STATUTORY INSTRUMENTS

2024 No. 1364

INTERNATIONAL IMMUNITIES AND PRIVILEGES

The European Forest Institute (Immunities and Privileges) Order 2024

Made - - - - 18th December 2024

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the 18th day of December 2024

Present,

The King's Most Excellent Majesty in Council

In accordance with section 10(1) of the International Organisations Act 1968(**a**), a draft of this Order was laid before, and approved by a resolution of, each House of Parliament.

Accordingly, His Majesty, in exercise of the powers conferred on Him by section 1 of that Act, is pleased, by and with the advice of His Privy Council, to order as follows:

PART 1

General

Citation, commencement, extent and application

1.—(1) This Order may be cited as the European Forest Institute (Immunities and Privileges) Order 2024.

(2) This Order comes into force on the day on which the Agreement enters into force for the United Kingdom or, if later, on the day after the day on which it is made.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

(4) In Scotland, articles 3 to 14 of this Order do not apply in so far as they would, if included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament.

Interpretation

2. In this Order—

(**a**) 1968 c. 48. Section 1 was amended by the International Organisations Act 1981 (c. 9), section 1(1); and by the Civil Partnership Act 2004 (International Immunities and Privileges, Companies and Adoption) Order 2005 (S.I. 2005/3542), article 2(1).

"Agreement" means the Host Country Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the European Forest Institute(**a**);

"Board members" means members of the Board of the EFI pursuant to article 8 of the Convention;

"the Convention" means the Convention on the European Forest Institute 2003(**b**);

"Director" means the Director of the EFI;

"EFI" means the organisation entitled the European Forest Institute in accordance with article 1 of the Convention;

"EFI staff members" means persons under contract employed by the EFI;

"Head of Office" means the head of the office of the EFI in the United Kingdom appointed by the EFI;

"Members" means Members of the EFI in accordance with article 4(1) of the Convention;

"Official Activities" of the EFI includes all activities undertaken pursuant to the Convention including administrative activities;

"representatives of Members" means the head of delegation and alternate of Members, as notified to the Secretary of State.

PART 2

Immunities, privileges, reliefs and exemptions of the EFI

Immunity from jurisdiction

3.—(1) Within the scope of its Official Activities, the EFI has immunity from suit and legal process.

(2) Paragraph (1) does not apply in the following cases—

(a) where the EFI has expressly waived such immunity in a particular case;

(b) a road traffic offence involving a motor vehicle belonging to the EFI or operated on its behalf;

(c) a civil claim for damages resulting from an accident caused by a motor vehicle belonging to the EFI or operated on its behalf;

(d) the enforcement of an arbitration award made against the EFI as a result of an express submission to arbitration by or on behalf of the EFI;

(e) any counter-claim directly connected with court proceedings initiated by the EFI.

(3) All property, funds and assets of the EFI, wheresoever located in the United Kingdom and by whomsoever held, are immune from suit and legal process in respect of all forms of seizure, confiscation, requisition, expropriation or other interference by executive, judicial or legislative action, except—

(a) in respect of a final judgment or arbitral award issued by a court or arbitral tribunal which has jurisdiction over the EFI in accordance with paragraph (2)(d) or (e), or

(b) where the EFI has provided express prior agreement.

(**a**) Available at https://assets.publishing.service.gov.uk/media/65fc61d4f1d3a0001d32ad65/MS_5.2024_UK_European_Forest_Institute_Host_Country_Agreement.pdf.

(**b**) Available at https://assets.publishing.service.gov.uk/media/5a7caecae5274a38e57561e8/8310.pdf.

Inviolability of premises

4.—(1) The premises of the EFI have the like inviolability as, in accordance with the 1961 Convention Articles(**a**), is accorded in respect of the premises of a diplomatic mission.

(2) Any person having the authority to enter any place under any legal provision shall not exercise that authority in respect of the premises of the EFI unless permission to do so has been given by the Head of Office or by the Head of Premises acting on behalf of the Head of Office.

(3) For the purpose of paragraph (2), permission may be presumed in the event of a fire or other emergency which requires prompt protective action. Any person who has entered the premises with the presumed permission of the Head of Office shall, if so requested, by the Head of Office, leave the premises immediately.

(4) For the purposes of this article—

(a) "Head of Premises" means an EFI staff member designated as Head of Premises by the Head of Office;

(b) "premises of the EFI" means the buildings or parts of buildings and the land ancillary thereto used for the official purposes of the EFI, and located within the United Kingdom.

Inviolability of archives

5.—(1) The archives of the EFI have the like inviolability as, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives of a diplomatic mission.

(2) For the purposes of this article, "archives of the EFI" includes but is not limited to all records, correspondence, documents, manuscripts, still and moving pictures and films, sound recordings, computer programmes and written materials, video tapes or discs, and discs or tapes containing data belonging to, or held by, the EFI.

Taxes, rates, etc.

6.—(1) Within the scope of its Official Activities, the EFI is exempt from all direct taxation on its assets, property, income, gains, operations and transactions, except for the proportion of any business rates charged for specific public services rendered.

(2) The EFI shall have relief under arrangements made by the Secretary of State by way of refund on value added tax paid on the purchase of any goods or services which are of substantial value and which are used for the Official Activities of the EFI, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

Customs treatment

7.—(1) The EFI is exempt from duties (whether of customs or excise) and taxes on the importation of—

(a) goods imported by the EFI for its Official Activities, and

(b) publications of the EFI.

(2) The EFI is exempt from all economic prohibitions and restrictions on the importation or exportation of—

(a) goods imported or exported by the EFI for its Official Activities, and

(b) publications of the EFI.

