

**COUNCIL JOINT ACTION 2006/319/CFSP****of 27 April 2006****on the European Union military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 28 October 2005, the United Nations Security Council adopted Resolution 1635 (2005) on the situation concerning the Democratic Republic of the Congo (DRC), in which it *inter alia* reaffirmed its support for the process of the Global and All Inclusive Agreement on the Transition in DRC, signed on 17 December 2002, and underlined the importance of elections as the foundation for the longer term restoration of peace and stability, national reconciliation and establishment of the rule of law in DRC. In that Resolution the mandate of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) was extended until 30 September 2006.
- (2) The European Union is committed to supporting the transition process in the DRC, and the Council has to that effect *inter alia* adopted Joint Actions on two current missions: Joint Action 2004/847/CFSP of 9 December 2004 on the European Union Police Mission in Kinshasa (DRC) regarding the Integrated Police Unit (EUPOL Kinshasa)<sup>(1)</sup> and Joint Action 2005/355/CFSP of 2 May 2005 on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (DRC)<sup>(2)</sup> (hereinafter referred to as EUSEC RD Congo). In 2003, the European Union, under Joint Action 2003/423/CFSP<sup>(3)</sup>, conducted a military operation in the DRC (Operation Artemis) in accordance with United Nations Security Council Resolution 1484 (2003).
- (3) On 20 February 2006 the Council adopted Joint Action 2006/122/CFSP<sup>(4)</sup> extending the mandate of Mr Aldo Ajello as the European Union Special Representative (EUSR) for the African Great Lakes Region.
- (4) By letter dated 27 December 2005, the United Nations Under-Secretary-General for Peace-keeping Operations invited the European Union to consider the possibility of deploying a military force to the Democratic Republic of the Congo to assist MONUC during the electoral process.
- (5) On 23 March 2006 the Council approved an option paper for possible EU support to MONUC.
- (6) The Presidency has confirmed the principles for the EU military support to MONUC in a letter of 28 March 2006.
- (7) United Nations Security Council Resolution 1671 (2006) of 25 April 2006 authorised the EU to deploy forces in the DRC in support of MONUC during the election process; it also contains provisions regarding the application of the Agreement between the United Nations and the DRC on the status of MONUC, signed on 4 May 2000, to the EU-led forces.
- (8) The DRC authorities have welcomed a possible EU military support to MONUC during the electoral process.
- (9) The Political and Security Committee (PSC) should exercise political control of the EU military operation in the DRC in support of MONUC, provide it with strategic direction and take the relevant decisions in accordance with third subparagraph of Article 25 of the EU Treaty.
- (10) In accordance with Article 28(3) of the EU Treaty, the operational expenditure arising from this Joint Action, having military or defence implications, should be charged to the Member States in accordance with Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications<sup>(5)</sup> (hereinafter referred to as ATHENA).

<sup>(1)</sup> OJ L 367, 14.12.2004, p. 30. Joint Action as amended by Joint Action 2005/822/CFSP (OJ L 305, 24.11.2005, p. 44).

<sup>(2)</sup> OJ L 112, 3.5.2005, p. 20. Joint Action as amended by Joint Action 2005/868/CFSP (OJ L 318, 6.12.2005, p. 29).

<sup>(3)</sup> OJ L 143, 11.6.2003, p. 50.

<sup>(4)</sup> OJ L 49, 21.2.2006, p. 17.

<sup>(5)</sup> OJ L 63, 28.2.2004, p. 68. Decision as last amended by Decision 2005/68/CFSP (OJ L 27, 29.1.2005, p. 59).

(11) Article 14(1) of the EU Treaty calls for the indication in Joint Actions of the means to be made available to the European Union. The financial reference amount for the common costs of the EU military operation constitutes the best current estimate and is without prejudice to the final figures that are to be included in a budget to be approved in accordance with the rules laid down in ATHENA.

(12) In accordance with Article 6 of the Protocol on the position of Denmark annexed to the EU Treaty 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 implementation of this Joint Action and therefore does not participate in the financing of the operation,

HAS ADOPTED THIS JOINT ACTION:

#### *Article 1*

##### **Mission**

1. The European Union shall conduct a military operation in the DRC in support of MONUC during the election process, named Operation EUFOR RD Congo, in accordance with the mandate set out in United Nations Security Council Resolution 1671 (2006).

2. The forces deployed to that effect shall operate in accordance with the objectives for possible EU support to MONUC as approved by the Council on 23 March 2006.

#### *Article 2*

##### **Appointment of the EU Operation Commander**

Lieutenant General Karlheinz VIERECK is hereby appointed EU Operation Commander.

#### *Article 3*

##### **Designation of the EU Operational Headquarters**

The EU Operational Headquarters shall be located at Armed Forces Operations Command (Einsatzführungskommando der Bundeswehr (EinsFüKdo Bw)) in Potsdam.

#### *Article 4*

##### **Designation of the EU Force Commander**

Major General Christian DAMAY is hereby appointed EU Force Commander.

