

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL JOINT ACTION 2005/824/CFSP
of 24 November 2005
on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)

THE COUNCIL OF THE EUROPEAN UNION,

give guidance to the EUPM's Head of Mission/Police Commissioner.

Having regard to the Treaty on European Union and, in particular, Article 14 and the third subparagraph of 25 thereof,

(7) In accordance with the guidelines of the European Council meeting in Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative (hereinafter referred to as 'SG/HR'), in accordance with Articles 18(3) and 26 of the Treaty.

Whereas:

(1) On 11 March 2002, the Council adopted Joint Action 2002/210/CFSP⁽¹⁾ on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH). That Joint Action expires on 31 December 2005.

(8) Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year.

(2) The EU-Western Balkans Summit, held in Thessaloniki on 21 June 2003 concluded that the future of the Balkans is within the European Union.

(9) The mandate of EUPM will be implemented in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

(3) The Brussels European Council of 17 and 18 June 2004 adopted the European Security Strategy: Comprehensive Policy towards Bosnia and Herzegovina. It states that the long-term objective of the EU is a stable, viable, peaceful and multiethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU membership, and the Union's medium-term objective is the signing of a Stabilisation and Association Agreement with BiH.

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

(4) On 18 July 2005 the Council of the European Union agreed that continued EU engagement in support of policing in BiH would be needed following the completion of the current mandate of the EUPM on 31 December 2005. The EUPM will continue with an adjusted mandate and size.

1. The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), established by Joint Action 2002/210/CFSP shall be continued from 1 January 2006 in accordance with the following provisions.

2. The EUPM shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 2.

(5) In a letter of invitation of 26 October 2005, the BiH authorities invited the EU to deploy a refocused EUPM in BiH.

Article 2

Mission statement

(6) The High Representative in BiH is also the EU Special Representative in BiH (EUSR). The EUSR will continue to promote overall EU political coordination in BiH and

The EUPM, under the guidance and coordination of the EUSR and as part of the broader rule of law approach in BiH and in the region, will aim, through mentoring, monitoring and inspecting, to establish in BiH a sustainable, professional and multiethnic police service operating in accordance with best European and international standards.

⁽¹⁾ OJ L 70, 13.3.2002, p. 1. Joint Action as last amended by Joint Action 2005/143/CFSP (OJ L 48, 19.2.2005, p. 46).

This police service should operate in accordance with commitments made as part of the Stabilisation and Association Process with the European Union, in particular with regard to the fight against organised crime and police reform.

The EUPM will operate in line with the general objectives of Annex 11 of the Dayton/Paris Agreement and its objectives will be supported by the Community instruments. Under the direction of the EUSR, the EUPM will take the lead in the coordination of policing aspects of the ESDP efforts in the fight against organised crime, without prejudice to the agreed chains of command. It will assist local authorities in planning and conducting major and organised crime investigations.

Article 3

Review

A six-monthly review process, in accordance with the assessment criteria set out in the Concept of Operations (CONOPS) and Operation Plan (OPLAN) and taking into account developments in police reform, shall enable adjustments to be made to the Mission's activities as necessary.

Article 4

Structure

1. The EUPM shall in principle be structured as follows:
 - (a) main headquarters in Sarajevo, composed of the Head of the Mission/Police Commissioner and staff as defined in the OPLAN. Part of this staff shall consist of a variable number of Liaison Officers to coordinate with other international organisations on the ground;
 - (b) co-locations within the various BiH police services at senior level, including within the State Investigation and Protection Agency, the State Border Services, Interpol, Entities, Public Security Centres, Cantons, and the Brcko district.
2. These elements shall be developed in the CONOPS and the OPLAN. The Council shall approve the CONOPS and the OPLAN.

Article 5

Head of Mission/Police Commissioner

1. The Head of Mission/Police Commissioner shall exercise Operational Control (OPCON) over EUPM and assume the day-to-day management of EUPM and coordination of EUPM activities, including the management of security of Mission staff, resources and information.
2. The Head of Mission/Police Commissioner shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national or EU authority concerned.

3. The Head of Mission/Police Commissioner shall sign a contract with the Commission.

Article 6

Staff

1. The numbers and competence of the EUPM staff shall be consistent with the mission statement set out in Article 2 and the structure set out in Article 4.
2. Police officers shall be seconded by Member States for a minimum period of one year. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, allowances and travel expenses to and from BiH.
3. The EUPM shall recruit international civilian staff and local staff on a contractual basis as required.
4. Member States or EU institutions may, if required, also second international civilian staff if required for a minimum period of one year. Each Member State or EU institution shall bear the costs related to any of the staff seconded by it, including salaries, allowances and travel expenses to and from BiH.
5. All staff shall remain under the authority of the appropriate seconding State or institution and shall carry out their duties and act in the interest of the Mission. Staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾ (hereinafter referred to as Council's security regulations).

