

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

COUNCIL JOINT ACTION 2004/569/CFSP

of 12 July 2004

on the mandate of the European Union Special Representative in Bosnia and Herzegovina and repealing Council Joint Action 2002/211/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

(5) On 17 November 2003 the Council adopted Guidelines on the appointment, mandate and financing for EUSRs,

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

HAS ADOPTED THIS JOINT ACTION:

Whereas:

Article 1

Lord Ashdown shall continue to exercise his functions as the European Union Special Representative (EUSR) in Bosnia and Herzegovina (BiH), in accordance with the mandate set out hereafter.

Article 2

The mandate of the EUSR shall be based on the policy objectives of the EU in BiH. These centre around continued progress in the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, in accordance with the Office of the High Representative's Mission Implementation Plan, and in the Stabilisation and Association Process, with the aim of a stable, viable, peaceful and multiethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU membership.

Article 3

In order to achieve the policy objectives of the EU in BiH, the mandate of the EUSR shall be to:

- (1) On 11 March 2002 the Council adopted Joint Action 2002/211/CFSP appointing Lord Ashdown as the EU Special Representative in Bosnia and Herzegovina⁽¹⁾ and Joint Action 2002/210/CFSP establishing the European Union Police Mission in order to ensure the follow-on to the United Nations International Police Task Force in Bosnia and Herzegovina (BiH) as from 1 January 2003⁽²⁾.
- (2) On 17 to 18 June 2004 the European Council adopted the European Security Strategy: Comprehensive Policy for Bosnia and Herzegovina, *inter alia* calling for explicit links to the EU Special Representative (EUSR) as far as CFSP/ESDP instruments in Bosnia and Herzegovina are concerned in order to allow the EUSR to assist the Secretary-General/High Representative and the Political and Security Committee (PSC) in ensuring maximum coherence of the EU effort.
- (3) On 12 July 2004 the Council adopted Joint Action 2004/570/CFSP on the European Union military operation in Bosnia and Herzegovina⁽³⁾ which designates a specific role of the EUSR. His mandate should be modified accordingly and Joint Action 2002/211/CFSP should be repealed.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the CFSP as set out in Article 11 of the Treaty on European Union.

- (a) offer the EU's advice and facilitation in the political process;
- (b) promote overall EU political coordination in BiH without prejudice to Community competence;
- (c) provide local political advice to the EUFOR Commander, including with respect to the Integrated Police Unit style capability, on which he may draw, in agreement with the EUFOR Commander, without prejudice to the chain of command;

⁽¹⁾ OJ L 70, 13.3.2002, p. 7.

⁽²⁾ OJ L 70, 13.3.2002, p. 1. Joint Action as last amended by Joint Action 2003/188/CFSP (OJ L 73 19.3.2003, p. 9).

⁽³⁾ See page 10 of this Official Journal.

- (d) contribute to reinforcement of internal EU coordination and coherence in BiH, including through briefings to EU Heads of Mission and through participation in, or representation at, their regular meetings, through chairing a coordination group composed of all EU actors present in the field with a view to coordinating the implementation aspects of the EU's action, and through providing guidance to them on relations with the BiH authorities;
- (e) ensure consistency and coherence towards the public, without prejudice to Community competence. The EUSR spokesperson will be the main EU point of contact for BiH media on CFSP/ESDP issues;
- (f) maintain an overview over the whole range of activities in the field of the Rule of Law and in this context provide advice to the Secretary-General/High Representative and the Commission as necessary;
- (g) as part of his wider responsibilities, have authority to give direction, as necessary, to the Head of Mission/Police Commissioner of the European Union Police Mission;
- (h) as far as Community activities and activities under Title VI of the TEU, including Europol, are concerned, provide advice, as appropriate, and take part in the required local coordination;
- (i) with a view to coherence and possible synergies, continue to be consulted on priorities for Community Assistance for Reconstruction, Development and Stabilisation.

Article 4

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. The EUSR shall be accountable to the Commission for all expenditure.
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 strategic guidance and political input to the EUSR within the framework of the mandate.

Article 5

The role of the EUSR shall not in any way prejudice the mandate of the High Representative in Bosnia and Herzegovina, including his coordinating role with regard to all activities of all civilian organisations and agencies as set out in GFAP and subsequent Peace Implementation Council conclusions and declarations.

Article 6

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 200 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any prefinancing shall not remain the property of the Community. Nationals of the host and neighbouring countries are allowed to tender for contracts.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission.
4. The Presidency, Commission, and/or Member States, as appropriate, shall provide logistical support in the region.
5. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

Article 7

1. An EU dedicated staff projecting an EU identity shall be assigned to assist the EUSR to implement his mandate and contribute to the coherence, visibility and effectiveness of the overall EU action in BiH, in particular in political, politico-military and security affairs, and with regard to communication and media relations. 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 Secretary-General/High Representative, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his team.

2. EU Member States and Institutions may propose the secondment of staff to work with the EUSR. The remuneration of staff who might be seconded by an EU Member State or Institution to the EUSR shall be covered by the EU Member State or Institution concerned, respectively.

3. All A-type posts, which are not covered by secondment, shall be advertised as appropriate by the General Secretariat of the Council and also notified to EU Member States and Institutions in order to recruit the best-qualified applicants.

4. 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 defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 8

As a rule, the EUSR shall report in person to the Secretary-General/High Representative and to the PSC and may report also to the relevant working group. Regular written reports shall be circulated to the Secretary-General/High Representative, Council and Commission. The EUSR may report to the Council on the recommendation of the Secretary-General/High Representative and the PSC.

Article 9

To ensure the consistency of the EU external action, the activities of the EUSR shall be coordinated with those of the Secretary-General/High Representative, the Presidency and the Commission. The EUSR shall provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and 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, including, *inter alia*, the OSCE.

Article 10

The implementation of this Joint Action and its consistency with other EU contributions to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the Secretary-General/High Representative, Council and Commission two months before the mandate expires. The report shall form a basis for evaluation of this Joint Action in the relevant working groups and by the PSC. In the context of overall priorities for deployment, the Secretary-General/High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 11

Joint Action 2002/211/CFSP is hereby repealed.

Article 12

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

It shall apply until 28 February 2005.

Article 13

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

Done at Brussels, 12 July 2004.

For the Council

The President

B. BOT