#### *Article 5*

##### **Planning and launching of the operation**

The Decision on the launching of the EU military operation shall be adopted by the Council following the approval of the Operation Plan and the Rules of Engagement and in the light of the electoral calendar in the DRC.

#### *Article 6*

##### **Political control and strategic direction**

1. Under the responsibility of the Council, the PSC shall exercise the political control and strategic direction of the EU military operation. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the EU Treaty. This authorisation shall include the powers to amend the planning documents, including the Operation Plan, the Chain of Command and the Rules of Engagement. It shall also include the powers to take further decisions on the appointment of the EU Operation Commander and/or EU Force Commander. The powers of decision with respect to the objectives and termination of the EU military operation shall remain vested in the Council, assisted by the Secretary-General/High Representative (SG/HR).

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

3. The PSC shall receive reports from the Chairman of the European Union Military Committee (CEUMC) regarding the conduct of the EU military operation, at regular intervals. The PSC may invite the EU Operation Commander and/or EU Force Commander to its meetings, as appropriate.

#### *Article 7*

##### **Military direction**

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

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

3. The CEUMC shall act as the primary point of contact with the EU Operation Commander.

#### *Article 8*

##### **Coherence of EU response**

The Presidency, the SG/HR, the EUSR, the EU Operation Commander and the EU Force Commander, and the Heads of Mission for EUPOL Kinshasa and EUSEC RD Congo respectively shall ensure close coordination of their respective activities with respect to the implementation of this Joint Action.

*Article 9***Relations with the United Nations, DRC and other actors**

1. The SG/HR, assisted by the EUSR shall, in close coordination with the Presidency, act as a primary point of contact with the United Nations, the authorities of the DRC and neighbouring countries, as well as with other relevant actors.
2. The EU Operation Commander shall, in close coordination with the SG/HR, liaise with the Department of Peace-keeping Operations (DPKO) in the United Nations and MONUC on issues relevant to his mission.
3. The EU Force Commander in coordination with the EUSR and the Heads of Mission for EUPOL Kinshasa and EUSEC RD Congo respectively shall, on issues relevant to his mission, maintain close contacts with MONUC and local authorities, as well as with other international actors, as appropriate.

*Article 10***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:
  - the non-EU European NATO members shall be invited to participate in the EU military operation,
  - countries which are candidates for accession to the European Union and other potential partners may be invited to participate in the EU military operation in accordance with the agreed modalities.
2. The Council hereby authorises the PSC to take, upon the recommendation of the EU 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 agreements to be concluded in accordance with the procedure laid down in Article 24 of the EU Treaty. The SG/HR, assisting the Presidency, may negotiate such agreements on its behalf. Where the EU and a third State have concluded an agreement establishing a framework for the latter's participation in the EU crisis management operations, the provisions of such an agreement shall apply in the context of this operation.

4. Third States making significant military contributions to the EU military 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 PSC to take relevant decisions on the setting-up of a Committee of Contributors, should third States provide significant military contributions.

*Article 11***Community action**

The Council and the Commission shall ensure, each in accordance with its respective powers, consistency between the implementation of this Joint Action and external activities of the Community in accordance with Article 3 of the EU Treaty. The Council and the Commission shall cooperate to this end.

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

The status of the EU-led forces and their personnel, including the privileges, immunities and further guarantees necessary for the fulfilment of their mission, will be determined in accordance with the relevant provisions of United Nations Security Council Resolution 1671 (2006).

*Article 13***Financial arrangements**

1. The common costs of the EU military operation shall be administered by ATHENA.
2. For the purposes of this EU military operation:
  - barracks and lodging for the forces as a whole shall not 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 for the common costs of the EU military operation for a four-month period shall be EUR 16 700 000. The percentage of the reference amount referred to in Article 31(3) of Decision 2004/197/CFSP shall be 70 %.

*Article 14***Release of information to United Nations, MONUC and other third parties**

1. The SG/HR is hereby authorised to release to the United Nations, MONUC and to other third parties, associated with this Joint Action, EU classified information and documents generated for the purposes of the EU military operation up to the level of classification relevant respectively for each of them and in accordance with the Council Security Regulations.

2. The SG/HR is hereby authorised to release to the United Nations, MONUC and to other third parties, associated with this Joint Action, EU non-classified documents related to the deliberations of the Council with regard to the operation, covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council Rules of Procedure <sup>(1)</sup>.

*Article 15***Entry into force and termination**

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

2. The EU military operation shall end four months after the date of the first round of elections in the DRC.

3. This Joint Action shall be repealed following the redeployment of all EU forces, in accordance with approved termination planning of the EU military operation.

*Article 16***Publication**

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

Done at Luxembourg, 27 April 2006.

*For the Council*  
*The President*  
L. PROKOP

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<sup>(1)</sup> Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as last amended by Decision 2006/34/EC, Euratom (OJ L 22, 26.1.2006, p. 32).