

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

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Part One. Legal status of the United Nations and related intergovernmental organizations

Chapter I. Legislative texts concerning the legal status of the United Nations and related intergovernmental organizations



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## Chapter I

### LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOV- ERNMENTAL ORGANIZATIONS

#### Peru

##### LEGISLATIVE DECREES<sup>1</sup>

Legislative Decree No. 549—Providing that the sale of locally produced vehicles to diplomatic missions is subject to tax-free treatment with diplomatic exemption from customs duties (24-XI-89)

Pursuant to article 188 of the Political Constitution of Peru, the Congress of the Republic, by Act No. 25078, delegated to the Executive Branch the power to issue by legislative decree rules providing for certain changes in tax exemptions and benefits;

With the approval of the Council of Ministers;

With instructions to report to the Congress of the Republic;

Has issued the following Legislative Decree:

*Article 1.* The sale of locally produced vehicles to diplomatic and consular missions and their agents, to international organizations and their officers, and to experts of Governments and international organizations who provide technical assistance in the country is subject to the same tax-free treatment as vehicles imported with diplomatic exemption from customs duties, in the quantities and on the terms outlined below:

(a) *Category A:* Heads of mission holding the rank of nuncio, ambassador and minister plenipotentiary:

—A maximum of two vehicles, to replace the same number authorized to be imported free of duty for diplomats;

(b) *Categories B and C:* Chargés d'affaires of cabinet rank, diplomatic agents who are not heads of mission, consular agents; armed forces and police attachés and their deputies; resident representatives, high-ranking officers, directors and officers of international organizations who stay in Peru for more than one year; commercial, cultural and other advisers and attachés:

— One vehicle in addition to the one they are entitled to import.

(c) *Category D:* Experts of Governments and international organizations who provide technical assistance and stay for more than one year:

— One vehicle to replace the one they are entitled to import, during their entire stay;

(d) *Category E:* Foreign administrative personnel of embassies and consulates, and military, naval, air and police assistants and adjutants with the rank of non-commissioned officer:

— One vehicle to replace the one they are entitled to import, during their entire stay, provided that the accrediting Government grants a similar concession to Peruvian personnel of the same status in its country.

*Article 2.* Vehicles referred to in this Legislative Decree shall not be sold before two (02) years have elapsed from the date of registry with the Directorate of Privileges and Immunities, except in the event of termination of functions or transfer, in which case 1/24 of the total tax payable for a similar vehicle, as priced at the same time of the transfer, shall be reimbursed for each month remaining until the completion of the two-year period (02 years).

*Article 3.* The vehicles referred to in article 1 may be driven, prior to their transfer, only by the beneficiary of the privileges, his/her direct dependants or the person who has been hired to drive them, whose name and driver licence number must be reported to the Ministry of Foreign Affairs. Any infringement of this article shall be subject to application of the tax code.

*Article 4.* The provisions relating to the regime for vehicles set forth in Supreme Decree No. 0007-82-RE and any other rules that are not consistent with this Legislative Decree are hereby abrogated.

*Article 5.* This legislative Decree shall be signed by the President of the Council of Ministers and Minister for Foreign Affairs, by the Minister of Economic Affairs and Finance and by the Ministry of Industry, Domestic Commerce, Tourism and Integration.

*Article 6.* This Legislative Decree shall enter into force on the day following its publication in the official gazette *El Peruano*.

Lima, 23 November 1989

Minister of Transport and Communication in charge of Industry, Domestic Commerce, Tourism and Integration

Legislative Decree No. 550 — Establishing annual quotas for the FOB value of movable and consumer goods imported with diplomatic exemption from customs duties for the exclusive use of diplomatic agents and others (24-XI-89)

Pursuant to article 188 of the Political Constitution of Peru, the Congress of the Republic, by Act No. 25078, delegated to the Executive Branch the power to issue by legislative decree rules providing for certain changes in tax exemptions and benefits;

With the approval of the Council of Ministers;

With instructions to report to the Congress of the Republic;

Has issued the following Legislative Decree:

*Article 1.* The FOB value of movable and consumer goods, except vehicles which are imported with diplomatic exemption from customs duties for the exclusive use of diplomatic and consular agents, officers of international organizations and experts of international organizations and Governments who provide technical assistance shall not exceed the annual quotas set forth below:

(a) Heads of mission holding the rank of nuncio, ambassador and minister plenipotentiary: US\$15,000.

(b) Chargés d'affaires of cabinet rank and diplomatic agents holding the rank of minister, minister-counsellor and counsellor; military, naval, air and police attachés; career consuls-general; resident representatives, high-ranking officers and directors of international organizations; commercial, cultural and other advisers and attachés: US\$10,000.

