



# Diplomatic Privileges (WTO) Order 2000

Michael Hardie Boys, Governor-General

## Order in Council

At Wellington this 2nd day of October 2000

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 9 of the Diplomatic Privileges and Immunities Act 1968, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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## Order

### 1 Title

This order is the Diplomatic Privileges (WTO) Order 2000.

### 2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

### *Meaning of WTO*

### 3 Meaning of WTO

In this order, **WTO** means the World Trade Organisation, established by the Agreement Establishing the World Trade Organisation done at Marrakesh on 15 April 1994.

### *Declaration as to WTO*

### 4 Declaration as to WTO

The WTO is an organisation of which the Governments of 2 or more States are members.

### *Body corporate*

### 5 Body corporate

The WTO has the legal capacities of a body corporate.

### *WTO's privileges and immunities*

### 6 Immunity from suit

The WTO has immunity from suit and legal process, except in so far as in any particular case it has expressly waived its immunity.

### 7 Inviolability of premises and archives

The WTO has the like inviolability of official premises and archives as is accorded in respect of official premises and archives of a diplomatic mission.

### 8 Immunity of property

The WTO has immunity in relation to its property and assets from search, requisition, confiscation, expropriation, or any other form of interference.

**9 Exemption from taxes and rates**

The WTO is exempt from taxes and rates (other than taxes on the importation of goods), except for taxes and rates that are charges for public utility services.

**10 Exemption from taxes on importation of goods for official use**

- (1) The WTO is exempt from taxes on the importation of goods directly imported by the WTO for its official use in New Zealand or for exportation, or on the importation of any publications of the WTO directly imported by it.
- (2) The exemption is subject to compliance with any conditions the Minister of Customs determines for the protection of the revenue.

**11 Exemption from restrictions on importation or exportation of goods for official use**

- (1) The WTO is exempt from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the WTO for its official use, and in the case of any publications of the WTO directly imported or exported by it.
- (2) The exemption is subject to compliance with any conditions the Minister of Customs determines for the protection of public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

**12 Facilities in respect of telegraphic communications**

The WTO has the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside New Zealand), of any reduced rates applicable for the corresponding service in the case of press telegrams.

*Privileges and immunities of representatives of member governments*

**13 Privileges and immunities of representatives of member governments**

- (1) All representatives of member governments, being representatives accredited to the WTO or at any conference convened by the WTO, enjoy, in the exercise of their functions and during their journey to and from the places of meeting—
  - (a) the like immunity from suit and legal process as is accorded to a diplomatic agent:
  - (b) the like inviolability of official archives as is accorded to a diplomatic agent:
  - (c) the like exemption from taxes and rates as is accorded to a diplomatic agent.
- (2) In this clause, **representatives of member governments**—
  - (a) includes all delegates, alternates, advisers, technical experts, and secretaries, of delegations; but
  - (b) does not include any representatives of the Government of New Zealand, or any member of staff of any such representatives, or any New Zealand citizens.
- (3) The privileges and immunities conferred by this clause do not apply in so far as in any particular case any privilege or immunity is waived by the member government concerned.

*Officials' privileges and immunities*

**14 Officials' privileges and immunities**

- (1) Officials of the WTO enjoy—
  - (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties:
  - (b) exemption from taxes in respect of salaries and emoluments received by them as officials of the WTO:
  - (c) exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand.
- (2) The exemption conferred by subclause (1)(c)—
  - (a) does not apply in relation to the importation of furniture and effects by members of staff of the WTO who are New Zealand citizens:

- (b) is subject to compliance with any conditions the Minister of Customs determines for the protection of the revenue.
- (3) The privileges and immunities conferred by subclause (1) do not apply in so far as in any particular case any privilege or immunity is waived by the Director-General of the WTO.

*Privileges and immunities of Director-General and Deputy  
Directors-General*

**15 Privileges and immunities of Director-General and  
Deputy Directors-General**

- (1) The Director-General, and each Deputy Director-General, of the WTO, enjoys—
  - (a) the like immunity from suit and legal process as is accorded to a diplomatic agent:
  - (b) the like inviolability of residence, official premises, and official archives as is accorded to a diplomatic agent:
  - (c) the like exemption from taxes and rates as is accorded to a diplomatic agent.
- (2) The privileges and immunities conferred by this clause do not apply in so far as in any particular case any privilege or immunity is waived by the General Council of the WTO.

*Order not in force in Tokelau*

**16 Order not in force in Tokelau**

This order is not in force in Tokelau.

Marie Shroff,  
Clerk of the Executive Council.

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### **Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order relates to the World Trade Organisation (WTO). It—

- declares the WTO to be an organisation of which the Governments of 2 or more States are members:
- provides that the WTO has the legal capacities of a body corporate:
- confers certain privileges and immunities on the WTO, on certain representatives of Governments of States that are members of it, on its officials, and on its Director-General and Deputy Directors-General.

The order comes into force on the 28th day after the date of its notification in the *Gazette*, and is not in force in Tokelau.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 5 October 2000.

This order is administered in the Ministry of Foreign Affairs and Trade.

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