

English translation of the French original version

Privileges & immunities: frequently asked questions (FAQ)

The foreign representations¹, as well as the international organisations which have concluded with the Swiss Federal Council an agreement on privileges and immunities (headquarters agreement), enjoy privileges, immunities and facilities in accordance with international law and with international practice. These privileges, immunities and facilities also apply to the staff and members of their families.

In Switzerland, the regime of privileges, immunities and facilities is based on²:

- the Vienna Convention of 18 April 1961 on Diplomatic Relations, applied by analogy to the permanent missions (SR 0.191.01) (hereinafter "the Vienna Convention"),
- the Vienna Convention of 24 April 1963 on Consular Relations (SR 0.191.02),
- the agreements on privileges, immunities and facilities concluded with the international organisations (SR 0.192)
- the Federal Act of 22 June 2007 on the Privileges, Immunities and Facilities and the Financial Subsidies granted by Switzerland as a Host State (Host State Act, SR 192.12) and implementing Ordinance of 7 December 2007 (Host State Ordinance, SR 192.121), and
- the practice of the Swiss authorities in respect of questions left open by the above-mentioned texts.

In this document, we have chosen to deal **solely with the situation of the permanent missions, international organisations and members of their staff**. However, the embassies and members of their staff and, to a certain extent, consular posts and members of their staff are all subject to the same rules.

Table of questions

1. <i>What is meant by "the international interests of Switzerland through Geneva"?</i>	2
2. <i>What is meant by "host state policy" and who defines it?</i>	3
3. <i>What is meant by "regime of privileges and immunities"?</i>	3
4. <i>Why do the members of the permanent missions and international organisations enjoy privileges and immunities?</i>	4
5. <i>Does every individual who is beneficiary of privileges and immunities enjoy diplomatic status and what does this status cover?</i>	4
6. <i>On what basis are the beneficiaries of privileges and immunities entitled to stay in Switzerland?</i>	5
7. <i>How long does entitlement to an FDFA legitimization card last?</i>	5
8. <i>Who is authorised to waive a person's immunity if that immunity is hindering legal proceedings in Switzerland?</i>	6
9. <i>What happens if the FDFA's request for a waiver of immunity is not approved by the sending State (foreign State) or international organisation?</i>	6

¹ "Foreign representations" is taken to mean diplomatic missions (embassies), permanent missions and consular posts

² These texts are published in the Classified Compilation of Federal Legislation (SR):
<https://www.admin.ch/gov/en/start/federal-law/classified-compilation.html>

10. Do the beneficiaries of privileges and immunities pay tax in Switzerland?	6
11. Are persons with diplomatic status held to account if they commit a road traffic offence?	7
12. Do persons with diplomatic status pay their fixed penalties?	7
13. What is the purpose of the "CD" diplomatic license plates?	8
14. Is it true that individuals with diplomatic status cannot be arrested?	8
15. Why and on what conditions are diplomats permitted to hire private household employees?	8
16. How does the international community conduct itself in general?	8
17. Are members of staff at permanent missions and international organisations subject to Swiss labour law?	9
18. Is it true that there is a Duty-free shop in Geneva reserved for persons with diplomatic status?	9
19. Do the premises of the permanent missions and international organisations have "extraterritorial" status?	9
20. Can the Swiss authorities search a diplomatic bag?	10
21. What is the status of NGOs and international sports federations?	10

Questions & answers:

1. What is meant by "the international interests of Switzerland through Geneva"?

This is the agreed expression used to refer to the multilateral diplomatic activities conducted on Swiss territory by the international organisations and their Member States, as represented by the permanent missions³. The term "International Geneva" is also used. The greater part of this activity takes place in Geneva, which is home to a large number of international organisations. Two organisations are based in Bern, two in the canton of Vaud and one in Basel-Stadt.

The non-governmental organisations (NGOs), which enjoy a consultative status to the United Nations, take part in certain international meetings and are thus associated with the work of the international organisations (see question/answer 21).

