AGREEMENT

between the European Union and the Czech Republic on the participation of the Czech Republic in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)

THE EUROPEAN UNION,

on the one hand, and

THE CZECH REPUBLIC,

on the other hand,

together hereinafter referred to as the 'Participating Parties',

TAKING INTO ACCOUNT

— the presence of the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina since 1996 and the offer of the European Union to ensure, by 1 January 2003, the follow-on to the IPTF in Bosnia and Herzegovina,

— the acceptance by Bosnia and Herzegovina of that offer, by Exchange of Letters of 2 and 4 March 2002, which provides, *inter alia*, that the EUPM planning team be granted the status currently applicable to the members of the European Union Monitoring Mission (EUMM) in Bosnia and Herzegovina,

— the adoption by the Council of the European Union on 11 March 2002 of Joint Action 2002/210/CFSP on the European Union Police Mission ([1]) stating that non-EU European NATO members and other States which are candidates for accession to the European Union as well as other non-EU OSCE Member States, currently providing staff to IPTF, are invited to contribute to the EUPM,

— the agreement concluded on 4 October 2002 between the EU and Bosnia and Herzegovina on the activities of the EUPM in Bosnia and Herzegovina ([2]), including provisions on the status of the EUPM personnel,

HAVE AGREED AS FOLLOWS:

Article 1

Framework

The Czech Republic shall associate itself with the provisions of Joint Action 2002/210/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina including its Annex on the mission statement for EUPM, adopted by the Council of the European Union on 11 March 2002, in accordance with the provisions stipulated in the following Articles.

Article 2

Personnel seconded to the EUPM

1. The Czech Republic shall contribute to the EUPM with six seconded police officers. This personnel should be seconded for a minimum of one year, taking into account that appropriate rotation of seconded personnel shall be ensured.

2. The Czech Republic shall ensure that its personnel seconded to the EUPM undertake their mission in conformity with the provisions of Joint Action 2002/210/CFSP.

3. The Czech Republic shall inform in due course the EUPM and the General Secretariat of the Council of the European Union of any change to its contribution to the EUPM.

4. Personnel seconded to the EUPM shall undergo an extensive medical examination, vaccination and be certified medically fit for duty by a competent authority from the Czech Republic. A copy of this certification shall accompany the personnel seconded to the EUPM.

5. The Czech Republic shall bear the cost of sending the police officers and/or the international civilian staff seconded by it, including salaries, allowances, medical expenses, insurance and travel expenses to and from Bosnia and Herzegovina.

([1]) OJ L 70, 13.3.2002, p. 1.
([2]) OJ L 293, 29.10.2002, p. 2.

Article 3

Status of personnel seconded to the EUPM

1. Personnel seconded to the EUPM by the Czech Republic shall be covered, until 31 December 2002 under the agreement applicable to the EUPM planning team, and as of 1 January 2003 under the agreement concluded on 4 October 2002 between the European Union and Bosnia and Herzegovina on the activities of the EUPM in Bosnia and Herzegovina.

2. The Czech Republic shall be responsible for answering any claims linked to the secondment of an EUPM staff member, from or concerning the staff member. The Czech Republic shall be responsible for bringing any action against a secondee.

3. The EUPM is an unarmed mission and as such has no rules of engagement.

4. Seconded police officers shall work in their national police uniforms. Berets and insignia shall be provided by the EUPM.

Article 4

Chain of command

1. The contribution of the Czech Republic to the EUPM is without prejudice to the decision-making autonomy of the Union. The personnel seconded by the Czech Republic shall carry out his/her duties and conduct himself/herself in accordance with the interests of the EUPM.

2. All EUPM personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer operational command (OPCOM) to the EUPM Head of Mission/Police Commissioner, who shall exercise that command through a hierarchical structure of command and control.

4. The Head of Mission/Police Commissioner shall lead the EUPM and assume its day-to-day management.

5. The Czech Republic shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with Article 8(2) of Joint Action 2002/210/CFSP. This shall take place on the ground in the normal course of the operation, including within the police mission headquarters.

6. The EUPM Head of Mission/Police Commissioner shall be responsible for disciplinary control over mission personnel. Where applicable, disciplinary action shall be exercised by the national authority concerned.

7. A national contingent point of contact (NPCs) shall be appointed by the Czech Republic to represent its national contingent in the mission. NPCs shall report to the EUPM Head of Mission/Police Commissioner on national matters and shall be responsible for day-to-day contingent discipline.

8. The decision by the European Union to end the operation shall be made following consultation with the Czech Republic, provided that this State is still contributing to the EUPM at the date of termination of the mission.

Article 5

Classified information

The Czech Republic shall take appropriate measures to ensure that, when EU classified information is handled by its personnel seconded to the EUPM, this personnel respects the Council of the European Union's security regulations, which are contained in Council Decision 2001/264/EC ([1]).

Article 6

Contributions to the running costs

1. The Czech Republic shall contribute to the running costs of the EUPM an amount of EUR 25 000 per year. The Czech Republic shall consider making additional contributions of a voluntary nature to these running costs, taking into account its means and level of participation.

2. An arrangement shall be signed between the EUPM Head of Mission/Police Commissioner and the relevant administrative services of the Czech Republic on the contributions of the Czech Republic to the running costs of EUPM. This arrangement shall include the following provisions on:

(a) the concerned amount, including the possible additional contributions of a voluntary nature, if any;

(b) the arrangements for payment and management of the concerned amount;

(c) the verification arrangements covering control and audit of the concerned amount, where appropriate.

3. The Czech Republic shall formally communicate to the EUPM and to the General Secretariat of the Council of the European Union the total amount of its contribution to the running costs by 15 November 2002 and thereafter by 1 November of each year and shall conclude the financial arrangement by 15 December of each year.

([1]) OJ L 101, 11.4.2001, p. 1.

4. The contributions of the Czech Republic to the running costs of the EUPM shall be deposited by 31 March of each year in the bank account which shall be indicated to that State.

Article 7

Non-compliance

Should one of the Participating Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this agreement by serving two months' notice.

Article 8

Entry into force

This Agreement shall enter into force upon signature. It shall remain in force for the duration of the contribution of the Czech Republic to the EUPM.

Done at Brussels, 11-12-2002, in the English language in four copies.

For the European Union *For the Czech Republic*