

COUNCIL JOINT ACTION 2007/733/CFSP**of 13 November 2007****amending Joint Action 2007/369/CFSP on the establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 30 May 2007, the Council adopted Joint Action 2007/369/CFSP on establishment of the European Union Police Mission in Afghanistan ⁽¹⁾.
- (2) On 18 June 2007, the Council approved Guidelines for Command and Control Structure for EU Civilian Operations in Crisis Management; these Guidelines notably provide that a Civilian Operation Commander will exercise command and control at strategic level for the planning and conduct of all civilian crisis management operations, under the political control and strategic direction of the Political and Security Committee (PSC) and the overall authority of the Secretary-General/High Representative for the CFSP (SG/HR); these Guidelines further provide that the Director of the Civilian Planning and Conduct Capability (CPCC) established within the Council Secretariat will, for each civilian crisis management operation, be the Civilian Operation Commander.
- (3) The abovementioned Command and Control Structure should be without prejudice to the contractual responsibilities of the Head of Mission towards the Commission for implementing the budget of the Mission.
- (4) The Watch-Keeping Capability established within the Council Secretariat should be activated for this Mission.
- (5) Joint Action 2007/369/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2007/369/CFSP is hereby amended as follows:

1. Paragraph 3 of Article 5 shall be replaced by the following:

'3. In addition, a number of Mission staff will be deployed to improve strategic coordination in police reform in Afghanistan, as appropriate, and in particular with the International Police Coordination Board (IPCB) Secretariat in Kabul. The IPCB Secretariat shall be located, as appropriate, at the EUPOL AFGHANISTAN HQ.'

2. A new Article shall be inserted:

*'Article 5a***Civilian Operation Commander**

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUPOL AFGHANISTAN.

2. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall exercise command and control of EUPOL AFGHANISTAN at the strategic level.

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at strategic level as required to the Head of Mission.

4. All seconded staff shall remain under the full command of the national authorities of the sending State or EU institution. National authorities shall transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander has overall responsibility for ensuring that the EU's duty of care is properly discharged.

⁽¹⁾ OJ L 139, 31.5.2007, p. 33.

6. The Civilian Operation Commander and the EUSR shall consult each other as required.'

3. Paragraphs 2 to 8 of Article 6 shall be replaced by the following:

'2. The Head of Mission shall assume responsibility and exercise command and control of the Mission at theatre level.

3. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the Mission.

4. The Head of Mission shall issue instructions to all Mission staff, including in this case the support element in Brussels, for the effective conduct of EUPOL AFGHANISTAN in theatre, assuming its coordination and day-to-day management, following the instructions at strategic level of the Civilian Operation Commander.

5. The Head of Mission shall be responsible for the implementation of the Mission's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.

6. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national or EU authority concerned.

7. The Head of Mission shall represent EUPOL AFGHANISTAN in the operations area and shall ensure appropriate visibility of the Mission.

8. The Head of Mission shall coordinate, as appropriate, with other EU actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the EUSR.

9. The Head of Mission shall ensure that EUPOL AFGHANISTAN works closely and coordinates with the Government of Afghanistan and relevant international actors, as appropriate, including NATO/ISAF, PRT Lead Nations, UNAMA, and third states currently involved in police reform in Afghanistan.'

4. Paragraph 5 of Article 7 shall be replaced by the following:

'5. All staff shall carry out their duties and act in the interest of the Mission. All 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 (*).

(*) OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).'

5. Article 9 shall be replaced by the following:

'Article 9

Chain of Command

1. EUPOL AFGHANISTAN shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EUPOL AFGHANISTAN.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, is the commander of EUPOL AFGHANISTAN at strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

4. The Civilian Operation Commander shall report to the Council through the SG/HR.

5. The Head of Mission shall exercise command and control of EUPOL AFGHANISTAN at theatre level and shall be directly responsible to the Civilian Operation Commander.'

6. Article 10 shall be replaced by the following:

'Article 10

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, political control and strategic direction of the Mission. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with Article 25 of the Treaty on the European Union. This authorisation shall include the powers to amend the OPLAN. It shall also include powers to take subsequent decisions regarding the appointment of the Head of Mission. The powers of decision with respect to the objectives and termination of the Mission shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive on a regular basis and as required reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.'

7. Article 11 shall be replaced by the following:

'Article 11

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EUPOL AFGHANISTAN in accordance with Articles 5a and 9, in coordination with the Council Security Office.

2. The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation, in line with the policy of the European Union on the

security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on the European Union and its supporting documents.

3. The Head of Mission shall be assisted by a Senior Mission Security Officer (SMSO), who will report to the Head of Mission and also maintain a close functional relationship with the Council Security Office.

4. The Head of Mission will appoint Area Security Officers in the provincial and regional Mission locations, who, under the authority of the SMSO will be responsible for the day-to-day management of all security aspects of the respective Mission elements.

5. EUPOL AFGHANISTAN staff shall undergo mandatory security training before their entry into function, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the SMSO'.

8. A new Article shall be inserted after Article 15:

'Article 15a

Watch-Keeping

The Watch-Keeping Capability shall be activated for EUPOL AFGHANISTAN.'

Article 2

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

Article 3

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

Done at Brussels, 13 November 2007.

For the Council

The President

F. TEIXEIRA DOS SANTOS