A permanent mission represents its State to the international organisations of which it is a Member (multilateral diplomacy). 177 States, including Switzerland, are represented through one or more permanent missions in Geneva.

A diplomatic mission (embassy) represents its State to another State (bilateral diplomacy). Embassies are generally located in the capital city. Within the scope of its Host State policy (see question/answer 2), Switzerland permits an embassy to be set up in Geneva rather than Bern if certain conditions are met⁴.

International Geneva is an important foreign policy instrument for Switzerland and one which allows it to defend its interests on a daily basis through its diplomacy within those international organisations based in Geneva of which it is a Member (e.g. CERN, UNO, WTO).

In addition to these political interests, the presence in Switzerland, and especially in Geneva, of a large number of international institutions and permanent missions also generates economic benefits. Annual spending by the international organisations are exceeding to CHF 5 billion⁵. Over 200,000 delegates also come to the city each year to attend meetings and conferences held by the international organisations, providing a significant boost to the economy of Geneva and the surrounding region in terms of hotel accommodation and other daily expenses. It is estimated that several thousand jobs in the local economy owe their existence to International Geneva (hotels, shops, etc.).

³ For more facts and figures, please see the website of the Swiss Mission:

<https://www.eda.admin.ch/missions/mission-onu-geneve/en/home/geneve-international/faits-et-chiffres.html>

⁴ For more information see: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction.html>

⁵ See the annual survey of international organisations conducted by the Geneva Cantonal Statistical Office: http://www.ge.ch/statistique/domaines/apercu.asp?dom=06_06

International Geneva also has an effect on tourism thanks to the reputation acquired by Geneva through the international activities that take place there (e.g. the *Palais des Nations* receives some 100,000 visitors a year).

2. What is meant by "host state policy" and who defines it?

Responsibility for foreign policy rests with the Swiss Confederation, as set forth in the Federal Constitution. The Confederation consults the cantons on foreign policy decisions affecting either their powers or essential interests.

The task of defining the Host State policy for the international organisations and foreign representations established on Swiss territory falls to the Swiss Federal Council. The Federal Department of Foreign Affairs (FDFA, <https://www.fdfa.admin.ch>) is responsible for implementing this policy in cooperation with the cantons, especially the canton of Geneva, which plays host to a large number of international organisations and all of the permanent missions.

The Swiss Federal Council's host state policy focuses on three different areas:

- providing a high quality infrastructure (e.g. suitable premises thanks to the Foundation for Buildings for International Organisations - FIPOI, <http://www.fipoi.ch> - and conference rooms at the International Conference Centre Geneva - CICG, <http://www.cicg.ch> -, which is owned by FIPOI and receives financial support from the FDFA),
- ensuring that the privileges and immunities arising from the provisions of the Vienna Convention and from the agreements concluded with the international organisations are applied by all the Swiss authorities (at federal, cantonal and communal level),
- facilitating the administrative and social integration of the international community through the Geneva Welcome Centre (CAGI, <http://www.cagi.ch>), which is available to offer practical advice on all aspects of daily life (e.g. housing, school system, healthcare system).

The Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva, better known to the public as the "Swiss Mission", is in charge of implementing the Host State policy on a day-to-day basis (<https://www.dfae.admin.ch/geneva>).

The Swiss Mission works closely with the competent services at the FDFA, the other federal departments and the cantonal and local authorities in Geneva and Vaud in particular. The Swiss Mission's Host State Division is tasked with ensuring that the privileges, immunities and facilities granted to the international community are compatible with Switzerland's international obligations.

The safeguarding of Swiss interests in the international forums in Geneva is the remit of the Multilateral Division of the Swiss Mission, which cooperates with the competent services at the FDFA and other federal departments to this end.

3. What is meant by "regime of privileges and immunities"?

Each member of the international community enjoys privileges and immunities whose scope depends on that member's function within the permanent mission or international organisation.