(c) Diplomatic agents holding the rank of first, second and third secretary, paid consuls and vice-consuls; military, naval, air and police deputy attachés; commercial, cultural and other attachés, accredited officers of international organizations who stay for more than one (01) year: US\$8,000.

(d) Duly registered experts of Governments and international organizations who provide technical assistance and stay for more than (01) year: US\$6,000.

(e) Non-resident foreign administrative personnel of diplomatic missions and consular offices, and military, naval, air and police assistants and adjutants with the rank of non-commissioned-officer, provided that the Government of the sending State grants a similar concession to Peruvian personnel of the same status in its country: US\$4,000.

The FOB value of the aforementioned goods must be consistent with the price lists used by the Office of the National Superintendent of Customs and shall be verified by the Directorate of Privileges and Immunities.

*Article 2.* All diplomatic quotas shall be cleared as a matter of course by the Ministry of Foreign Affairs upon the completion of one year from the date of accreditation of the officer, and quotas or balances relating to one year may not be carried over and added to quotas relating to the following year.

*Article 3.* The duty-free importation of alcoholic beverages for the exclusive use of diplomatic and consular agents, officers of international organizations and experts of Governments and international organizations who provide technical assistance, besides being included in the pertinent annual quotas referred to in article 1, shall be subject to the following limits:

(a) Heads of mission holding the rank of nuncio, ambassador and minister plenipotentiary:

Whisky	Up to 675 litres
Assorted spirits	Up to 117 litres
Sparkling wines	Up to 360 litres
Wines and beers	Up to 720 litres
Cigarettes	Up to 20,000 units

(b) Chargés d'affaires of cabinet rank and diplomatic agents holding the rank of minister, minister-counsellor and counsellor; military, naval, air and police attachés; career consuls-general; resident representatives, high-ranking officers and directors of international organizations; commercial, cultural and other advisers:

Whisky	Up to 324 litres
Assorted spirits	Up to 072 litres
Sparkling wines	Up to 135 litres
Wines and beers	Up to 495 litres
Cigarettes	Up to 10,000 units

(c) Diplomatic agents holding the rank of first, second and third secretary, paid consuls and vice-consuls; military, naval, air and police deputy attachés; commercial, cultural and other attachés; accredited officers of international organizations who stay for more than one (01) year:

Whisky	Up to 135 litres
Assorted spirits	Up to 027 litres
Sparkling wines	Up to 054 litres
Wines and beers	Up to 135 litres
Cigarettes	Up to 5,000 units

(d) Duly registered experts of Governments and international organizations who provide technical assistance and stay for more than one (01) year:

Whisky	Up to 090 litres
Assorted spirits	Up to 018 litres
Sparkling wines	Up to 036 litres
Wines and beers	Up to 135 litres
Cigarettes	Up to 5,000 units

(e) Non-resident foreign administrative personnel of diplomatic missions and consular offices, and military, naval, air and police assistants and adjutants with the rank of non-commissioned officer, provided that the Government of the sending State grants a similar concession to Peruvian personnel of the same status in its country:

Whisky	Up to 090 litres
Assorted spirits	Up to 018 litres
Sparkling wines	Up to 036 litres
Wines and beers	Up to 135 litres
Cigarettes	Up to 5,000 units

*Article 4.* The provisions relating to the importation of movable and consumer goods set forth in Supreme Decree No. 0007-82-RE and any other rules that are not consistent with this legislative Decree are hereby abrogated.

*Article 5.* The Ministry of Foreign Affairs is hereby authorized to draw up a single harmonized text of Supreme Decree No. 0007-82-RE — Regulations on Diplomatic Privileges and Immunities.

*Article 6.* This legislative Decree shall be signed by the President of the Council of Ministers and Minister for Foreign Affairs and by the Minister of Economic Affairs and Finance.

*Article 7.* This Legislative Decree shall enter into force on the day following its publication in the official gazette *El Peruano*.

Lima, 23 November 1989

Legislative Decree No. 551 — Granting authorization to import vehicles to foreign officers of diplomatic and consular missions and of the offices of international organizations (29-XI-89)

Pursuant to article 188 of the Political Constitution of Peru, the Congress of the Republic, by Act No. 25078, delegated to the Executive Branch the power to issue by legislative decree rules providing for certain changes in tax exemptions and benefits;

With the approval of the Council of Ministers;

With instructions to report to the Congress of the Republic;

Has issued the following Legislative Decree:

*Article 1.* Foreign officers of diplomatic and consular missions and of the offices of international organizations who are duly accredited with the Government of Peru shall enjoy the benefit of importing vehicles with diplomatic exemption from customs duties, in the quantities and with the characteristics outlined below:

(a) Category A: Heads of mission holding the rank of nuncio, ambassador and minister plenipotentiary:

— One vehicle of any kind, with no limitation as to cylinder capacity;

— A second vehicle, up to 2,000 cm<sup>3</sup>.

