

2009 No. 887

INTERNATIONAL IMMUNITIES AND PRIVILEGES

**The European Union Military Staff (Immunities and Privileges)
Order 2009**

Made - - - - - *8th April 2009*

Coming into force in accordance with Article 1

At the Court at Windsor Castle, the 8th day of April 2009

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1 of the International Organisations Act 1968 (a) ("the Act").

A draft of this Order has been approved by a resolution of each House of Parliament pursuant to section 10 of that Act.

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows: —

1. This Order may be cited as the European Union Military Staff (Immunities and Privileges) Order 2009. It shall come into force on the date on which the Agreement (b) enters into force in respect of the United Kingdom. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. In this Order:

"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 (c);

"the Agreement" means the Agreement between the Member States of the European Union concerning the status of military and civilian staff seconded to the institutions of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context;

(a) 1968 c.48; section 1 was amended by the International Organisations Act 1981 (c.9), section 1, and SI 2005/3542, article 2(1).
(b) Official Journal of the European Union, 2003/C 321/02 (31 December 2003).
(c) 1964 c.81.

“the EUMS” means the Military Staff of the European Union, established under the Council Decision of 22 January 2001 on the establishment of the Military Staff of the European Union, which forms part of the General Secretariat of the Council of the European Union;

“experts” means persons who are military or civilian staff seconded to the European Union institutions in accordance with Article 1 of the Agreement;

“the Organisation” means the European Union established under Article 1 of the Treaty on European Union 1992;

“the Treaty on European Union” means the Treaty on European Union signed at Maastricht on 7 February 1992 (as amended by the Treaty of Lisbon).

3. The Organisation is an organisation of which the United Kingdom and other sovereign Powers are members.

4. Except in so far as in any particular case any privilege or immunity is waived under Article 8(3) of the Agreement, experts shall enjoy immunity from suit and legal process, in respect of things done or omitted to be done in the course of the performance of official duties, even after their secondment to the European Union institutions has ceased.

5. The Organisation shall have the like inviolability of official archives as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission, where the official archives are kept in premises used by the EUMS or are in the possession of a properly authorised member of the EUMS.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers immunity from suit and legal process upon persons who are military or civilian staff seconded to the European Union institutions in accordance with Article 1 of the Agreement between the Member States of the European Union concerning the status of military and civilian staff seconded to the institutions of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context ('the Agreement'), and Article 1 of the Council Decision of 22 January 2001 on the establishment of the Military Staff of the European Union. This Order also confers inviolability on the official archives of the Organisation, where the official archives are kept in premises used by the EUMS or are in possession of a properly authorised member of the EUMS. These privileges and immunities are conferred in accordance with the Agreement. The Order will enable Her Majesty's Government to give effect to Articles 8 and 15 of the Agreement and will come into force on the date on which the Agreement enters into force in respect of the United Kingdom.

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STATUTORY INSTRUMENTS

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