The regime of privileges and immunities rests on a formal legal foundation, most notably on²:

- the Vienna Convention on Diplomatic Relations of 18 April 1961, applied by analogy to the permanent missions (hereinafter "the Vienna Convention"),
- the agreements on privileges, immunities and facilities concluded with the international organisations,
- the Host State Act and its implementing Ordinance,
- the practice of the Swiss authorities.

The main immunities and privileges and other facilities are as follows:

- immunity from legal proceedings and the enforcement of judgements; this immunity may be limited to acts performed as part of a person's official duties,

- inviolability (of their persons and private residences) for certain categories of person,
- privileges in respect of customs duties, including access to Duty-free shops for diplomats and high-ranking officials,
- fiscal privileges,
- exemption from the Swiss social security system,
- access to the Swiss labour market for family members,
- facilitated licensing of private vehicles for road traffic purposes and the registration of diplomatic license plates for diplomats and high-ranking officials,
- exemption from the obligation to exchange a foreign driving license for a Swiss driving license.

For more information on this subject, please refer to the "Practical Manual of the regime of privileges and immunities and other facilities" published on the Swiss Mission's website (<https://www.dfae.admin.ch/geneva>).

4. Why do the members of the permanent missions and international organisations enjoy privileges and immunities?

The granting of privileges, immunities and facilities is an international practice. All States that host foreign representations and international organisations grant them and their staff members privileges, immunities and facilities.

This status is derived from the provisions of the Vienna Convention and the agreements on privileges, immunities and facilities, which set forth that:

- The privileges and immunities granted to the members of staff are not intended to benefit those individuals personally. Their sole purpose is to ensure that the mission or organisation can carry out its work freely at all times and that the persons concerned retain complete independence in performing their official duties at the mission or organisation;
- without prejudice to their privileges and immunities, the beneficiaries are required to respect the laws and regulations of the host state;
- the beneficiaries of privileges and immunities are to be treated with due respect and all appropriate steps are to be taken to prevent any attack on their person, freedom or dignity.

Pursuant to the Vienna Convention, Swiss diplomats posted to a Swiss representation abroad enjoy the same privileges and immunities.

A Swiss national working as an official at an international organisation with headquarters outside Switzerland likewise enjoys the privileges and immunities set out in the agreement between that organisation and the government of the country in which the organisation has its seat.

5. Does every individual who is beneficiary of privileges and immunities enjoy diplomatic status and what does this status cover?

Only diplomatic agents of the sending State (foreign State), as well as senior management members and high-ranking officials of international organisations, enjoy diplomatic status. It is also granted to members of their family if living together in the same household.

Individuals with diplomatic status enjoy immunity from criminal, civil and administrative proceedings and from the execution of any judgement for acts performed in an official or private capacity. They also enjoy inviolability of their persons, private residence and property, as well as diplomatic privileges (e.g. exemption from direct and indirect taxes, customs privileges, registration of private vehicles with 'CD' diplomatic license plates).

Members of the administrative and technical staff of the sending State are accorded diplomatic status, with the exception that immunity from civil and administrative proceedings does not extend to acts performed outside the course of their duties. They also enjoy inviolability of their persons, private residence and property. They are granted fewer privileges than diplomatic agents.

The other members of staff at the permanent missions and international organisations enjoy immunity from jurisdiction in respect of acts performed in the course of their duties only. They are subject to ordinary Swiss law for their private actions. In other words, their immunity does not exempt them from legal proceedings in Switzerland in so far as their private interests are concerned (e.g. divorce procedures, debt enforcement procedures). They are granted fewer privileges than individuals with diplomatic status.

The permanent missions employ a workforce of some 4,000, half of whom are diplomatic agents. Of the 22,700 international officials, around 2,200 have been accorded diplomatic status. In total, only 16% of staff members are granted diplomatic status. Therefore, the majority of Internationals are not able to claim any immunity in relation to their private actions (e.g. road traffic offences, debts, family law).

