

COUNCIL JOINT ACTION 2007/749/CFSP**of 19 November 2007****on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 24 November 2005 the Council adopted Joint Action 2005/824/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽¹⁾. That Joint Action expires on 31 December 2007.
- (2) In a letter of invitation of 19 September 2007, the authorities of BiH invited the European Union to extend the EUPM in BiH.
- (3) In a letter of 22 October 2007 the Secretary-General/High Representative for the CFSP (SG/HR) sent a positive reply to the BiH authorities' letter of invitation.
- (4) 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 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.
- (5) The above mentioned Command and Control Structure is without prejudice to the contractual responsibilities of the Head of Mission towards the Commission for implementing the budget of the EUPM.

(6) 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.

(7) The watch-keeping capability established within the Council Secretariat should be activated for the EUPM,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Mission**

1. The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), established by Joint Action 2002/210/CFSP ⁽²⁾ and continued by Joint Action 2005/824/CFSP, shall be continued from 1 January 2008.
2. The EUPM shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 2.

*Article 2***Mission statement**

The EUPM, in coordination with and under the local political guidance of the European Union Special Representative in BiH (EUSR) and as part of the broader rule of law approach in BiH and in the region, shall aim, through mentoring, monitoring and inspecting, to establish in BiH a sustainable, professional and multi-ethnic police service operating in accordance with European and international standards.

This police service shall 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.

⁽¹⁾ OJ L 307, 25.11.2005, p. 55.

⁽²⁾ 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).

The EUPM shall operate in line with the general objectives of Annex 11 of the General Framework Agreement for Peace in Bosnia and Herzegovina and its objectives shall be supported by European Community instruments. The EUPM shall continue to lead the coordination of the policing aspects of the ESDP efforts in the fight against organised crime, without prejudice to the agreed chains of command. The EUPM shall assist local authorities in planning and conducting major and organised crime investigations, in contributing to an improved functioning of the whole criminal justice system in general and enhancing police-prosecutor relations in particular. The EUPM shall, together with the European Commission, assist BiH authorities to identify remaining police development needs which could be addressed through Community assistance.

Article 3

Review

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

Article 4

Structure

1. The EUPM shall be structured as follows:
 - (a) main headquarters in Sarajevo, composed of the Head of the Mission and staff as defined in the OPLAN;
 - (b) co-locations within the various BiH police services at senior level, including within the State Investigation and Protection Agency, the BiH Border Police, Interpol/EUROPOL Bureau, 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

Civilian Operation Commander

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

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 the EUPM 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 seconding 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 shall have overall responsibility for ensuring that the EU's duty of care is properly discharged.

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

Article 6

Head of Mission

1. The Head of Mission shall assume responsibility and exercise command and control of the EUPM at theatre level.
2. 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 EUPM.
3. The Head of Mission shall issue instructions to all EUPM staff for the effective conduct of the EUPM in theatre, assuming its day-to-day management and the coordination of EUPM activities, following the instructions at strategic level of the Civilian Operation Commander.
4. The Head of Mission shall be responsible for the implementation of the EUPM's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.
5. 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.

6. The Head of Mission shall represent the EUPM in the operations area and shall ensure its appropriate visibility.

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

Article 7

EUPM 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. 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. International civilian staff and local staff shall be recruited on a contractual basis by the EUPM, as required.

4. Member States or EU institutions may 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 carry out their duties and act in the interest of the EUPM. 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⁽¹⁾ (hereinafter referred to as 'Council's security regulations').

Article 8

Status of EUPM staff

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 EUPM 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 seconded person.

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.

Article 9

Chain of command

1. The EUPM 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 EUPM.

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 the EUPM 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 EUPM at theatre level and shall be directly responsible to the Civilian Operation Commander.

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 EUPM. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with Article 25 of the Treaty. This authorisation shall include the powers to amend the OPLAN. It shall also include powers to take subsequent decisions regarding the appointment or extension of the Head of Mission. The powers of decision with respect to the objectives and termination of the EUPM shall remain vested in the Council.

⁽¹⁾ 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).

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.

Article 11

Participation of third States

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, 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 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 12

Financial arrangements

1. The budgets for the years 2008 and 2009 shall be decided on an annual basis.

2. The expenditure of the EUPM shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States participating financially in the EUPM and of the host country shall be allowed to tender for contracts.

3. 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.

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

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

Article 13

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 the EUPM in accordance with Articles 5 and 9, in coordination with the Security Office of the General Secretariat of the Council.

2. The Head of Mission shall be responsible for the security of the EUPM and for ensuring compliance with minimum security requirements applicable to the EUPM, in line with the policy of the European Union on the security of personnel deployed outside the European Union in an operational capacity under Title V of the Treaty 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 Security Office of the General Secretariat of the Council.

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

5. EUPM 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 organized by the SMSO.

Article 14

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 EUPM area as well as in Brussels.

Article 15

Release of classified information

1. The SG/HR is hereby authorised to release to third States associated with this Joint Action, as appropriate and in accordance with the operational needs of the EUPM, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the EUPM, in accordance with the Council's security regulations.

2. In the event of a specific and immediate operational need, the SG/HR is also hereby authorised to release to the local authorities EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the EUPM, 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 European Union.

3. The SG/HR is hereby 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 EUPM covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

Article 16

Watch-keeping capability

The watch-keeping capability shall be activated for the EUPM.

Article 17

Entry into force and duration

This Joint Action shall enter into force on 1 January 2008.

It shall apply until 31 December 2009.

Article 18

Publication

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

Done at Brussels, 19 November 2007.

For the Council

The President

L. AMADO

⁽¹⁾ Council Decision 2006/683/EC, Euratom of 15 September 2006 adopting the Council's Rules of Procedure (OJ L 285, 16.10.2006, p. 47). Decision amended by Decision 2007/4/EC, Euratom (OJ L 1, 4.1.2007, p. 9).