

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/805/CFSP

of 6 December 2007

appointing a European Union Special Representative to the African Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

(1) The African Union (AU) has over the past years become a strategic continental actor and a key international partner of the European Union (EU).

(2) The EU has on numerous occasions recognised the important role and achievements of the AU, including in the EU Strategy 'EU and Africa: Towards a Strategic Partnership' (hereinafter referred to as the EU Africa Strategy) adopted at the European Council on 15 and 16 December 2005.

(3) On 14 and 15 December 2006, the European Council committed itself to strengthening the EU's strategic partnership with Africa and, as one concrete measure in the framework of relevant priority actions for 2007, to enhancing the EU presence with the AU in Addis Ababa.

(4) The appointment of a European Union Special Representative (EUSR) to the AU, based permanently in Addis Ababa, has been identified as a suitable measure to ensure enhanced EU presence with the AU.

(5) The SG/HR has recommended that Mr Koen Vervaeke be appointed as the EUSR to the AU.

(6) Within six months from the entry into force of this Joint Action, the long-term structures of the EUSR office will be further elaborated and consolidated, on the basis of a report prepared by the Presidency in close cooperation with the SG/HR, the EUSR and the Commission.

(7) The EUSR is to implement his mandate 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,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Appointment**

Mr Koen Vervaeke is hereby appointed EUSR to the AU for the period from 6 December 2007 to 31 December 2008. The EUSR shall be permanently based in Addis Ababa.

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the EU's comprehensive policy objectives in support of African efforts to build a peaceful, democratic and prosperous future as set out in the EU Africa Strategy. These objectives include:

(a) enhancing the EU's political dialogue and broader relationship with the AU;

(b) strengthening the EU-AU partnership in all areas outlined in the EU Africa Strategy, contributing to the development and implementation of the EU Africa Strategy in partnership with the AU, respecting the principle of African ownership and working more closely with African representatives in multilateral fora in coordination with multilateral partners;

(c) working with, and providing support to the AU by supporting institutional development and strengthening the relationship between EU and AU Institutions, including through development assistance, to promote:

— peace and security: predict, prevent, manage, mediate and resolve conflict, support efforts to promote peace and stability, support post-conflict reconstruction,

— human rights and governance: promote and protect human rights; promote fundamental freedoms and respect for the rule of law; support, through political dialogue and financial and technical assistance, African efforts to monitor and improve governance; support growth of participatory democracy and accountability; support the fight against corruption and organised crime and further promote efforts to address the issue of children and armed conflict in all its aspects,

— sustainable growth, regional integration and trade: support efforts towards interconnectivity and facilitate people's access to water and sanitation, energy and information technology; promote a stable, efficient and harmonised legal business framework; assist to integrate Africa into the world trade system, assist African countries to comply with EU rules and standards; support Africa in countering the effects of climate change,

— investment in people: support efforts in the fields of gender, health, food security and education, promote exchange programmes, networks of universities and centres of excellence, address the root causes of migration.

Furthermore, the EU and Africa intend to establish a Joint Strategy which shall further develop and consolidate their strategic partnership. The AU shall be the key actor in implementing the Joint Strategy.

Article 3

Mandate

In order to achieve the Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP) aspects of the objectives referred to in Article 2, the mandate of the EUSR shall be to:

(a) strengthen the overall EU influence in, and coordination of, the Addis Ababa-based dialogue with the AU and its Commission, on the whole range of CFSP/ESDP issues covered by the EU-AU relationship;

(b) ensure an appropriate level of political representation, reflecting the importance of the EU as a political, financial and institutional partner of the AU, and the stepchange in that partnership necessitated by the growing political profile of the AU on the world stage;

(c) represent, should the Council so decide, EU positions and policies, when the AU plays a major role in a crisis situation for which no EUSR has been appointed;

(d) help achieve better coherence, consistency and coordination of EU policies and actions towards the AU, and contribute to enhance coordination of the broader partner group and its relation with the AU;

(e) follow closely, and report on, all relevant developments at AU level;

(f) maintain close contact with the AU Commission, other AU organs, missions of African Sub-regional organisations to the AU and the missions of the AU Member States to the AU;

(g) facilitate the relations/cooperation between the AU and African Subregional organisations, especially in those areas where the EU is providing support;

(h) offer advice and provide support to the AU upon request in the areas outlined in the EU Africa Strategy;

(i) offer advice and provide support to the building up of the AU's crisis management capabilities;

(j) on the basis of a clear division of tasks, coordinate with, and support, the actions of EUSRs with mandates in AU Member States/Regions; and

(k) maintain close contacts and promote coordination with key international partners of the AU present in Addis Ababa, especially the United Nations, but also with non-state actors on the whole range of the CFSP/ESDP issues covered by the EU-AU relationship.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the Secretary General/High Representative (SG/HR).

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 6 December 2007 to 31 May 2008 shall be EUR 1 200 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 6 December 2007. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities with the exception that any pre-financing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

4. Expenditure related to the mandate of the EUSR in the period from 1 June 2008 to 31 December 2008 shall be covered through a separate Council act providing for the corresponding financial reference amount.

Article 6

Constitution and composition of the team

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency,

assisted by the SG/HR, and in full association with the Commission. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the composition of his team.

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

4. After completion of the initial phase referred to in Article 14, the EUSR's staff will work in principle in a policy section, a peace and security section, and an administrative section.

Article 7

Privileges and immunities of the EUSR and his staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

⁽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 Presidency, the Commission and/or Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, the management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the EU, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the SG/HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide General Affairs and External Relations Council with reports.

Article 12

Coordination

The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are

engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and Commission's delegations with regular briefings.

In the field, close liaison shall be maintained with the Presidency, Commission and Member States' Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Review

The implementation of this Joint Action and its consistency with other contributions from the EU to the region shall be kept under regular review. The EUSR shall present the SG/HR, the Council and the Commission with a comprehensive mandate implementation report before the end of September 2008. This report shall form a basis for evaluation of the mandate in the relevant working groups and by the PSC. The SG/HR shall make appropriate recommendations to the PSC in this context.

Article 14

Initial set-up and further build-up

1. By mid-April 2008 the Presidency, in close cooperation with the SG/HR, the EUSR and the Commission, shall report to the Council on the set-up of the office over the initial period of the mandate as well as on its further build-up and structuring until the end of the mandate period as specified in Article 1. This report shall in particular address the following matters:

- the long-term structures and procedures,
- the system of reporting,
- achieving equivalent conditions for staff performing similar functions, at all levels.

The report shall be examined by the Council, which shall decide on the appropriate follow up.

2. Before the end of October 2008, the Presidency, in close cooperation with the SG/HR, the EUSR and the Commission, shall provide the Council with a comprehensive report on the future of the office and its organisation.

*Article 15***Entry into force**

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

*Article 16***Publication**

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

Done at Brussels, 6 December 2007.

For the Council
The President
A. COSTA