6. On what basis are the beneficiaries of privileges and immunities entitled to stay in Switzerland?

The Vienna Convention and the agreements on privileges, immunities and facilities provide for the FDFA to facilitate entry to, residence in and departure from Swiss territory for members of the permanent missions and international organisations.

The FDFA governs the stay in Switzerland of such individuals by issuing a legitimisation card that serves as a residence permit, certifies the holder's privileges and immunities, and exempts them from any visa requirement for the duration of their function.

The stay in Switzerland of family members (e.g. spouse and unmarried children up to age 25 living in the same household as the principal beneficiary, i.e. the person who works at the permanent mission or international organisation) is likewise governed by an FDFA legitimisation card.

Family members have access to the Swiss labour market if they live in Switzerland and exchange their FDFA legitimisation card for a Ci permit⁶ issued by the canton of residence. Those living in France are not eligible for a Ci permit. In such cases, access to employment in Switzerland is governed by the rules applicable to cross-border commuters.

7. How long does entitlement to an FDFA legitimisation card last?

The FDFA legitimisation card is limited to the duration of the holder's period of service at the permanent mission or international organisation in Switzerland. The card issued to family members is limited in duration to the period of service in Switzerland of the principal beneficiary, i.e. the person working at the permanent mission or international organisation.

At the end of this period of service, the FDFA legitimisation card of the principal beneficiary is cancelled, as well as the cards of the family members. The principal beneficiary is nevertheless allowed a courtesy period of two months from the end of the period of service to make the necessary arrangements for leaving Switzerland; the same period is granted to family members.

In case of divorce, the spouse's FDFA legitimisation card is withdrawn, as are those issued to minor children if the spouse is granted custody. In such cases, the spouse and children must apply to remain in Switzerland in accordance with ordinary Swiss law⁷.

Anyone wishing to prolong their stay at the end of a period of service, whether their own or the principal beneficiary's, must apply to remain in Switzerland in accordance with ordinary Swiss law⁷. If that person receives a residence permit (B permit) or permanent residence permit (C permit), he/she becomes subject to ordinary law and, in particular, must pay tax on the income and assets.

⁶ For more information see: <https://www.eda.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-family/access-labour-market-family-staff.html>

⁷ For more information see: <https://www.eda.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-stay/staying-end-functions.html>

8. Who is authorised to waive a person's immunity if that immunity is hindering legal proceedings in Switzerland?

In keeping with the Vienna Convention, only the sending State (foreign State) may waive the immunity of its agent. The FDFA cannot therefore decide to lift a person's immunity of its own accord. However, the Vienna Convention permits the FDFA to decide to revoke a person's status. This unilateral decision is taken only in extremely serious situations (e.g. if privileges and immunities are abused) and only if the sending State refuses to waive the immunity of its agent. The sending State may also choose to recall its agent rather than lift its immunity.

Pursuant to the agreements concluded with the international organisations, the secretary-general/director-general has not only have the right but be under the duty to waive the immunity of a staff member in each case when he considers that the immunity would hinder the normal course of justice, and that it can be waived without prejudice to the purpose for which the immunity has been granted. This means that, in private matters, the secretary-general/director-general must waive the immunity of the a staff member on receiving a request to that effect from the FDFA.

9. What happens if the FDFA's request for a waiver of immunity is not approved by the sending State (foreign State) or international organisation?

Individuals benefiting from immunity in an official capacity only, i.e. the majority of the international community, can be required to appear before a Swiss court under ordinary rules where private matters are concerned. They may also be subject to debt enforcement proceedings under ordinary rules.

If proceedings are initiated against a diplomatic agent, the sending State must agree to waive that person's immunity before proceedings can go ahead (see question/answer 8). If the sending State refuses to waive the immunity of its diplomatic agent, depending on the seriousness of the situation, the FDFA may request that the sending State recall its diplomatic agent or decide to withdraw that agent's status.

When proceedings are instituted against an international official with diplomatic status, the secretary-general/director-general of the organisation must lift that person's immunity as stipulated by the agreements concluded with the international organisations (see question/answer 8).

