

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/778/CFSP**of 29 November 2007****amending and extending Joint Action 2006/304/CFSP on the establishment of an EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo**

THE COUNCIL OF THE EUROPEAN UNION,

(5) The advance procurement of equipment is considered to entail important financial risks.

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

(6) The advance procurement of equipment is separate from, and without prejudice to, any subsequent political decision on whether to deploy the Mission.

Whereas:

(1) On 10 April 2006 the Council adopted Joint Action 2006/304/CFSP ⁽¹⁾.

(7) On 18 June 2007, the Council approved Guidelines for Command and Control Structure for EU Civilian Operations in Crisis Management. These Guidelines provide, in particular, 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 PSC and the overall authority of the Secretary-General/High Representative for the CFSP (hereinafter referred to as '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.

(2) On 16 October 2007, the Political and Security Committee (hereinafter referred to as 'PSC') agreed that EUPT Kosovo should be extended for four months after the expiry of the existing mandate on 30 November 2007, until 31 March 2008.

(3) The Civilian Planning and Conduct Capability within the Council Secretariat and EUPT Kosovo will continue technical preparations for a future ESDP Mission in Kosovo, including for informal and indicative force generation, for participation of third States and for procurement.

(8) The above-mentioned Command and Control Structure is without prejudice to the contractual responsibilities of the Head of EUPT Kosovo towards the Commission for implementing the budget of EUPT Kosovo.

(4) An operational risk assessment on the launch of a possible future ESDP Mission has shown that in order to ensure that the Mission is equipped in line with the planned force generation process by the day of the transfer of authority, it is necessary to provide for a significant advance procurement of equipment for the Mission.

(9) The watch-keeping capability established within the Council Secretariat should be activated for EUPT Kosovo.

⁽¹⁾ OJ L 112, 26.4.2006, p. 19. Joint Action as last amended by Joint Action 2007/520/CFSP (OJ L 192, 24.7.2007, p. 28).

(10) Joint Action 2006/304/CFSP should be extended and amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2006/304/CFSP is hereby amended as follows:

1. Article 2(5) shall be replaced by the following:

'5. Identifying the needs of the possible future EU crisis management operation regarding its required means of support, including all equipment, services and premises and drawing up related terms of reference or technical specifications. Proposing actions to procure the required equipment, services and premises, taking into account the possibility of taking over suitable equipment, premises and material from available sources, including UNMK, where it is relevant, feasible and cost efficient. Launching tender procedures and awarding contracts to enable the delivery of equipment, services and premises in time to ensure that the mission is adequately equipped by the day of the transfer of authority. This shall be done in two stages. The first stage shall begin upon the adoption of the this Joint Action and shall provide for procurement, notably of vehicles, IT equipment, communications equipment, premises (equipment & refurbishment), security equipment, and uniforms, of up to 75 % of the budget allocated for capital expenditure. The second stage, covering the remaining procurement needs of the mission, shall begin following the agreement of the Council to establish an EU crisis management operation.';

2. The following article shall be inserted:

'Article 3a

Civilian Operation Commander

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

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 EUPT Kosovo 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 EUPT Kosovo.

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 European Union's duty of care is properly discharged.';

3. Article 4 shall be replaced by the following:

'Article 4

Head of EUPT Kosovo and staff

1. The Head of EUPT Kosovo shall assume responsibility and exercise command and control of EUPT Kosovo at theatre level.

2. The Head of EUPT Kosovo 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 EUPT Kosovo.

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

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

5. The Head of EUPT Kosovo 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 EUPT Kosovo shall represent EUPT Kosovo in the operations area and shall ensure appropriate visibility of EUPT Kosovo.

7. The Head of EUPT Kosovo shall coordinate, as appropriate, with other EU actors on the ground.

8. EUPT Kosovo shall primarily consist of civilian staff seconded by Member States or EU institutions. Each Member State or EU institution shall bear the costs related to any of the staff seconded by it, including salaries, medical coverage, travel expenses to and from Kosovo, and allowances other than per diems.

9. EUPT Kosovo may also recruit international staff and local staff on a contractual basis if necessary.

10. All staff shall carry out their duties and act in the sole interest of EUPT Kosovo. 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 (hereinafter referred to as "Council's security regulations")⁽¹⁾;

4. Article 5 shall be replaced by the following:

'Article 5

Chain of Command

1. EUPT Kosovo shall have a unified chain of command.

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

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall be the commander of EUPT Kosovo at strategic level and, as such, shall issue instructions to the Head of EUPT Kosovo and provide him with advice and technical support. Following the establishment of the EU crisis management operation in Kosovo and before the launch of the operational phase of the mission, the Civilian Operation Commander shall issue instructions to the Head of EUPT Kosovo through the Head of the EU crisis management operation in Kosovo once the latter has been appointed.

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

5. The Head of EUPT Kosovo shall exercise command and control of EUPT Kosovo at theatre level and shall be directly responsible to the Civilian Operation Commander. Following the establishment of the EU crisis management operation in Kosovo and before the launch of its operational phase, the Head of EUPT Kosovo shall act under the direction of the

Head of the EU crisis management operation in Kosovo once the latter has been appointed.

6. The Head of EUPT Kosovo shall report to the Civilian Operation Commander. Following the establishment of the EU crisis management operation in Kosovo and before the launch of its operational phase, the Head of EUPT Kosovo shall report to the Civilian Operation Commander through the Head of the EU crisis management operation in Kosovo once the latter has been appointed.

7. Once the PSC has reached an agreement in principle on the appointment of the Head of the EU crisis management operation, appropriate liaison and coordination shall be ensured by the Head of EUPT Kosovo.;

5. Article 6 shall be replaced by the following:

'Article 6

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of EUPT Kosovo. 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 take subsequent decisions regarding the appointment of the Head of EUPT Kosovo. The powers of decision with respect to the objectives and termination of EUPT Kosovo 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 EUPT Kosovo on issues within their areas of responsibility.;

6. Article 8 shall be replaced by the following:

'Article 8

Security

1. The Civilian Operation Commander shall direct the Head of EUPT Kosovo in his planning of security measures and ensure their proper and effective implementation for EUPT Kosovo in accordance with Articles 3a and 5 and in coordination with the Security Office of the General Secretariat of the Council (hereinafter referred to as "GSC Security Office").

⁽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 Head of EUPT Kosovo shall be responsible for the security of EUPT Kosovo and for ensuring compliance with minimum security requirements applicable to EUPT Kosovo 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 European Union and its supporting documents.

3. EUPT Kosovo shall have a dedicated Security Officer reporting to the Head of EUPT Kosovo.

4. EUPT personnel shall undergo mandatory security training before their entry into function.;

7. The following Article shall be inserted:

'Article 13a

Watch-keeping

The watch-keeping capability shall be activated for EUPT Kosovo.;

8. Article 14 shall be replaced by the following:

'Article 14

Review

The Council shall by 31 January 2008 evaluate whether EUPT Kosovo should be continued after 31 March 2008, taking into account the necessity for a smooth transition to a possible EU crisis management operation in Kosovo.;

9. Article 15(2) shall be replaced by the following:

'2. It shall expire on 31 March 2008.'

Article 2

The financial reference amount as set out in Article 9(1), second sub-paragraph, of Joint Action 2006/304/CFSP shall be increased by EUR 22 000 000, to a total of EUR 76 500 000, in order to cover the expenditure related to the mandate of EUPT Kosovo for the period from 1 December 2007 to 31 March 2008.

Article 3

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

Article 4

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

Done at Brussels, 29 November 2007.

For the Council

The President

M. LINO