(b) Category B: Chargés d'affaires of cabinet rank and diplomatic officers holding the rank of minister, minister counsellor and counsellor; military, naval, air and police attachés; career consuls-general; resident representatives, high-ranking officers and directors of international organizations; commercial, cultural and other advisers:

— One vehicle, up to 2,500 cm<sup>3</sup>.

(c) Category C: Diplomatic officers holding the rank of first, second and third secretary; paid consuls and vice-consuls; military, naval, air and police deputy attachés; commercial, cultural and other attachés; accredited officers of international organizations who stay in Peru for more than one (01) year:

— One vehicle, up to 2,000 cm<sup>3</sup>.

(d) Category D: Duly registered experts of international organizations and Governments who provide technical assistance and stay for more than one (01) year:

— One vehicle, up to 2,000 cm<sup>3</sup>.

(e) category E: Foreign administrative personnel of embassies and consulates, and military, naval, air and police assistants and adjutants with the rank of non-commissioned officer, provided that the Government of the sending State grants a similar concession to Peruvian personnel of the same status in its country:

— One vehicle, up to 1,600 cm<sup>3</sup>.

*Article 2.* The Ministry of Foreign Affairs, through the Directorate of Privileges and Immunities, shall be responsible for authorizing the importation of vehicles with diplomatic exemption from customs duties, as provided for in the previous article, together with vehicles for official use by the missions and offices, taking into account the requirements and the number of the staff concerned.

*Article 3.* Officers belonging to category A may import, with diplomatic exemption from customs duties, and may transfer a maximum of four (04) vehicles during their stay in Peru. Officers belonging to categories B and C may import, with diplomatic exemption from customs duties, and may transfer a maximum of two vehicles during their stay. Officers belonging to categories D and E may import, with diplomatic exemption from customs duties, and may transfer only one vehicle during their stay. In no case shall the Ministry of Foreign Affairs authorize the duty-free importation of vehicles whose cylinder capacity exceeds that established for the category concerned.

*Article 4.* Vehicles imported with diplomatic exemption from customs duties may be transferred, without payment of customs duties, to persons who do not enjoy such privileges only after four years have elapsed, in the case of missions and offices, and after three (03) years in the case of persons who do enjoy such privileges. The period shall be reckoned from the date of the decision to grant the exemption and shall end on the date of the note requesting authorization to sell. In exceptional cases, the transfer may be authorized subject to payment of customs duties, before the expiry of the time limit, if the beneficiary is transferred or if his/her functions are terminated. In such cases, 1/36 of 150 per cent. of the CIF value in United States dollars, calculated on the basis of the values shown in the price list of imported vehicles used by the office of the National Superintendent of Customs, shall be paid for each month remaining before the three (03) years have elapsed. If the vehicle is transferred to someone who has privileges, the officer purchasing the vehicle may not accumulate to his/her credit the time elapsed before the transfer; in such cases, the aforementioned time limit shall begin on the date of the note authorizing the transfer.

*Article 5.* Vehicles imported with diplomatic exemption from customs duties may be driven, prior to their transfer, only by the beneficiary of the privileges, his/her direct dependants or the person who has been hired to drive them, whose name and driver licence number must be reported to the Ministry of Foreign Affairs. In no case may the aforesaid vehicles be used, before a transfer is authorized, by anyone other than the persons mentioned above; non-observance of this provision constitutes an infringement of the pertinent customs and tax regulations.

*Article 6.* When a beneficiary of privileges is transferred or his/her functions are terminated, he/she must transfer or re-export the vehicle or vehicles that he/she imported with diplomatic exemption from customs duties, before submitting to the Ministry of Foreign Affairs a request for permission freely to remove from the country his/her household goods and personal effects.

*Article 7.* Anyone enjoying privileges who on the date of this Legislative Decree has purchased more than the number of vehicles allowed under article 1 may, if appropriate, transfer such vehicles, provided that the relevant customs duties are paid, when he/she is transferred or his/her functions are terminated.

*Article 8.* The provisions relating to the regime for vehicles set forth in Supreme Decree No. 0007-82-RE, of 07 July 1982, and any other rules that are not consistent with this Legislative Decree are hereby abrogated.



*Article 9.* This Legislative Decree shall be signed by the President of the Council of Ministers and Minister for Foreign Affairs and by the Minister of Economic Affairs and Finance.

*Article 10.* This Legislative Decree shall enter into force on the day following its publication in the official gazette *El Peruano*.

Lima, 28 November 1989

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NOTES

<sup>1</sup>*Normas Legales*, 1989.