

The World Trade Organization (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2020

THE STATES POLICY & RESOURCES COMMITTEE, in pursuance of the Resolutions of the States of the 28th February, 2019^a, and in exercise of the powers conferred on the States by sections 1 and 2 of the International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018^b and sections 1 and 3 of the Privileges and Immunities (Bailiwick of Guernsey) Law, 2004^c, and in exercise of the powers conferred on the Committee by Article 66A(1) of the Reform (Guernsey) Law, 1948^d, hereby order:-

Membership of the WTO.

1. The United Kingdom's membership of the WTO having been extended to the Bailiwick, the WTO is specified for the purpose of section 1(a) of the Privileges and Immunities (Bailiwick of Guernsey) Law, 2004, and the agreement specified in section 2 is to have force of law in the Bailiwick for the purpose of conferring (subject to provision in regulations made under section 3) the privileges and immunities to be enjoyed by –

(a) the WTO,

^a Article I of Billet d' État No. IV of 2019.

^b Order in Council No. II of 2019.

^c Order in Council No. XII of 2005.

^d Ordres en Conseil Vol XIII, p. 288; as amended by Order in Council No. XVII of 2015; there are other amendments not relevant to this Ordinance.

- (b) the Director-General of the WTO, any Deputy Director-General, any Assistant Director-General and any official acting on behalf of the Director-General during his or her absence from duty, and
- (c) any representatives, alternates, advisers, technical experts, and secretaries of delegations of members of the WTO.

Agreement to have force of law in the Bailiwick.

2. The agreement referred to in section 1 is Article VIII of the Agreement Establishing the World Trade Organization signed at Marrakesh on 15th April, 1994 (reproduced at the Schedule to this Ordinance).

Policy & Resources Committee power to make regulations.

3. The States of Guernsey Policy & Resources Committee may make regulations for the purpose of further particularising the privileges and immunities conferred under section 1 on the persons listed in that section.

Interpretation.

4. In this Ordinance, "WTO" means the World Trade Organization, as established by the Agreement Establishing the World Trade Organization signed at Marrakesh on 15th April, 1994.

Extent.

5. This Ordinance has effect throughout the Bailiwick.

Citation and commencement.

6. This Ordinance may be cited as the World Trade Organization (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2020, and comes into force on exit day; and for this purpose "**exit day**" has the meaning given by section 12(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^e.

^e Order in Council No. I of 2019.

SCHEDULE

Section 2

ARTICLE VIII OF THE AGREEMENT ESTABLISHING THE WORLD TRADE ORGANISATION

"Article VIII Status of the WTO

1. The WTO shall have legal personality, and shall be accorded by each of its Members such legal capacity as may be necessary for the exercise of its functions.
2. The WTO shall be accorded by each of its Members such privileges and immunities as are necessary for the exercise of its functions.
3. The officials of the WTO and the representatives of the Members shall similarly be accorded by each of its Members such privileges and immunities as are necessary for the independent exercise of their functions in connection with the WTO.
4. The privileges and immunities to be accorded by a Member to the WTO, its officials, and the representatives of its Members shall be similar to the privileges and immunities stipulated in the Convention on the Privileges and Immunities of the Specialized Agencies, approved by the General Assembly of the United Nations on 21 November 1947.
5. The WTO may conclude a headquarters agreement."