10. Do the beneficiaries of privileges and immunities pay tax in Switzerland?

On the basis of the Vienna Convention and the agreements on privileges, immunities and facilities, members of permanent missions and international organisations are exempt from paying federal, cantonal and communal taxes. However, such persons are not exempt from taxes for particular services rendered (e.g. for street lighting, water, schooling, roads, motorway tax sticker). Individuals who own real estate in Switzerland are liable for property tax.

When negotiating an agreement on privileges, immunities and facilities, the FDFA takes into account the three main principles in respect of international organisations, namely that:

- the host State must respect the principle of equal treatment for all international officials,
- there must be no discrimination between Member States, and
- the host State must not use the fact that an international organisation has established itself on its territory to enrich itself through taxes.

In fact, states which host international organisations may not derive any financial benefit from the contributions made to an organisation's budget by all the Member States, which would be the case if the salaries and emoluments paid to the organisation's officials were subject to tax in the host country. If the international organisation has adopted an internal tax system of its own, such system must respect the principle both of universality of taxation for all officials (foreign and Swiss) and of effective taxation, i.e. whether or not it actually generates revenue within the organisation.

International officials of Swiss nationality are exempt from paying taxes on the income from their activities on behalf of the organisation on condition that the organisation has its own internal tax system. However, they are normally liable for other taxes and dues.

As a rule, states levy taxes on career staff transferred to positions abroad in accordance with national legislation. Generally, diplomats posted abroad are therefore liable for tax in their country of origin. Pursuant to the Vienna Convention, Swiss diplomats posted to a Swiss representation abroad do not pay taxes in their country of residence. Instead, they are liable for tax under Swiss law.

Swiss nationals working at an international organisation abroad do not pay income tax in their country of residence, as set out in the agreement between that organisation and the government of the country in which the organisation has its seat.

11. Are persons with diplomatic status held to account if they commit a road traffic offence?

Beneficiaries of diplomatic status are required to comply with road traffic regulations and to avoid all danger to traffic or road users. If they fail to do so, they may be cautioned and a fixed penalty notice issued (see question/answer 12).

In the event of serious violations, at the request of the competent law enforcement and administrative authorities, the Swiss Mission will intervene with the head of the mission or the secretary-general/director-general, asking him/her to make the perpetrator aware of the serious nature of the offence. In the case of repeat offenders, different measures can be considered, up to and including a request for waiver of immunity or, depending on the circumstances, a request to deprive the offender of its status or even recall him/her (see question/answer 8).

In the case of extremely serious infringements, for example if the danger to third parties is shown to be significant, the competent law enforcement and administrative authorities may ask for the offender's immunity to be lifted (see question/answer 8).

If the offender is a diplomatic agent and a waiver of immunity is not to be envisaged, various alternatives are possible (see questions/answers 8 and 9).

If the offender is an international official benefiting from diplomatic status and the offence does not compromise the organisation's interest, the organisation will proceed to waive immunity so that the case may be pursued (see questions/answers 8 and 9).

12. Do persons with diplomatic status pay their fixed penalties?

Many people pay the fixed penalties for offences carrying a fine on the spot and voluntarily. Furthermore, numerous heads of mission and secretaries-general/directors-general of international organisations require their staff members, including those who enjoy diplomatic status, to pay any fixed penalties imposed on them.

In accordance with the Vienna Convention and the agreements on privileges, immunities and facilities, diplomats and high-ranking officials of international organisations enjoy diplomatic status (jurisdictional and enforcement immunity for all their actions). As a result, if they commit a road traffic offence for which the police issues a fixed penalty notice, for example for bad parking, before they can be forced to pay the fine the sending State (foreign State) or secretary general/director general of the international organisation concerned must first lift their immunity (see question/answer 8). This rule also applies if a person who enjoys immunity purely in an official capacity commits the offence while exercising their function and the permanent mission or organisation invokes immunity.

