Part I, para.5
Article 9(1)(c)	Article 6(2)	Section 1(2)(b); Schedule 1, Part I, para.4
Article 10 (1) (a) & (c)	Article 9 (1) (a), (b), & (c)	Section 1(3)(a); Schedule 1, Part II, para.9
Article 10(1) (b)	Article 9 (1) (g)	Section 1(3)(a); Schedule 1, Part II, para.11
Article 11 (1) (a)	Article 12	Section 1(3)(b); Schedule 1, Part II, para.9
Article 11 (1) (b)	Article 12	Section 1(3)(b); Schedule 1, Part II, para.11
Article 11 (1) (c)	Article 12	Section 1(3)(b); Schedule 1, Part II, para.12
Article 11 (1) (d)	Articles 12	Section 1(3)(b); Schedule 1, Part II, para.10

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Article 11 (1) (e)	Articles 12	Section 1(3)(b); Schedule 1, Part II, para.13
Article 12(1) (a)	Article 10 (1)	Section 1(3)(c); Schedule 1, Part III, para.14
Article 12(1) (b)	Article 10 (2) (a)	Section 1(3)(c); Schedule 1, Part III, para.16
Article 12(1) (c)	Article 10(2) (b)	Section 1(3)(c); Schedule 1, Part III, para.15
Article 12(1) (d)	Article 10(2) (d)	Section 1(3)(c); Schedule 1, Part III, paras. 18
Articles 13	Article 11	Section 1(5)(a); Schedule 1, Part II, para. 13