

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2009/769/CFSP

of 19 October 2009

amending Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) On 12 June 2007, the Council adopted Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo) ⁽¹⁾.

(2) On 23 June 2008, the Council adopted Joint Action 2008/485/CFSP ⁽²⁾ amending and extending Joint Action 2007/405/CFSP until 30 June 2009.

(3) On 15 June 2009, the Council adopted Joint Action 2009/466/CFSP ⁽³⁾ amending and extending Joint Action 2007/405/CFSP until 30 June 2010. Joint Action 2009/466/CFSP provided that the Council would establish a new financial reference amount in order to cover expenditure related to the mission for the period from 1 November 2009 to 30 June 2010.

(4) A renewed and stronger effort is needed to combat the persistence of sexual violence and impunity in the Democratic Republic of the Congo, especially in the Eastern Region. To this effect, provision should be made for the mission to deploy specialised personnel to enhance the fight against sexual violence and impunity.

(5) The mandate of this Mission is being carried out in a security context that is liable to deteriorate and to undermine the objectives of the Common Foreign and Security Policy (CFSP) as defined in Article 11 of the Treaty.

(6) Joint Action 2007/405/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2007/405/CFSP is hereby amended as follows:

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

'1. The mission will support SSR in the field of policing and its interface with the justice system. By means of monitoring, mentoring and advisory action with emphasis on the strategic dimension, EUPOL RD Congo shall:

— contribute to the reform and restructuring of the Congolese National Police (PNC) through support for the setting up of a viable, professional and multiethnic/integrated police force, which takes account of the importance of proximity policing throughout the whole country with the direct involvement of the Congolese authorities in that process;

— contribute to improving interaction between the police and the criminal justice system in the broader sense,

⁽¹⁾ OJ L 151, 13.6.2007, p. 46.

⁽²⁾ OJ L 164, 25.6.2008, p. 44.

⁽³⁾ OJ L 151, 16.6.2009, p. 40.

- contribute to ensuring the consistency of all SSR efforts, in a comprehensive manner, including by supporting the fight against sexual violence and impunity,
 - cooperate in close interaction with EUSEC RD Congo and the projects of the Commission, and coordinate its action with the other international efforts in the field of reform of the police and the criminal justice system,
 - contribute to the police as well as to the gender, human rights and children and armed conflict aspects of the peace process in the Eastern DRC and especially to its linkage to the reform process of the PNC',
2. Article 2(3) shall be replaced by the following:
- '3. The mission shall have a project cell for identifying and implementing projects. The mission shall advise the Member States and third States and shall coordinate and facilitate, under their responsibility, the implementation of their projects in fields which are of interest to the mission and in furtherance of its objectives'.
3. Article 3(2) shall be replaced by the following:
- '2. The mission shall have a permanent presence in Goma and Bukavu, in the eastern part of the DRC, so as to deliver assistance and expertise to the stabilisation process in the Eastern DRC. Additional specialised personnel in the area of criminal investigation, including the fight against sexual violence, shall be deployed to Goma and Bukavu, but their area of competence shall cover the whole territory of the DRC and their duty station may vary according to changes in the local situation and security conditions. They shall be under the direct authority of the Deputy Head of Mission in charge of Operations'.
4. In Article 3(3) the following point shall be added:
- '(g) experts assigned to criminal investigation, including the fight against sexual violence'.
5. In Article 9(1) the third subparagraph shall be replaced by the following:
- 'The financial reference amount intended to cover the expenditure related to the mission for the period from 1 November 2009 to 30 June 2010 shall be EUR 5 150 000'.
- Article 2*
- This Joint Action shall enter into force on the date of its adoption.
- Article 3*
- This Joint Action shall be published in the *Official Journal of the European Union*.
- Done at Luxembourg, 19 October 2009.
- For the Council*
The President
E. ERLANDSSON
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