Article 7

Status of staff of EUPM

1. The necessary arrangements shall be made regarding the continuation of the Agreement between the EU and BiH of 4 October 2002 on the activities of the European Union Police Mission in BiH for the duration of the EUPM.
2. The Member State or EU institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The Member State or EU institution in question shall be responsible for bringing any action against the secondee.
3. The conditions of employment and the rights and obligations of international and local contracted staff shall be laid down in the contracts between the Head of Mission/Police Commissioner and the staff member.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/571/EC (OJ L 193, 23.7.2005, p. 31).

*Article 8***Chain of Command**

1. The EUPM shall have a unified chain of command, as a crisis management operation.
2. The Political and Security Committee (PSC) shall provide the political control and strategic direction.
3. The SG/HR shall give guidance to the Head of Mission/Police Commissioner through the EUSR.
4. The Head of Mission/Police Commissioner shall lead the Mission and assume its day-to-day management.
5. The Head of Mission/Police Commissioner shall report to the SG/HR through the EUSR.
6. The EUSR shall report to the Council through the SG/HR.

*Article 9***Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the Mission. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty. This authorisation shall include the powers to appoint a Head of Mission/Police Commissioner, upon a proposal by the SG/HR, and to amend the OPLAN and the chain of command. The Council, assisted by the SG/HR, shall decide on the objectives and termination of the Mission.
2. The PSC shall report to the Council at regular intervals taking into account the EUSR reports.
3. The PSC shall receive reports by the Police Head of Mission regarding the conduct of the Mission at regular intervals. The PSC may invite the Police Head of Mission to its meetings as appropriate.

*Article 10***Participation of Third States**

1. Without prejudice to the Union's decision-making autonomy and its single institutional framework, acceding States, non-EU European NATO members and other non-EU OSCE Member States currently providing the EUPM with staff shall be invited, and other third States may be invited to contribute to the EUPM on the basis that they bear the cost of sending the police officers and/or the international civilian staff seconded by them, including salaries, allowances and travel expenses to and from BiH, and contribute to the running costs of the EUPM as appropriate.

2. Third States making contributions to the EUPM shall have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be subject to agreements to be concluded in accordance with procedures laid down in Article 24 of the Treaty.

*Article 11***Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the Mission shall be (a) EUR 3 million for 2005, (b) EUR 9 million for 2006.

2. The final budget for the years 2006 and 2007 shall be decided on an annual basis.

3. The expenditure financed by the amounts stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the EU with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States participating financially in the Mission and of the host country shall be allowed to tender for contracts.

4. The Head of Mission/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

5. The financial arrangements shall respect the operational requirements of the EUPM.

6. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

*Article 12***Security**

1. The Head of Mission/Police Commissioner shall be responsible for the security of the EUPM and shall, in consultation with the Security Office of the General Secretariat of the Council, be responsible for ensuring compliance with minimum security requirements in accordance with the Council's security regulations.

2. The EUPM shall have a dedicated Mission Security Officer reporting to the Head of Mission/Police Commissioner.
3. The Head of Mission/Police Commissioner shall consult with the PSC on security issues affecting the deployment of the Mission as directed by the SG/HR.
4. EUPM staff members shall undergo mandatory security training organised by the GSC Security Office and medical checks prior to any deployment or travel to the Mission area.

Article 13

Community action

1. The Council and the Commission shall, each in accordance with their respective powers, ensure consistency between the implementation of this Joint Action and the external activities of the Community in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.
2. The Council notes that coordination arrangements already exist in the Mission area as well as in Brussels.

Article 14

Release of classified information

1. The SG/HR is authorised to release to third States associated with this Joint Action, as appropriate and in accordance with the operational needs of the Mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the Mission, in accordance with the Council's security regulations.
2. In the event of a specific and immediate operational need, the SG/HR is also authorised to release to the local authorities

EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the Mission, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the local authorities in accordance with the procedures appropriate to their level of cooperation with the EU.

3. The SG/HR is authorised to release to third States associated with this Joint Action and to the local authorities EU non-classified documents related to the deliberations of the Council with regard to the Mission covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

Article 15

Entry into force and duration

This Joint Action shall enter into force on the date of its adoption.

It shall apply from 1 January 2006 until 31 December 2007.

Article 16

Publication

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 24 November 2005.

For the Council

The President

I. LEWIS

⁽¹⁾ Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as amended by Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).