(**a**) Section 11(1) of the International Organisations Act 1968 defines "the 1961 Convention Articles" as 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.

PART 3

Immunities, privileges, reliefs and exemptions of representatives, officials etc.

Board members and representatives of Members

8.—(1) Board members and representatives of Members have the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where a meeting is held by the EFI—

(a) subject to paragraph (2), immunity from suit and legal process in respect of things done or omitted to be done by them in connection with the Official Activities of the EFI;

(b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents;

(c) immunity from inspection or seizure of their personal baggage, unless there are serious grounds for presuming that it contains articles other than those for the official use of the EFI or their personal use, or articles the import or export of which is prohibited by law or controlled by the enactments relating to quarantine.

(2) The immunity granted under paragraph (1)(a) continues to apply to the person after they cease to be a Board member or a representative of a Member (as the case may be).

(3) This article does not apply to a representative of the United Kingdom.

The Director and EFI staff members

9.—(1) The Director and EFI staff members have the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where a meeting is held by the EFI—

(a) subject to paragraph (2) immunity from suit and legal process in respect of things done or omitted to be done by them in their official capacity;

(b) the like inviolability as, in accordance with the 1961 Convention Articles, is accorded to a diplomatic agent in respect of official papers and documents;

(c) immunity from inspection or seizure of their personal baggage, unless there are serious grounds for presuming that it contains articles other than those for the official use of the EFI or their personal use, or articles the import or export of which is prohibited by law or controlled by the enactments relating to quarantine.

(2) The immunity granted under paragraph (1)(a) continues to apply to the Director or an EFI staff member after they cease to be the Director or an EFI staff member (as the case may be).

The Head of Office and other EFI staff members assigned to work in the United Kingdom

10.—(1) In addition to the privileges and immunities granted under article 9, the Head of Office and other EFI staff members assigned to work in the United Kingdom are exempt from—

(a) duties (whether customs or excise) and taxes on the importation of articles (except payments for services) in respect of their furniture and personal effects (including a motor vehicle) for their personal use or that of a member of their family forming part of their household, provided such importation takes place within six months of the time of first taking up their post in the United Kingdom, and

(b) income tax on the salaries and other emoluments, except pensions and annuities, paid to them by the EFI.

(2) The exemption granted under paragraph (1)(a) is subject to the conditions governing the disposal of goods imported into the United Kingdom duty-free and to any general restrictions on the importation of goods.

(3) For the purposes of the enactments relating to social security, including enactments in force in Northern Ireland—

(a) services rendered for the EFI by the Head of Office or any other EFI staff member assigned to work in the UK are deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but

(b) no person is to be rendered liable to pay any contribution or premium which that person would not be required to pay if those services were not deemed to be so excepted.

(4) The Head of Office and other EFI staff members assigned to work in the UK are not entitled to any benefits paid by domestic social security bodies for so long as they enjoy the exemption referred to in paragraph (3).

(5) For the purposes of this article, "EFI staff member assigned to work in the UK" means an EFI staff member who—

(a) has been appointed to a post within the EFI,

(b) is regularly performing their functions in the United Kingdom in accordance with their letter of approval of secondment or their letter of appointment, and

(c) has been notified to the Secretary of State prior to taking up their post.

Road traffic offences etc.

11.—(1) No immunity conferred on a person by a relevant provision of this Part applies in relation to—

(a) a road traffic offence committed by the person, or

(b) a civil action brought against the person by a third party for damages resulting from an accident caused by a motor vehicle belonging to, or operated by, the person.

(2) In this article, a "relevant provision of this Part" means—

(a) article 8(1)(a) (functional immunity of Board members and representatives of a Member), or

(b) article 9(1)(a) (functional immunity of the Director and EFI staff members).

British nationals and permanent residents

12. The privileges and immunities referred to in the following provisions do not apply to a person if that person is a British citizen, British overseas territories citizen, British Overseas citizen, British National (Overseas) or a permanent resident of the United Kingdom—

(a) article 10(1)(a) (import privilege of the Head of Office and other EFI staff members assigned to work in the United Kingdom);

(b) article 10(1)(b) (income tax privilege of the Head of Office and other EFI staff members assigned to work in the United Kingdom);

(c) article 10(3) (social security privilege).

Disapplication in respect of official staff or family members

13. Part 4 of Schedule 1 to the International Organisations Act 1968 does not operate so as to confer any privilege or immunity on—

(a) a member of the official staff of any person granted privileges and immunities under this Part,

(b) a member of the family of any person granted privileges and immunities under this Part, or

(c) a member of the family of a member of the official staff of any person granted privileges and immunities under this Part.

PART 4

Waiver

Waiver

14.—(1) The Head of Office may waive any privilege or immunity granted under this Order, except any privilege or immunity granted to them under article 9 or 10 or a representative of a Member under article 8.

(2) The Director may waive any privilege or immunity granted under this Order to the Head of Office.

(3) A Member may waive any privilege or immunity granted to their representative under article 8.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the Host Country Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the European Forest Institute (EFI) (the "Agreement").

This Order does not confer legal capacity on the EFI as this was conferred in the European Forest Institute (Legal Capacities) Order 2005 (S.I. 2005/3426). It grants privileges and immunities to the EFI and to certain staff members, board members and representatives of member countries.

The Agreement is available at https://assets.publishing.service.gov.uk/media/65fc61d4f1d3a0001d32ad65/MS_5.2024_UK_European_Forest_Institute_Host_Country_Agreement.pdf; copies can also be obtained on request from the Foreign, Commonwealth and Development Office, King Charles Street, London, SWIA 2AH.

An Impact Assessment has not been prepared for this Order as no, or no significant, impact is foreseen on the private, voluntary or public sectors in the United Kingdom.

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