For reasons of proportionality, the FDFA does not request the lifting of immunity for minor road traffic offences. However, the Swiss Mission asks the permanent missions and international organisations to inform it of each breach of the law by diplomatic note, asking for its indulgence and cancellation of the fixed penalty notice.

If the law is abused, the Swiss Mission intervenes with the head of the mission or the secretary-general/director-general, asking them to call upon the member of staff in question to respect road traffic law. Depending on circumstances, the FDFA may decide to withdraw the status of the offender or to take other suitable measures (see questions/answers 8 and 9).

13. What is the purpose of the " diplomatic license plates (CD plates)?

Registering a vehicle with CD license plates allows it to be identified as belonging to someone who holds diplomatic status⁸. Vehicles must be registered accordingly.

This measure allows the competent authorities to recognise that the vehicle enjoys certain exemptions and to act in accordance with the owner's status. However, if the vehicle constitutes a danger to road traffic, it can be stopped by the police and the driver subjected to routine checks.

The number of vehicles bearing CD license plates is equivalent to the 16% of members of the permanent missions and international organisations who enjoy diplomatic status.

14. Is it true that individuals with diplomatic status cannot be arrested?

This is the case for a minority of the staff members of the permanent missions and international organisations. Only the beneficiaries of diplomatic status enjoy inviolability. This means they cannot be arrested or detained unless their immunity has first been lifted (see question/answer 8).

Depending on the circumstances, the police tries to act in such a way that does not affect the life of the person concerned or any other person. If immunity is not lifted, various alternative measures are possible (see question/answer 9).

15. Why and on what conditions are diplomats permitted to hire private household employees?

This facility is based on the Vienna Convention. The conditions on which permanent missions and international organisations can hire private household employees, and their working conditions and salary, are set forth in the Private Household Employees Ordinance (SR 192.126⁹). When the FDFA authorises a person to hire a private household employee, it ensures that the conditions offered to the employee comply with the provisions of the Ordinance.

If a dispute arises, both employer and employee may call upon the services of the *Bureau de l'Amiable compositeur* (BAC), an office set up by the cantonal Government of Geneva in 1995 to facilitate the resolution of conflicts involving the private staff of employers enjoying some form of immunity (<http://www.ge.ch/amiable-compositeur>). The BAC works closely with the two parties to try and settle the dispute by coming to an arrangement that is acceptable to both sides without having to involve the labour court.

If the mediation process at the BAC fails, the employee can turn to the labour court. However, if the employer has diplomatic status, its immunity must be lifted before the matter can be brought before the court (see question/answer 8).

16. How does the international community conduct itself in general?

Taking family members into account, the international community is made up of some 43,000 individuals, which is equivalent to the population of a Swiss town the size of Thun in the canton of Bern. The vast majority of these internationals respect Swiss laws and regulations and comply with them the same as the local population.

Where this is not the case, the FDFA intervenes in accordance with diplomatic practice and calls upon the offender to abide by the law or, if applicable, requests a waiver of immunity so that the person concerned can be brought to justice for their actions (see question/answer 8).

As a Host State keen to ensure respect for the legislation in force, Switzerland has no hesitation in reminding members of the international community of their duties and obligations and, if necessary, in taking the steps required to uphold law and order.

⁸ For more information see: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-vehicles.html>

⁹ Private Household Employees Ordinance and appendices: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/private-household-employees-ordinance.html>

17. Are members of staff at permanent missions and international organisations subject to Swiss labour law?

The employment relationship of staff members at the permanent missions and international organisations is not subject to Swiss labour law. Pursuant to the Host State Ordinance, the permanent missions and international organisations are entitled by international law to determine the terms of employment of their staff. Transferable career personnel¹⁰ are subject to the public law of the sending State (foreign State). Disputes arising from public-law employment relationships do not fall within the jurisdiction of the Swiss courts.

