

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

COUNCIL JOINT ACTION 2003/92/CFSP
of 27 January 2003
on the European Union military operation in the Former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 14, Article 25, third subparagraph, Article 26 and Article 28(3) thereof,

Whereas:

- (1) The European Council has announced the readiness of the European Union to conduct a military operation to follow on the NATO operation in the Former Yugoslav Republic of Macedonia, in order to further contribute to a stable, secure environment, to allow the FYROM Government to implement the Ohrid Framework Agreement.
- (2) Pursuant to the Ohrid Framework Agreement, the Union's contribution is based upon a broad approach with activities to address the whole range of rule of law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The activities of the Union, supported, *inter alia*, by the Community's institution building programmes under the CARDS Regulation, will contribute to the overall peace implementation in the Former Yugoslav Republic of Macedonia as well as to the achievements of the Union's overall policy in the region, notably the stabilisation and association process.
- (3) The Union appointed an EU Special Representative to contribute to the consolidation of the peaceful political process and the full implementation of the Ohrid Framework Agreement, to help to ensure the coherence of the EU external action and to ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of that Framework Agreement.
- (4) The UN Security Council Resolution 1371 (2001) adopted on 26 September 2001 welcomes the Framework Agreement and supports its full implementation by the efforts of, *inter alia*, the EU.
- (5) On 17 January 2003, the authorities of the Former Yugoslav Republic of Macedonia invited the Union to assume responsibility for the follow-on to the NATO operation 'Allied Harmony'; to this end, an exchange of letters between the authorities of the Former Yugoslav Republic of Macedonia and the Union will follow. The EU is stepping up a process of consultations with NATO, as foreseen in Nice arrangements.
- (6) In order to plan for and prepare the deployment of an EU force in the Former Yugoslav Republic of Macedonia, the appointment of an Operation Commander is envisaged.
- (7) The European Union is committed to reaching a comprehensive agreement with NATO on all relevant outstanding permanent arrangements between the EU and NATO, in full conformity with the principles agreed in the European Council, and in particular at its meeting at Nice on 7 to 9 December 2000, and at Copenhagen on 12 and 13 December 2002.
- (8) The Political and Security Committee should exercise political control of and provide strategic direction to the EU-led operation and take the relevant decisions in accordance with Article 25, third paragraph of the Treaty on European Union.
- (9) In conformity with the guidelines of the European Council meeting at Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary General/High representative in accordance with Articles 18 and 26 of the Treaty on European Union in the implementation of measures falling within the political control and strategic direction exercised by the Political and Security Committee (PSC), in accordance with Article 25 of the Treaty on European Union.
- (10) Third States should participate in the operation in accordance with the guidelines laid down by the European Council.
- (11) In accordance with Article 28(3) of the Treaty on European Union, the operational expenditure arising from this Joint Action having military implications shall be charged to the Member States consistent with the general framework laid down in the Council Decision of 17 June 2002.

- (12) Article 14(1) of the Treaty on European Union calls for the indication of the means available to the Union for the whole period of implementation of the Joint Action; in this context, a financial reference amount should be indicated.
- (13) The financial reference amount for the common costs of the operation, whose parameters have been defined in the general concept approved by the Council on 23 January 2003 constitutes the best current estimate and is without prejudice to the final figures that will be included in a budget to be approved in accordance with the principles laid down in the general framework decision mentioned in recital 11.
- (14) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications, Denmark does not participate in the financing of the operation,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. Based on arrangements with NATO and subject to a further decision by the Council, as specified in Article 3, the European Union shall conduct a European Union military operation in the Former Yugoslav Republic of Macedonia, at the request of the FYROM government, in order to ensure the follow-on to the NATO operation 'Allied Harmony'.
2. The forces deployed to that effect shall operate in accordance with the objectives set out in the general concept approved by the Council.
3. The operation shall be carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO.

Article 2

Appointment of the Operation Commander

1. The Council will appoint an EU Operation Commander.
2. NATO will be invited to agree that Admiral R. FEIST, Deputy Supreme Allied Commander for Europe (D-SACEUR), be appointed EU Operation Commander.
3. NATO will be invited to agree that the EU Operational Headquarters be at the Supreme Headquarters of Allied Powers in Europe (SHAPE).

Article 3

Planning and launching of the Operation

Once the Council has taken the necessary decisions foreseen in the EU crisis management procedures, including decisions on the Operation Commander (Op Cdr), the operation plan (OPLAN), the rules of engagement (RoE), the Operation Headquarters (OHQ) and the EU Force Commander (F Cdr), the Council shall decide on the launching of the operation.

Article 4

Political control and strategic direction

1. The Political and Security Committee shall exercise under the responsibility of the Council the political control and strategic direction of the operation. The Council hereby authorises the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the Treaty on European Union. This authorisation shall include the powers to amend the operation plan, the chain of command and the rules of engagement. The powers of decision with respect to the objectives and termination of the operation shall remain vested in the Council, assisted by the Secretary General/High Representative.

2. The Political and Security Committee shall report to the Council at regular intervals.

3. The Political and Security Committee shall receive reports by the Chairman of the European Union Military Committee (CEUMC) regarding the conduct of the military operation at regular intervals. The Political and Security Committee may invite the Operation Commander to its meetings as appropriate.

Article 5

Military direction

1. The EU Military Committee (EUMC) shall monitor the proper execution of the military operation conducted under the responsibility of the Operation Commander.

2. The EUMC shall receive reports from the Operation Commander at regular intervals. It may invite the Operation Commander to its meetings as necessary.

3. The CEUMC acts as the primary point of contact with the Operation Commander.

Article 6

Relations with FYROM

The Secretary General/High Representative and the EU Special Representative in FYROM within their respective mandates shall act as primary points of contact with the authorities of FYROM for matters relating to the implementation of this Joint Action. The Presidency will be kept regularly and promptly informed on these contacts. The Force Commander shall maintain contact with local authorities on issues relevant to his mission.

*Article 7***Coordination and liaison**

Without prejudice to the chain of command, EU Commanders shall coordinate closely with the EU Special Representative in FYROM with a view to ensure consistency of the military operation with the broader context of the EU activities in FYROM. Within that framework, EU Commanders will liaise with other international actors in the area as appropriate.

*Article 8***Participation of third States**

1. Without prejudice to the decision-making autonomy of the European Union and to the Single Institutional Framework, and in accordance with the relevant guidelines of the European Council, in particular those given at its meeting at Nice on 7 to 9 December 2000:

- the non-EU European NATO members shall participate in the operation if they so wish,
- countries which have been invited by the Copenhagen European Council to become Member States are invited to participate in the operation, in accordance with the agreed modalities,
- potential partners may also be invited to participate in the operation.

2. The Council hereby authorises the Political and Security Committee to take, upon the recommendation of the Operation Commander and the EUMC, the relevant decisions on acceptance of the proposed contributions.

3. Detailed arrangements regarding the participation of third States shall be the subject of an agreement, in conformity with Article 24 of the Treaty on European Union. The Secretary General/High Representative assisting the presidency may negotiate such arrangements on its behalf.

4. Third States making significant military contributions to the EU-led operation 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.

5. The Council hereby authorises the Political and Security Committee to take relevant decisions on the setting-up of a committee of contributors, in case that the third States provide significant military contributions.

*Article 9***Financial arrangements**

1. The Council shall set up a financial mechanism to cover the common costs of the operation referred to in Article 1.

2. For the purposes of this operation:

- barracks and lodging for the forces as a whole shall be eligible for payment as common,
- costs,
- expenditure related to transportation for the forces as a whole shall not be eligible for payment as common costs.

3. The financial reference amount shall be EUR 4 700 000.

*Article 10***Relations with NATO**

1. Contacts and meetings between EU and NATO should be stepped up during the preparation and conduct of the operation, in the interests of transparency, consultation and cooperation between the two organisations. This should include meetings at PSC/NAC and Military Committee level and regular contacts between EU and NATO Commanders in the region. Throughout the operation NATO shall be kept informed on the use of NATO assets and capabilities. The PSC shall inform the NAC before proposing to the Council the termination of the operation.

2. The entire chain of command will remain under the political control and strategic direction of the EU throughout the operation, after consultation between the two organisations. In that framework the Operation Commander will report on the conduct of the operation to EU bodies only. NATO will be informed of developments in the situation by the appropriate bodies, in particular the PSC and the Chairman of the Military Committee.

*Article 11***Release of classified information to NATO and third States**

The Secretary-General/High Representative is authorised to release to NATO and third parties associated with this Joint Action EU classified information and documents generated for the purposes of the operation in accordance with the Council Security Regulations.

*Article 12***Status of the EU-led forces**

The status of the EU-led forces in the Former Yugoslav Republic of Macedonia shall be the subject of an agreement with the Government of the Former Yugoslav Republic of Macedonia to be concluded on the basis of Article 24 of the Treaty on European Union.

*Article 13***Entry into force**

This Joint Action shall enter into force on 1 February 2003.

*Article 14***Publication**

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

Done at Brussels, 27 January 2003.

For the Council
The President
G. PAPANDREOU
