AGREEMENT

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

THE EUROPEAN UNION,

on the one hand, and

THE RUSSIAN FEDERATION,

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 of Joint Action 2002/210/CFSP of 11 March 2002 on the European Union Police Mission (1) and Joint Actions 2003/141/CFSP of 27 February 2003 (2) and 2003/188/CSFP of 17 March 2003 (3) amending Joint Action 2002/210/CFSP on the European Union Police Mission, 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 (4), including provisions on the status of the EUPM personnel,

HAVE AGREED AS FOLLOWS:

Article 1

Framework

The Russian Federation shall associate itself with the provisions of the 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, as amended by the Joint Actions 2003/141/CFSP of 27 February 2003 and 2003/188/CSFP of 17 March 2003 (5) amending Joint Action 2002/210/CFSP on the European Union Police Mission, 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.

Article 2

Personnel seconded to the EUPM

1. The Russian Federation shall contribute to the EUPM five 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 Russian Federation shall ensure that its personnel seconded to the EUPM undertake their mission in conformity with the provisions of the Joint Action 2002/210/CFSP as amended by Joint Actions 2003/141/CFSP and 2003/188/CSFP.

3. The Russian Federation 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 Russian Federation. A copy of this certification shall accompany the personnel seconded to the EUPM.

5. The Russian Federation shall bear the cost of sending the police officers seconded by it, including salaries, allowances, medical expenses, insurance, and travel expenses to and from Bosnia and Herzegovina.

Article 3

Status of personnel seconded to the EUPM

1. Personnel seconded to the EUPM by the Russian Federation shall be covered 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 Russian Federation shall be responsible for answering any claims linked to the secondment of an EUPM staff member, from or concerning the staff member. The Russian Federation 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 Russian Federation to the EUPM is without prejudice to the decision-making autonomy of the Union. The personnel seconded by the Russian Federation 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 Russian Federation 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 the 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 Russian Federation 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 Russian Federation, provided that this State is still contributing to the EUPM at the date of termination of the mission.

Article 5

Classified information

The Russian Federation shall take appropriate measures to ensure that, when EU classified information is handled by its personnel seconded to the EUPM, this personnel respects the European Union Council’s security regulations, which are contained in the Council Decision 2001/264/EC of 19 March 2001 (1) adopting the Council’s security regulations.

Article 6

Contributions to the running costs

1. The Russian Federation shall contribute to the running costs of the EUPM an amount of EUR 25 000 per year. The Russian Federation 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 Russian Federation on the contributions of the Russian Federation to the running costs of EUPM. This arrangement shall include the following provisions on:

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

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

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

3. The Russian Federation 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 in 2003 by 31 July 2003 and thereafter by 1 November of each year and shall conclude the financial arrangement by 15 August 2003 for 2003 and thereafter by 15 December of each year for its contribution to the running costs for the following year.

4. The contributions of the Russian Federation to the running costs of the EUPM shall be deposited by 15 September 2003 and thereafter by the 31 March of each year in the bank account which shall be indicated to that State.

EXCHANGE OF LETTERS

between the European Union and the Russian Federation concerning an Agreement on the participation of the Russian Federation in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)

Letter from the European Union

Brussels, 24 July 2003

Sir,

I have the honour to transmit in the annex the text of the Agreement between the European Union and the Russian Federation on the participation of the Russian Federation in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) in the English language, together with a translation in the Russian language.

I have the honour to propose on behalf of the European Union that, if it is acceptable to the Russian Federation, this letter and your letter of confirmation, including their annexes, shall together constitute the abovementioned Agreement which will be applied provisionally as of the date of receipt of your letter of confirmation, will enter into force on the first day of the first month following the notification by the Participating Parties to each other of the completion of the procedures necessary for that purpose, and will remain in force for the duration of the contribution of the Russian Federation to the EUPM, unless terminated by either Party by serving a two months notice to the other Party.

I would also wish to declare that the acceptance by the European Union of the procedure set out in this letter does not constitute a precedent for any future agreements between the European Union and the Russian Federation.

I would be grateful if you could confirm the acceptance by the Russian Federation of the above. A translation of this letter in the Russian language is attached.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Union

[Signature]

M. MELANI
Sir,

With reference to your letter of 24 July 2003, I have the honour to confirm acceptance by the Russian Federation of conditions of the Agreement between the Russian Federation and the European Union on the participation of the Russian Federation in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), the text of which, in the Russian language, together with a translation in the English language, is attached to this letter.

I have the honour to confirm also, that your letter and this letter, including their annexes, will together constitute the abovementioned Agreement between the Russian Federation and the European Union, which will be applied provisionally as of the date of receipt of this letter, will enter into force on the first day of the first month following the notification by the Participating Parties to each other of the completion of the procedures necessary for that purpose, and will remain in force for the duration of the contribution of the Russian Federation to the EUPM, unless terminated by either Party by serving a two months notice to the other Party.

I would be grateful if you could notify the date of receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Russian Federation

M. FRADKOV