

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/677/CFSP

of 15 October 2007

on the European Union military operation in the Republic of Chad and in the Central African Republic

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) In its Resolution 1706 (2006) concerning the situation in the Darfur region of Sudan, the United Nations Security Council (UNSC) reaffirmed its concern that the ongoing violence in Darfur might further negatively affect the rest of the Sudan as well as the region, in particular Chad and the Central African Republic, and stressed that regional security aspects must be addressed to achieve long lasting peace in Darfur. In its Resolution 1769 (2007), which authorised the establishment of an African Union/United Nations (AU/UN) Hybrid operation in Darfur (UNAMID), the UNSC expressed its readiness to support proposals by the UN General Secretary relating to a possible multidimensional UN presence in Eastern Chad and North-Eastern Central African Republic with a view to improving security of civilians in these regions.
- (2) In its conclusions of 23 July 2007, the Council reiterated its commitment to continue to support the efforts of the AU and the UN to resolve the conflict in the Darfur region of Sudan both in regard to the political process aimed at reaching a comprehensive and sustainable settlement between the concerned parties in the conflict and in regard to the AU/UN peacekeeping efforts through the deployment of an AU/UN Hybrid operation in Darfur. It underlined its support for ongoing efforts to facilitate humanitarian activities in Darfur and its readiness to consider further measures, notably within the UN framework, to ensure humanitarian deliveries and protection of civilians.
- (3) The Council further emphasised the regional dimension of the Darfur crisis and the urgent need to address the destabilising impact of the crisis on the humanitarian and security situation in neighbouring countries, and reiterated its support for the deployment of a multidimensional UN presence in Eastern Chad and North-Eastern Central African Republic and indicated its willingness to consider a EU military bridging operation in support of such a multidimensional UN presence with a view to improving security in those areas.
- (4) In his report of 10 August 2007, the UN Secretary General proposed the deployment of a multidimensional presence, including a possible EU military component, in Eastern Chad and North-Eastern Central African Republic, *inter alia*, aimed at improving the security of refugees and internally displaced persons, facilitating the delivery of humanitarian assistance and creating favourable conditions for reconstruction and development efforts in these regions.
- (5) On 27 August 2007, the President of the UNSC made a statement on behalf of the Security Council, welcoming the UN Secretary General's proposals on a multidimensional presence in the Republic of Chad and the Central African Republic, including a possible EU military deployment.
- (6) On 12 September 2007, the Council approved a general concept for a possible EU military operation in the Republic of Chad and in the Central African Republic.
- (7) The Secretary General/High Representative (SG/HR) informed the UN Secretary General of the Decision taken by the Council in a letter of 17 September 2007.

- (8) The authorities of Chad and the Central African Republic have welcomed a possible EU military presence in their respective countries.
- (9) United Nations Security Council Resolution (UNSCR) 1778 (2007) of 25 September 2007 approved the establishment of a UN Mission in the Central African Republic and Chad (MINURCAT) and authorised the EU to deploy forces in these countries for a period of 12 months from the declaration of Initial Operating Capability. Further it provided for an evaluation of needs within six months from that date by the EU and the UN in view of follow on arrangements, including a possible UN operation.
- (10) According to Joint Action 2007/108/CFSP⁽¹⁾, the policy objectives for the mandate of the European Union Special Representative (EUSR) for Sudan take into due account regional ramifications of the conflict in Darfur for the Republic of Chad and the Central African Republic. The EUSR for Sudan should therefore be mandated to provide political guidance to the EU Force Commander, *inter alia*, in order to ensure overall coherence with the EU's actions towards Sudan/Darfur.
- (11) The Political and Security Committee (PSC) should exercise political control of the EU military operation in the Republic of Chad and the Central African Republic, provide it with strategic direction and take the relevant decisions in accordance with third subparagraph of Article 25 of the EU Treaty.
- (12) 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 2007/384/CFSP of 14 May 2007 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications⁽²⁾ (hereinafter referred to as 'ATHENA').
- (13) 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 a 12-month period 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.
- (14) In accordance 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 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 bridging operation in the Republic of Chad and in the Central African Republic, named EUFOR Tchad/RCA, in accordance with the mandate set out in United Nations Security Council Resolution (UNSCR) 1778 (2007).

2. The forces deployed to that effect shall operate in accordance with the political and strategic objectives approved by the Council on 12 September 2007.

Article 2

Appointment of the EU Operation Commander

Lieutenant General Patrick NASH is hereby appointed EU Operation Commander.

Article 3

Designation of the EU Operational Headquarters

The EU Operational Headquarters shall be located at Mont Valérien.

Article 4

Appointment of the EU Force Commander

Brigadier General Jean-Philippe GANASCIA 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.

⁽¹⁾ OJ L 46, 16.2.2007, p. 63.

⁽²⁾ OJ L 152, 13.6.2007, p. 14.

*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 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**

1. The Presidency, the SG/HR, the EUSR, the EU Operation Commander and the EU Force Commander respectively shall ensure close coordination of their respective activities with respect to the implementation of this Joint Action.

2. Without prejudice to the chain of command, the EU Force Commander shall consult and take into account political guidance from the EUSR in particular on issues with a regional political dimension, except when decisions have to be taken urgently or when operational security is paramount.

*Article 9***Relations with the United Nations, the Republic of Chad, the Central African Republic 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 Chadian authorities, the authorities of the Central African Republic 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 on issues relevant to his mission.

3. The EU Force Commander shall, on issues relevant to his mission, maintain close contacts with MINURCAT and local authorities, as well as with other international actors, as appropriate.

4. Without prejudice to Article 12 of ATHENA, the SG/HR and the EU Commanders shall enter into the necessary arrangements with the United Nations regarding the modalities for mutual assistance and cooperation.

*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, third States may be invited to participate in the operation.

2. The Council hereby authorises the PSC to invite third States to offer a contribution and to take, upon the recommendation of the EU Operation Commander and the EUMC, the relevant decisions on acceptance of the proposed contributions.

3. Detailed modalities 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

1. 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.

2. Arrangements for the coordination of the EU's activities in the Republic of Chad and in the Central African Republic shall be established as appropriate on the ground as well as in Brussels.

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 and smooth functioning of their mission, shall be agreed in accordance with the procedure laid down in Article 24 of the EU Treaty. The SG/HR, who shall assist the Presidency, may negotiate such arrangements on its behalf.

Article 13

Financial arrangements

1. The common costs of the EU military operation shall be administered by ATHENA.

2. The financial reference amount for the common costs of the EU military operation shall be EUR 99 200 000. The percentage of the reference amount referred to in Article 33(3) of ATHENA shall be 50 %.

Article 14

Release of information to United Nations and other third parties

1. The SG/HR is hereby authorised to release to the United Nations 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 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 ⁽¹⁾.

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 no later than 12 months after having reached Initial Operating Capability. The EU force shall begin recovery at the end of the EU military operation. During the period of recovery, the EU force may continue to perform the tasks entrusted to it in accordance with UNSCR 1778 (2007), within the limits of its residual capabilities; in particular, the chain of command for the EU military operation shall continue to apply.

3. This Joint Action shall be repealed following the recovery of the EU force, in accordance with approved termination planning of the EU military operation, and without prejudice to the relevant provisions of ATHENA.

Article 16

Publication

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

Done at Luxembourg, 15 October 2007.

For the Council

The President

L. AMADO

⁽¹⁾ 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).