

SCHEDULE 12

Article 2

EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

General

1. In this Schedule—

“the Organisation” means the European Organization for Nuclear Research established by the Convention;

“the Convention” means the Convention for the Establishment of a European Organization for Nuclear Research and the Financial Protocol annexed thereto, signed on 1st July 1953⁽¹⁾ and amended on 17th January 1971⁽²⁾;

“official” means staff as defined in article VI of the Convention;

“EONR Protocol” means the Protocol on the Privilege and Immunities of the European Organization for Nuclear Research⁽³⁾;

“Member” means a State which is a party to the EONR Protocol;

“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⁽⁴⁾.

The Organisation

2. 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 EONR Protocol;
- (d) in respect of any counter-claim directly connected with court proceedings initiated by the Organisation.

3. 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.

4.—(1) 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.

(1) Cm. 928.
(2) Cm. 5233.
(3) Cm. 7190.
(4) 1964 c. 81.

Status: This is the original version (as it was originally made).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

(2) The exception is 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 a duly authorised representative (and 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).

5.—(1) The Organisation shall have 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.

(2) Sub-paragraph (1) shall not apply as respects the matters reserved by virtue of Section C5 (import and export control) of Part II of Schedule 5 to the Scotland Act 1998(5).

Representatives

6.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Member which they represent, representatives of a Member at the meetings of the Organisation shall enjoy, while exercising their functions (and in the course of their journeys to and from the place of meeting)—

- (a) the like immunity from personal arrest or detention as is accorded to the head of a diplomatic mission; and
- (b) immunity from suit and legal process (even after the termination of their mission) in respect of acts, including words written or spoken, performed by them in their official capacity.

(2) The immunity accorded by sub-paragraph (1)(b) shall not apply in the case of a motor traffic offence committed by a representative or in the case of damage caused by a motor vehicle belonging to or driven by a representative.

(3) This paragraph shall not operate so as to confer any immunity or privilege on any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

High and other officials

7.—(1) Except in so far as in any particular case such immunity or privilege is waived by the Council of the Organisation, the Director-General of the Organisation (or any official acting instead as provided for in Article VI of the Convention) shall enjoy—

- (a) the like immunity from suit and legal process as is accorded to or in respect of the head of a diplomatic mission;
- (b) the like inviolability of residence as is accorded to or in respect of the head of a diplomatic mission; and
- (c) the like exemption or relief from local taxes (as described in the exception in Section A1 of Part II of Schedule 5 to the Scotland Act 1998) as is accorded to or in respect of the head of a diplomatic mission.

(2) This paragraph shall not apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.

8.—(1) Except in so far as in any particular case such immunity is waived by the Director-General (or any official acting instead as provided for in Article VI of the Convention), officials

(5) 1998 c. 46.

of the Organisation shall enjoy immunity from suit and legal process (even after the termination of their functions) in respect of acts, including words written or spoken, done by them in the course of performance of official duties.

(2) The immunity accorded by sub-paragraph (1) shall not apply in the case of a motor traffic offence committed by an official of the Organisation or in the case of damage caused by a motor vehicle belonging to or driven by such an official.

(3) Neither sub-paragraph (1) nor Part IV of Schedule 1 to the 1968 Act shall apply to any person who is a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas) or who is a permanent resident of the United Kingdom.