In accordance with the Host State Ordinance, the employment relationships of locally recruited employees who are not part of the sending State's transferable career personnel are generally governed by Swiss law. A choice-of-law clause providing for the law of a foreign State to be applied is possible only if permitted under Swiss law (Federal Act on International Private Law). In the opinion of the Swiss Federal Supreme Court, Swiss courts are competent to rule on disputes between a locally recruited employee and the sending State. The latter is in no way prevented by this from accomplishing its tasks. The nature of the activity (and functions) performed by the plaintiff has been the criterion consistently applied by the labour Court of the canton of Geneva when deciding whether to grant or refuse the Defending State jurisdictional immunity. Such immunity is refused if the plaintiffs are subordinates and not decision-makers.

The terms of employment of international officials are governed by the international organisations' own internal regulations. Organisations benefiting from an agreement on privileges, immunities and facilities concluded with the Swiss Federal Council and which, therefore, enjoy jurisdictional immunity are entitled to put their own system in place, to which officials can have recourse for settling labour disputes. Given the employer's status, the Swiss labour court has no de facto competence to deal with labour disputes between an official and the international organisation that employs them. The majority of international organisations recognise the jurisdictional competence of the ILO Administrative Tribunal (<http://www.ilo.org/tribunal/lang-en/index.htm>). For the United Nations, the UN Dispute Tribunal (UNDT, <http://www.un.org/en/oaj/dispute/organization.shtml>) is the competent body.

18. Is it true that there is a Duty-free shop in Geneva reserved for persons with diplomatic status?

A Duty-free shop¹¹ does actually exist in Geneva, offering everyday products – with the exception of fresh and frozen foodstuffs – and souvenirs. The sale of tobacco and alcohol is subject to quotas. The only shop of its kind in Switzerland outside of the duty-free zones, it is reserved exclusively for persons with diplomatic status and foreign delegates of equivalent rank.

The Swiss Federal Customs Administration monitors the Duty-free shop. If necessary, any abuse of this privilege is penalised, which can lead to the lifting of the offender's immunity or the withdrawal of their diplomatic status (see question/answer 8).

19. Do the premises of the permanent missions and international organisations have "extraterritorial" status?

The principle of extraterritoriality has been abandoned in international law and replaced by the concept of inviolability. The permanent missions and international organisations are situated on Swiss territory and Swiss law continues to apply.

Nevertheless, Switzerland is obliged to respect the inviolability of their premises. Representatives of the Host State are thus prohibited from entering these buildings, except with the consent of the head of the mission or director general/secretary general of the organisation, for the purposes of arresting a burglar or investigating a complaint, for example.

The permanent missions and international organisations are also required to take all suitable steps to prevent their premises from any intrusion or damage by private individuals.

¹⁰ Transferable career staff are: diplomatic agents, members of the administrative and technical staff and members of service staff.

¹¹ For more information see: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-customs/duty-free-shop.html>

20. Can the Swiss authorities search a diplomatic bag?

The Vienna Convention requires a distinction to be made between the personal baggage of a diplomatic agent and the diplomatic bag.

The personal baggage of an individual with diplomatic status is exempt from inspection unless there are serious grounds for believing that such baggage may contain prohibited articles or articles not exempt from customs duties, taxes or other charges. In such cases, the inspection may go ahead but only with the consent of the person concerned or in the presence of their authorised representative.

The diplomatic bag enjoys greater protection. It contains diplomatic documents or articles for official use by the permanent mission or international organisation and may not be opened or detained. A diplomatic bag must bear visible external marks of its character. It enjoys absolute inviolability.

21. What is the status of NGOs and international sports federations?

Non-governmental organisations (NGOs) are organisations created by an instrument governed by internal private law. They can be established in the form of an association or foundation.

As legal persons pursuing aims of public service or public interest, NGOs may benefit from certain facilities, such as the exemption from paying direct federal taxes as provided for in the Federal Act on Direct Federal Taxes or the exemption from paying cantonal or communal taxes as provided for in the corresponding cantonal legislation. These exemptions are granted by the fiscal authority of the canton in which the NGO is based. NGO staff do not enjoy any tax privileges.

International sports federations are classified as NGOs and the above rules therefore also apply.

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