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**Ordinance  
to the Federal Act on the Privileges, Immunities and  
Facilities and the Financial Subsidies  
granted by Switzerland as a Host State  
(Host State Ordinance, HSO)**

of 7 December 2007 (Status as of 1 January 2019)

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*The Swiss Federal Council,*

on the basis of Article 33 of the Host State Act of 22 June 2007<sup>1</sup> (HSA),  
*decrees:*

**Chapter 1 Subject Matter and Definitions**

**Art. 1** Subject matter

<sup>1</sup> This Ordinance lays down the implementing rules for the HSA. It determines in particular:

- a. the scope of the privileges, immunities and facilities which may be granted to the different types of institutional beneficiary concerned;
- b. the conditions of entry, residence and work on Swiss territory for individual beneficiaries;
- c. the procedure for the acquisition of land and buildings by institutional beneficiaries;
- d. the rules governing the granting of financial subsidies and other support measures.

<sup>2</sup> The conditions of entry, residence and work for private household employees are laid down in the Ordinance of 6 June 2011<sup>2</sup> on Private Household Employees.<sup>3</sup>

**Art. 2** Meaning of permanent mission or other representation to intergovernmental organisations

A permanent mission or other representation to intergovernmental organisations means in particular:

- a. the permanent missions to the United Nations Office or to other intergovernmental organisations, including the permanent missions to the World Trade Organization;
- b. the permanent representations to the Conference on Disarmament;

AS 2007 6657

<sup>1</sup> SR 192.12

<sup>2</sup> SR 192.126

<sup>3</sup> Amended by the Annex to the O of 6 June 2011 on Private Household Employees, in force since 1 July 2011 (AS 2011 2425).

- c.<sup>4</sup> the permanent delegations of institutional beneficiaries under Article 2 paragraph 1 letters a, b, i and k HSA at intergovernmental organisations;
- d. observer bureaux.

### **Art. 3**            Meaning of special mission

A special mission within the meaning of the Convention of 8 December 1969<sup>5</sup> on Special Missions includes:

- a. temporary missions composed of representatives of a State sent to Switzerland in accordance with Article 2 of the Convention of 8 December 1969 on Special Missions;
- b. temporary missions composed of representatives of States in connection with meetings between two or more States in accordance with Article 18 of the Convention of 8 December 1969 on Special Missions;
- c. temporary missions composed of representatives of a State and of non-State representatives in connection with the exercise of Swiss good offices.

### **Art. 4**            Meaning of principal individual beneficiary

A principal individual beneficiary is an individual beneficiary as referred to in Article 2 paragraph 2 letters a and b, HSA.

### **Art. 5**            Meaning of members of local staff

Members of local staff are persons employed by a State to perform official duties within the meaning of the Vienna Convention of 18 April 1961<sup>6</sup> on Diplomatic Relations, the Vienna Convention of 24 April 1963<sup>7</sup> on Consular Relations, or the Convention of 8 December 1969<sup>8</sup> on Special Missions, but who do not form part of the transferable staff of the sending State. These persons may be nationals of the sending State or of another State. They generally perform the duties of service staff within the meaning of the aforementioned Conventions but may also perform other duties referred to in those Conventions.

## **Chapter 2    Scope of Privileges, Immunities and Facilities**

### **Section 1    Institutional Beneficiaries**

#### **Art. 6**            General provisions

<sup>1</sup> The following institutional beneficiaries are accorded all, or, in agreement with the institutional beneficiary concerned, only certain of the privileges, immunities and facilities set out in Article 3 HSA in accordance with international law and international practice:<sup>9</sup>

- a. intergovernmental organisations;
- b. international institutions;
- c. diplomatic missions;
- d. consular posts;

<sup>4</sup> Amended by No I of the O of 26 June 2013, in force since 15 July 2013 (AS **2013** 2107).

<sup>5</sup> SR **0.191.2**

<sup>6</sup> SR **0.191.01**

<sup>7</sup> SR **0.191.02**

<sup>8</sup> SR **0.191.2**

<sup>9</sup> Amended by No I of the O of 15 Aug. 2018, in force since 1 Jan. 2019 (AS **2018** 3137).

- e. permanent missions or other representations to intergovernmental organisations;
- f. special missions;
- g. international conferences;
- h. secretariats or other bodies established under an international treaty;
- i. independent commissions;
- j. international courts;
- k. arbitration tribunals.

<sup>2</sup> Diplomatic missions and permanent missions or other representations to intergovernmental organisations are governed in particular by the Vienna Convention of 18 April 1961<sup>10</sup> on Diplomatic Relations.

<sup>3</sup> Consular posts are governed in particular by the Vienna Convention of 24 April 1963<sup>11</sup> on Consular Relations.

<sup>4</sup> Special missions are governed in particular by the Convention of 8 December 1969<sup>12</sup> on Special Missions.

<sup>5</sup> Privileges, immunities and facilities are granted to independent commissions for the scheduled duration of their activity. The granting of privileges, immunities and facilities may be extended for a limited period if the circumstances so warrant, in particular if the independent commission's mandate is extended or if it requires additional time to draw up and publish its report.

#### **Art. 7** Quasi-governmental international organisations

Quasi-governmental international organisations are accorded some or all of the following privileges, immunities and facilities:

- a. inviolability of archives;
- b. exemption from direct taxes;
- c. exemption from indirect taxes;
- d. freedom to acquire, receive, hold, transfer and convert funds, currencies, cash and other movable assets.

#### **Art. 8** Other international bodies

<sup>1</sup> Other international bodies may be accorded all of the privileges, immunities and facilities set out in Article 3 HSA.

<sup>2</sup> In determining the scope of the privileges, immunities and facilities to be accorded in each case, the Federal Council shall take into account in particular the structure of the body concerned and its connections to the intergovernmental organisations, international institutions, or States with which it works, as well as its role in international relations and its international prominence.

<sup>3</sup> Subject to any special provisions contained in a headquarters agreement entered into with the Federal Council or in any other international treaty to which Switzerland is party, other international bodies may be hosted by an intergovernmental organisation or by an international institution only with the consent of the Federal Department of Foreign Affairs (FDFA).

<sup>10</sup> SR 0.191.01

<sup>11</sup> SR 0.191.02

<sup>12</sup> SR 0.191.2

## Section 2 Individual Beneficiaries

### Art. 9 Principles

<sup>1</sup> The privileges, immunities and facilities accorded to individual beneficiaries are granted in the interest of the institutional beneficiaries concerned and not that of the individuals themselves. Their purpose is not to confer any benefit on individuals but to enable the institutional beneficiaries to carry out their work effectively.

<sup>2</sup> In the case of the individuals referred to in Article 2 paragraph 2 letters a and b HSA, the privileges, immunities and facilities are conditional on the FDFA having established that those individuals are genuinely engaged in official duties. In the case of the persons referred to in Article 2 paragraph 2, letter c HSA, they are conditional on the authorisation granted them by the FDFA to accompany the principal individual beneficiary.

<sup>3</sup> All questions relating to a determination as to whether an individual is genuinely engaged in official duties, an authorisation to accompany a principal individual beneficiary, the scope of privileges, immunities and facilities that apply, and all other questions concerning the legal status in Switzerland of individual beneficiaries, are resolved in accordance with diplomatic practice between the FDFA and the institutional beneficiary concerned and without the individual beneficiary being involved in any way.

### Art. 10 Scope of privileges, immunities and facilities

The scope of the privileges, immunities and facilities accorded to individuals who, whether on a permanent or a temporary basis, are called to act in an official capacity at any of the institutional beneficiaries referred to in Article 6 paragraph 1 is determined on the basis of the category of staff to which they belong in accordance with international law and international practice. Individuals shall be assigned to the different categories provided for under international law.

### Art. 11 Categories of individual beneficiary

<sup>1</sup> In the case of intergovernmental organisations, international institutions, international conferences, secretariats or other bodies established under an international treaty, independent commissions and other international bodies, the categories of individual beneficiary are in particular the following:

- a. members of senior management;
- b. high-ranking officials;
- c. other officials;
- d. representatives of the organisation's members;
- e. experts and all other persons acting in an official capacity for these institutional beneficiaries;
- f. persons entitled to accompany any of the individual beneficiaries referred to in letters a to e.

<sup>2</sup> In the case of international courts and arbitration tribunals, the categories of individual beneficiary, in addition to the categories specified in paragraph 1 above, are in particular the following:

- a. judges;
- b. prosecutors, deputy prosecutors, and prosecution service staff;
- c. registrars, deputy registrars, and registry staff;

- d. defence counsel, witnesses and victims;
- e. arbitrators;
- f. persons entitled to accompany any of the individual beneficiaries referred to in letters a to e.

<sup>3</sup> In the case of diplomatic missions, consular posts, permanent missions and other representations to intergovernmental organisations, and special missions, the categories of individual beneficiary are in particular the following:

- a. members of diplomatic staff;
- b. members of administrative and technical staff;
- c. members of service staff;
- d. consular officers;
- e. consular employees;
- f. members of local staff;
- g. persons entitled to accompany any of the individual beneficiaries referred to in letters a to f.

**Art. 12** Individuals who are called to act in an official capacity at a quasi-governmental international organisation

<sup>1</sup> Individuals who, whether on a permanent or a temporary basis, are called to act in an official capacity at a quasi-governmental international organisation and who are not Swiss nationals are accorded some or all of the following privileges and immunities for the duration of their service:

- a. exemption from direct taxes on the salaries, emoluments and allowances paid to them by the quasi-governmental international organisation;
- b. exemption from taxes on lump sums received on any grounds from a pension scheme or other provident fund, as at the time of such payment; the tax exemption does not however cover income earned on such sums or assets in which they are invested, or pensions and annuities paid to former staff by the quasi-governmental international organisation concerned;
- c. exemption from Swiss entry and residence requirements.

<sup>2</sup> Members of the general assembly, foundation board, executive board or other governing body of a quasi-governmental international organisation may be granted immunity from criminal, civil and administrative proceedings for acts performed in their official capacity as well as inviolability for their documents.

**Art. 13** Individuals who are called to act in an official capacity at other international bodies

The scope of the privileges, immunities and facilities accorded to individuals who, whether on a permanent or a temporary basis, are called to act in an official capacity at other international bodies shall be determined on the basis of the privileges, immunities and facilities that the Federal Council shall grant to the other international body concerned, pursuant to Article 8 above, and on the basis of the category of staff to which they belong.