Corrigendum to Agreement between the European Union and the Republic of Albania on the participation of the Republic of Albania in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA)

(Official Journal of the European Union L 217 of 13 August 2008)

The text of the Agreement should read as follows:

'AGREEMENT

between the European Union and the Republic of Albania on the participation of the Republic of Albania in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA)

THE EUROPEAN UNION (EU),

of the one part, and

THE REPUBLIC OF ALBANIA,

of the other part,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

— the adoption by the Council of the European Union of 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 (Operation EUFOR Tchad/RCA),

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

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

— the Political and Security Committee Decision CHAD/1/2008 of 13 February 2008 on the acceptance of third States' contributions to the European Union military operation in the Republic of Chad and in the Central African Republic ([1]),

— the Political and Security Committee Decision CHAD/2/2008 of 18 March 2008 on the setting up of the Committee of contributors for the European Union military operation in the Republic of Chad and in the Central African Republic ([2]),

HAVE AGREED AS FOLLOWS:

Article 1

Participation in the operation

1. The Republic of Albania shall associate itself with 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 (Operation EUFOR Tchad/RCA) and with any Joint Action or Decision by which the Council of the European Union decides to extend the EU military crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.

2. The contribution by the Republic of Albania to the EU military crisis management operation shall be without prejudice to the decision-making autonomy of the European Union.

3. The Republic of Albania shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in accordance with:

— Joint Action 2007/677/CFSP and possible subsequent amendments,

— the Operation Plan,

— any implementing measures.

([1]) OJ L 56, 29.2.2008, p. 64. Decision as amended by Decision CHAD/3/2008 (OJ L 144, 4.6.2008, p. 82).

([2]) OJ L 107, 17.4.2008, p. 60. Decision as amended by Decision CHAD/3/2008.

4. Forces and personnel seconded to the operation by the Republic of Albania shall carry out their duties and conduct themselves solely with the interest of the EU military crisiss management operation in mind.

5. The Republic of Albania shall inform the EU Operation Commander in due time of any change in its participation in the operation.

Article 2

Status of forces

1. The status of the forces and personnel contributed to the EU military crisis management operation by the Republic of Albania shall be governed by the provisions on the status of forces, if available, agreed between the European Union and the States concerned.

2. The status of the forces and personnel contributed to headquarters or command elements located outside the Republic of Chad and the Central African Republic shall be governed by arrangements between the headquarters and command elements concerned and the Republic of Albania.

3. Without prejudice to the provisions on the status of forces referred to in paragraph 1, the Republic of Albania shall exercise jurisdiction over its forces and personnel participating in the EU military crisis management operation.

4. The Republic of Albania shall be responsible for answering any claims linked to participation in the EU military crisis management operation, from or concerning any of its forces and personnel. The Republic of Albania shall be responsible for bringing any action, in particular legal or disciplinary, against any of its forces and personnel, in accordance with its laws and regulations.

5. The Republic of Albania undertakes to make a declaration regarding the waiver of claims against any State participating in the EU military crisis management operation, and to do so when signing this Agreement.

6. The European Union undertakes to ensure that Member States make a declaration regarding the waiver of claims, for the participation of the Republic of Albania in the EU military crisis management operation, and to do so when signing this Agreement.

Article 3

Classified information

1. The Republic of Albania shall take appropriate measures to ensure that EU classified information is protected in accordance with the security regulations of the Council of the European Union, as set out in the Annex to Council Decision 2001/264/EC of 19 March 2001 ([1]), and in accordance with further guidance issued by competent authorities, including the EU Operation Commander.

2. Where the European Union and the Republic of Albania have concluded an agreement on security procedures for the exchange of classified information, the provisions of that agreement shall apply in the context of the EU military crisis management operation.

Article 4

Chain of command

1. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.

2. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander shall be entitled to delegate his authority.

3. The Republic of Albania shall have the same rights and obligations in terms of the day-to-day management of the operation as participating EU Member States.

4. The EU Operation Commander may at any time, following consultations with the Republic of Albania, request the withdrawal of the Republic of Albania's contribution.

5. A Senior Military Representative (hereinafter referred to as SMR) shall be appointed by the Republic of Albania to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

Article 5

Financial aspects

1. The Republic of Albania shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 1(1) of this Agreement and in 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 (Athena) ([2]).

([1]) OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).
([2]) OJ L 152, 13.6.2007, p. 14.

2. In the event of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, the Republic of Albania shall, when its liability has been established, pay compensation under the conditions laid down in the provisions on the status of forces, if available, as referred to in Article 2(1) of this Agreement.

Article 6

Arrangements to implement the Agreement

Any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary-General of the Council of the European Union/High Representative for the Common Foreign and Security Policy and the appropriate authorities of the Republic of Albania.

Article 7

Non-compliance

Should one of the Parties fail to comply with its obligations as laid down in Articles 1 to 6, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

Article 8

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 9

Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. This Agreement shall be applied provisionally from the date of signature.

3. This Agreement shall remain in force for the duration of the Republic of Albania's contribution to the operation.

Done at Paris, on 13 July 2008 in the English language in four copies.

For the European Union *For the Republic of Albania*