AGREEMENT

between the European Union and the Government of Latvia on the participation of the Republic of Latvia in the European Union-led forces (EUF) in the former Yugoslav Republic of Macedonia

THE EUROPEAN UNION,

on the one hand, and

THE GOVERNMENT OF LATVIA,

on the other hand,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

— the adoption by the Council of the European Union of Joint Action 2003/92/CFSP of 27 January 2003 on the European Union military operation in the former Yugoslav Republic of Macedonia,

— the invitation to the Republic of Latvia to participate in the EU-led operation,

— the successful completion of the Force Generation process and the recommendation by the Operation Commander and the EU Military Committee to agree on the participation of the Republic of Latvia forces in the EU-led operation,

— the decision by the Political and Security Committee of 11 March 2003 to accept the contribution of the Republic of Latvia to the EU-led operation,

— the Exchange of Letters between the Government of the former Yugoslav Republic of Macedonia and the Secretary-General/High Representative on the conduct of the Operation,

— the Agreement concluded on 21 March 2003 between the EU and the Government of the Former Yugoslav Republic of Macedonia on the status of the EUF and its personnel,

HAVE AGREED AS FOLLOWS:

Article 1

Framework and definitions

1. The Government of Latvia shall associate itself with the provisions of the Joint Action 2003/92/CFSP on the European Union force in the former Yugoslav Republic of Macedonia, adopted by the Council of the European Union on 27 January 2003, in accordance with the provisions stipulated in the following Articles.

2. For the purpose of this Agreement, the following definitions shall have the meanings hereunder assigned to them:

(a) 'Operation Concordia' means the European Union military operation in the former Yugoslav Republic of Macedonia provided for in the Council Joint Action 2003/92/CFSP dated 27 January 2003;

(b) 'European Union-led forces' (EUF) means EU military headquarters, constituent national units/elements contributing to the Operation Concordia, their assets and their means of transport;

(c) 'EUF personnel' means the civilian and military personnel assigned to EUF;

(d) 'mechanism' means the operational financing mechanism established by Council Decision dated 27 January 2003 to provide for the financing of the common costs of the European Union military operation in the former Yugoslav Republic of Macedonia;

(e) 'Participating Parties' means Member States applying the Joint Action referred to in paragraph 1 above and third States participating in the Operation Concordia by providing forces, personnel or assets;

(f) 'Claims Joint Commission' means the Joint Claims Commission set up pursuant to Article 13 of the Agreement between the European Union and the former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the former Yugoslav Republic of Macedonia.

Article 2

Participation in the Operation

1. The Republic of Latvia shall participate in the Operation Concordia with a contingent as determined on the occasion of the Force Generation Conference. If necessary, rotation of seconded personnel shall be ensured.

2. The Government of Latvia shall ensure that its forces and personnel undertake their mission in conformity with the provisions of the Joint Action 2003/92/CFSP, the Operation Plan and implementing measures.

3. The Government of Latvia shall inform the EU Operation Commander, the EU Force Commander and the EU military staff of any change to its participation in the Operation Concordia.

Article 3

Status

1. The forces and personnel participating in the Operation Concordia shall be governed by the Agreement between the European Union and FYROM on the status of the European Union-led forces in FYROM and its implementing arrangements.

2. The status of personnel contributed to headquarters or command elements located outside FYROM shall be governed by arrangements between the headquarters and command elements concerned and the Government of Latvia.

Article 4

Chain of command

1. The participation of the Republic of Latvia in the Operation Concordia is without prejudice to the decision-making autonomy of the European Union.

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

3. National authorities shall transfer operational control (OPCON) to the EU Operation Commander. The Operation Commander is entitled to delegate his authority.

4. The Republic of Latvia shall have the same rights and obligations in terms of day-to-day management of the Operation Concordia as participating Member States in accordance with Article 8(4) of the Joint Action 2003/92/CFSP and the PSC Decision FYROM/01/03 on the establishment of the Committee of Contributors.

5. The Republic of Latvia shall exercise jurisdiction over its personnel. The Operation Commander and the Force Commander may at any time request the withdrawal of the Republic of Latvia personnel.

6. A senior military representative (SMR) shall be appointed by the Government of Latvia to represent its national contingent in EUF. The SMR shall consult the EU Force Commander on all matters affecting the Operation Concordia and shall be responsible for day-to-day contingent discipline.

Article 5

Classified information

The Government of Latvia shall take appropriate measures to ensure that, when EU classified information is handled by its personnel, this personnel respects the European Union Council's security regulations, which are contained in Council Decision 2001/264/EC of 19 March 2001 [1], and further guidance that may be issued by the Operation Commander.

Article 6

Financial aspects

1. Without prejudice to Article 7, the Government of Latvia shall assume all the costs associated with its participation in Operation Concordia unless the costs are subject to common funding as set out in the operational budget of the operation.

2. In case the Joint Claims Commission decides to grant damages to natural or legal persons from FYROM, the Government of Latvia shall pay for these damages if death, injury, damage or loss are caused by its personnel or its assets, unless the mechanism, in accordance with Article 9(3) of the Council Decision establishing the mechanism, decides to pay for those damages.

Article 7

Contributions to the common costs

1. The Government of Latvia shall contribute to the common costs of the Operation an amount of EUR 19 220 per six months.

2. An arrangement shall be concluded between the administrator of the mechanism, established by the Council Decision of 27 January 2003, to provide for the financing of the common costs of the operation and competent administrative authorities of the Government of Latvia. This arrangement shall include provisions on:

(a) the arrangements for payment and management of the financial contribution;

(b) the verification arrangements covering control and audit of the financial contribution, where appropriate.

3. The contributions of the Government of Latvia to the common costs of the Operation Concordia shall be deposited by the Government of Latvia in the bank account which shall be indicated to that State by the administrator of the mechanism.

Article 8

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 a one-month notice.

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

Article 9

Entry into force

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

Written amendments to this Agreement may be agreed at any time.

Done at Brussels, 17 OCTOBER 2003, in the English language in four copies.

For the European Union

For the Government of Latvia

GIRTS VALDIS KAMPARS
Minister of defence