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1 ARTICLE VIII OF THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

1.1 Text of Article VIII

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.

1.2 Articles VIII:1, VIII:2, and VIII:3

1. Paragraphs 1-3 establish certain principles regarding the legal personality, the privileges and immunities enjoyed by the Organization, its officials and the representatives of its Members, and in particular the functional character of these notions. Privileges and immunities are extended to the staff of the Organization with a view to facilitating the independent exercise of their functions. Officials of the Secretariat are, in turn, required to observe the laws of the host State and to perform their private obligations accordingly. The Director-General may decide, whether, in respect of these obligations, and in the interest of the WTO, an immunity shall be waived.¹

1.3 Article VIII:4

2. Under this provision, Members are bound by the obligation to grant "similar" privileges and immunities to the WTO as those laid down in the Convention on the Privileges and Immunities of the Specialized Agencies 1947², whether or not the Member in question is a party to that Convention.

¹ Staff Regulation 1.6. See also paragraph 45 of the Standards of Conduct (Annex A of the Staff Regulations).

² See G.A. Res. 179 (II) of 21 November 1947, United Nations Treaty Series; 33 U.N.T.S., p. 261.

1.4 Article VIII:5

1.4.1 Headquarters Agreement

3. The Agreement between the WTO and the Swiss Confederation to determine the legal status of the Organization in Switzerland³ was approved by the General Council on 31 May 1995⁴, together with the Infrastructure Contract between the WTO and the Swiss Confederation, the Republic and Canton of Geneva and the Fondation des Immeubles pour les Organisations Internationales (FIPOI) at Geneva.⁵

4. On 31 July 2008, the General Council approved conclusion of the Agreement between the Swiss Confederation and the WTO on the Long-Term Housing Needs of the WTO, concerning renovation and adaptation of the building housing the WTO, and other facilities for the WTO.⁶

1.4.2 Transfer of assets

5. Pursuant to a decision adopted by the Preparatory Committee for the World Trade Organization on 8 December 1994, the Preparatory Committee, the CONTRACTING PARTIES to GATT 1947 and the Executive Committee of the Interim Commission for the International Trade Organization (ICITO) entered into the Agreement on the Transfer of Assets, Liabilities, Records, Staff and Functions from the Interim Commission of the International Trade Organization and the GATT to the World Trade Organization.⁷

Current as of: July 2022

³ [WT/GC/1](#).

⁴ [WT/GC/M/4](#), [WT/L/69](#).

⁵ [WT/GC/2](#). The Infrastructure Contract was later updated (see [WT/GC/2/Rev.1](#) and [WT/GC/2/Rev.2](#)).

⁶ [WT/GC/M/115](#); [WT/BFA/W/170](#); [WT/BFA/103](#).

⁷ [PC/9](#); [L/7580](#) (with the draft text of the agreement) (J)JEMC /Link4MCID 34 BDC 0