

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

COUNCIL JOINT ACTION 2003/423/CFSP
of 5 June 2003
on the European Union military operation in the Democratic Republic of Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 14, Article 18, fifth paragraph, Article 25, third paragraph, Article 26 and Article 28, third paragraph, thereof,

Whereas:

- (1) On 8 May 2003, the Council adopted Council Common Position 2003/319/CFSP concerning European Union support for the implementation of the Lusaka Ceasefire Agreement and the peace process in the Democratic Republic of Congo and repealing Common Position 2002/203/CFSP ⁽¹⁾.
- (2) On 10 December 2002, the Council adopted Joint Action 2002/962/CFSP amending and extending the mandate of the European Union Special Representative for the African Great Lakes Region ⁽²⁾.
- (3) On 19 May 2003, the Council requested the Secretary-General/High Representative to study the feasibility of a European Union military operation in the Democratic Republic of Congo.
- (4) The Secretary-General of the United Nations has requested UN Member States to provide a temporary stabilisation force in the Ituri Region in implementation of the mandate provided in United Nations Security Council Resolution 1484 (2003) of 30 May 2003.
- (5) In accordance with the EU Framework Nation Concept endorsed on 24 July 2002 as a conceptual basis for the conduct of autonomous EU-led Crisis-Management Operations with recourse to a Framework Nation, a Member State should be designated as a Framework Nation.
- (6) In order to plan for and prepare the deployment of an EU force in the Democratic Republic of Congo, the location of the Operation Headquarters should be designated and an Operation Commander and a Force Commander should be appointed.
- (7) The Political and Security Committee (PSC) 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.
- (8) 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 PSC, in accordance with Article 25 of the Treaty on European Union.
- (9) Third States could participate in the operation upon invitation by the Council.
- (10) 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.
- (11) Article 14(1) of the Treaty on European Union calls for the indication of the means to be made available to the Union for the whole period of implementation of the Joint Action; in this context, a financial reference amount should be indicated.
- (12) The financial reference amount for the common costs of the operation 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 of 17 June 2002.
- (13) 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,

⁽¹⁾ OJ L 115, 9.5.2003, p. 87.

⁽²⁾ OJ L 334, 11.12.2002, p. 5.

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union shall conduct a European Union military operation in the Democratic Republic of Congo, named Artemis in accordance with the mandate set out in UNSCR 1484 (2003).

2. The forces deployed to that effect shall operate in accordance with the objectives set out in the 'Framework for EU action in response to the crisis in Bunia' approved by the Council.

Article 2

Designation of a Framework Nation

France will act as the Framework Nation for the operation.

Article 3

Appointment of the Operation Commander

Major General Neveux is appointed EU Operation Commander.

Article 4

Designation of the location of the Operation Headquarters

The Operation Headquarters shall be located at the Centre de planification et de conduite des opérations (CPCO) in Paris, France.

Article 5

Designation of the Force Commander

Brigadier General Thonier is appointed EU Force Commander.

Article 6

Planning and launching of the operation

The Council shall approve the operation plan (OPLAN) and authorise the Rules of Engagement (RoE) and shall decide on the launching of the operation.

Article 7

Political control and strategic direction

1. The Political and Security Committee (PSC) shall exercise under the responsibility of the Council the political control and strategic direction of the operation. The Council hereby authorises the PSC 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 OPLAN, the Chain of Command and the RoE. 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 PSC shall report to the Council at regular intervals.

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

Article 8

Military direction

1. The European Union 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 9

Relations with the United Nations, the Democratic Republic of Congo and other participants in the peace process

1. The Presidency, the Secretary-General/High Representative, the Operation Commander and the EU Special Representative for the Great Lakes Region shall ensure close coordination of their respective activities with respect to the implementation of this Joint Action.

2. The Secretary-General/High Representative, assisted by the EU Special Representative for the Great Lakes Region shall, in close coordination with the Presidency, act as a primary point of contact with the United Nations, with the authorities of the Democratic Republic of Congo and neighbouring countries, as well as with other participants in the peace process.

3. The Force Commander shall maintain contact with local authorities, the United Nations Organisation Mission in the Democratic Republic of Congo (MONUC) and other international actors, as appropriate, on issues relevant to his mission.

Article 10

Participation of third States

1. Without prejudice to the decision-making autonomy of the European Union and to the Single Institutional Framework, third States may be invited to participate in the operation.

2. The PSC shall take appropriate action with regard to participation arrangements and shall, if required, submit those to Council, including on possible financial participation from third States in the common costs.

3. The Council hereby authorises the PSC to take, upon the recommendation of the Operation Commander and the EUMC, the relevant decisions on acceptance of the proposed contributions.

4. The Council hereby authorises the PSC to take relevant decisions on the setting up of a Committee of Contributors, in case that the third States provide significant military contributions.

Article 11

Financial arrangements

1. The Council shall establish the procedures for post settlement of costs ⁽¹⁾ in order to finance 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, as well as expenditure related to transportation of the forces as a whole, shall not be eligible for payment as common costs.

3. The financial reference amount shall be EUR 7 000 000.

Article 12

Release of information to third States and international organisations

1. The Secretary-General/High Representative is authorised to release to 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.

2. The Secretary-General/High Representative is authorised to release to 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, paragraph 1 of the Council Rules of Procedure.

Article 13

Status of the EU-led forces

If required, the status of the EU-led forces in the Democratic Republic of Congo shall be the subject of an agreement with the Government of the Democratic Republic of Congo to be concluded on the basis of Article 24 of the Treaty on European Union.

Article 14

Community action

The Council notes the intention of the Commission to direct, where appropriate, its action towards achieving the objectives of this Joint Action.

Article 15

Entry into force

This Joint Action shall enter into force on 5 June 2003. It shall expire on 1 September 2003.

Article 16

Publication

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

Done at Luxembourg, 5 June 2003.

For the Council

The President

M. CHRISOCHOÏDIS

⁽¹⁾ On the basis of the specimen Council Decision establishing pre-financing procedures for the financing of an EU operation having military or defence implications (approved by the Council on 27 January 2003).