

COUNCIL JOINT ACTION 2009/134/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative for Sudan**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 19 April 2007, the Council adopted Decision 2007/238/CFSP ⁽¹⁾ appointing Mr Torben BRYLLE European Union Special Representative (EUSR) for Sudan.
- (2) On 12 February 2008, the Council adopted Joint Action 2008/110/CFSP ⁽²⁾ amending and extending the mandate of the EUSR until 28 February 2009.
- (3) On the basis of a review of Joint Action 2008/110/CFSP, the mandate of the EUSR should be extended for a further 12-month period.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***European Union Special Representative**

The mandate of Mr Torben BRYLLE as the European Union Special Representative (EUSR) for Sudan is hereby extended until 28 February 2010.

*Article 2***Policy objectives**

1. The mandate of the EUSR shall be based on the policy objectives of the European Union (EU) in Sudan, notably as regards efforts, as part of the international community and in support of the African Union (AU) and the United Nations (UN), to assist the Sudanese parties, the AU and the UN to achieve a political settlement of the conflict in Darfur,

including through the implementation of the Darfur Peace Agreement (DPA) and to facilitate the implementation of the Comprehensive Peace Agreement (CPA) and to promote South-South dialogue, as well as facilitating the implementation of the Eastern Sudan Peace Agreement (ESPA), with due regard to the regional ramifications of these issues and to the principle of African ownership.

2. The mandate of the EUSR shall furthermore be based on the EU policy objectives in relation to 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 ⁽³⁾ (EUFOR Tchad/RCA).

*Article 3***Mandate**

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:

- (a) liaise with the AU, the Government of Sudan, the Government of Southern Sudan, the Darfur armed movements and other Sudanese parties as well as Darfur civil society and non-governmental organisations and maintain close collaboration with the UN and other relevant international actors, with the aim of pursuing the European Union's policy objectives;
- (b) represent the European Union at the Darfur-Darfur dialogue, at high-level meetings of the Joint Commission, as well as other relevant meetings as requested;
- (c) represent the European Union, whenever possible, at the CPA and DPA Assessment and Evaluation Commissions;
- (d) follow developments regarding the implementation of the ESPA;
- (e) ensure coherence between the European Union's contribution to crisis management in Darfur and the overall political relationship of the European Union with Sudan;

⁽¹⁾ OJ L 103, 20.4.2007, p. 52.

⁽²⁾ OJ L 38, 13.2.2008, p. 28.

⁽³⁾ OJ L 279, 23.10.2007, p. 21.

(f) with regard to human rights, including the rights of children and women, and the fight against impunity in Sudan, follow the situation and maintain regular contacts with the Sudanese authorities, the AU and the UN, in particular with the Office of the High Commissioner for Human Rights, the human rights observers active in the region and the Office of the Prosecutor of the International Criminal Court;

(g) liaise with the Presidency, the Secretary-General/High Representative (SG/HR), the EU Operation Commander and the EU Force Commander of Operation EUFOR Tchad/RCA in order to ensure close coordination of their respective activities with respect to the implementation of Joint Action 2007/677/CFSP; close coordination shall also be ensured with the local Commission Delegations;

(h) with respect to the implementation of Joint Action 2007/677/CFSP, assist the SG/HR in relation to his contacts with the United Nations, the Chadian authorities, the authorities of the Central African Republic and neighbouring countries as well as with other relevant actors;

(i) without prejudice to the military chain of command, provide the EU Force Commander of Operation EUFOR Tchad/RCA with political guidance in particular on issues with a regional political dimension;

(j) with respect to his tasks related to Operation EUFOR Tchad/RCA, consult with the EU Force Commander on political issues with a security dimension.

2. For the purpose of the fulfilment of his mandate, the EUSR shall, *inter alia*:

(a) maintain an overview of all activities of the European Union;

(b) ensure close coordination and coherence of the activities of the European Union with respect to Operation EUFOR Tchad/RCA;

(c) support the political process and activities relating to the implementation of the CPA, the DPA and the ESPA; and

(d) follow up and report on compliance by the Sudanese parties with the relevant UN Security Council Resolutions, notably 1556 (2004), 1564 (2004), 1591 (2005), 1593 (2005), 1672 (2006), 1679 (2006), 1706 (2006), 1769 (2007) and 1778 (2007).

Article 4

Implementation of the mandate

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 (SG/HR).

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 the EUSR with strategic guidance and political direction within the framework of the mandate.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March 2009 to 28 February 2010 shall be EUR 1 800 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. 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 SG/HR, and in full association with the Commission. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the composition of his team.

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

4. Offices of the EUSR shall be maintained in Khartoum and in Juba, comprising a Political Advisor and the necessary administrative and logistic support staff. In accordance with the EUSR's mandate as described in Article 3, a sub-office in Darfur may also be established if the existing Offices in Khartoum and Juba cannot provide all necessary support to EUSR staff deployed in the Darfur region.

Article 7

Privileges and immunities of the EUSR and his staff

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 agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Presidency, the Commission and/or Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the EU, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the SG/HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

Article 11

Reporting

1. The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide the General Affairs and External Relations Council with reports.

2. The EUSR shall regularly report to the PSC on the situation in Darfur and on the situation in Sudan as a whole, as well as on the situation in the Republic of Chad and the Central African Republic in relation to EUFOR Tchad/RCA.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 12***Coordination**

1. The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and the Commission's delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They 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.

*Article 13***Review**

The implementation of this Joint Action and its consistency with other contributions from the European Union to the region shall be kept under regular review. The EUSR shall present the SG/HR, the Council and the Commission with a progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November

2009. These reports 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 SG/HR shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

*Article 14***Entry into force**

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

*Article 15***Publication**

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA