

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2008/123/CFSP**of 4 February 2008****appointing a European Union Special Representative in Kosovo**

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 10 June 1999 the United Nations Security Council adopted Resolution 1244.
- (2) On 15 September 2006, the Council adopted Joint Action 2006/623/CFSP⁽¹⁾ on the establishment of a team to contribute to the preparations of the establishment of a possible International Civilian Office in Kosovo, including a European Union Special Representative component (ICO/EUSR Preparation Team).
- (3) On 13/14 December 2007, the European Council underlined that the EU stands ready to play a leading role in strengthening stability in the region and in implementing a settlement defining Kosovo's future status. It stated the EU's readiness to assist Kosovo in the path towards sustainable stability, including by an ESDP mission and a contribution to an International Civilian Office as part of the international presences.
- (4) In parallel with this Joint Action, the Council will adopt a Joint Action on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO).
- (5) The Stabilisation and Association Process is the strategic framework for the EU's policy towards the Western Balkan region, and its instruments apply to Kosovo,

including a European partnership, political and technical dialogue under the SAP Tracking Mechanism, and related Community assistance programmes.

- (6) The EUSR's mandate should be implemented in coordination with the Commission in order to ensure consistency with other relevant activities falling within Community competence.
- (7) The Council foresees that the powers and authorities of the EUSR and the powers and authorities of an International Civilian Representative shall be vested in the same person.
- (8) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Appointment**

Mr Pieter Feith is hereby appointed as European Union Special Representative (EUSR) in Kosovo for the period from the date of adoption of the Joint Action to 28 February 2009.

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the EU in Kosovo. These include to play a leading role in strengthening stability in the region and in implementing a settlement defining Kosovo's future status, with the aim of a stable, viable, peaceful, democratic and multi-ethnic Kosovo, contributing to regional cooperation and stability, on the basis of good neighbourly relations; a Kosovo that is committed to the rule of law and to the protection of minorities, and of cultural and religious heritage.

⁽¹⁾ OJ L 253, 16.9.2006, p. 29. Joint Action as last amended and extended by Joint Action 2007/744/CFSP (OJ L 301, 20.11.2007, p. 27).

*Article 3***Mandate**

In order to achieve the policy objectives of the EU in Kosovo, the mandate of the EUSR shall be to:

- (a) offer the EU's advice and support in the political process;
- (b) promote overall EU political coordination in Kosovo;
- (c) provide local political guidance to the Head of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including on the political aspects of issues relating to executive responsibilities;
- (d) ensure consistency and coherence of EU action towards the public. The EUSR spokesperson shall be the main EU point of contact for Kosovo media on Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP) issues. All press and public information activities will be conducted in close and continued coordination with the SG/HR spokesperson/Council Secretariat Press Office;
- (e) until the expiry of Council Joint Action 2006/623/CFSP of 15 September 2006 on the establishment of a EU team to contribute to the preparations of the establishment of a possible international civilian mission in Kosovo, including a European Union Special Representative component (ICM/EUSR Preparation Team), give political guidance and operational direction to the Head of the Preparation Team established thereby, preparing for the EU contribution to an International Civilian Office;
- (f) contribute to the development and consolidation of respect for human rights and fundamental freedoms in Kosovo, including with regard to women and children, in accordance with EU human rights policy and EU guidelines on Human Rights.

*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.

3. Until the expiry of Joint Action 2006/623/CFSP, the EUSR shall be supported by the Preparation Team established thereby.

*Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from the date of adoption of this Joint Action to 28 February 2009 shall be EUR 380 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from the date of adoption of this Joint Action. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities with the exception that any pre-financing shall not remain the property of the Community. Nationals of the countries of the Western Balkans region shall be allowed to tender for contracts.
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. An EU dedicated staff shall be assigned to assist the EUSR to implement his mandate and contribute to the coherence, visibility and effectiveness of the overall EU action in Kosovo. 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 expertise on specific policy issues as required by the mandate. The EUSR shall inform the SG/HR, the Presidency and the Commission 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 European Union to the EUSR shall be covered by the Member State or the institution of the European Union 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 mission of the EUSR.

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 as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of classified information

1. 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.

2. The SG/HR shall be authorised to release to NATO/KFOR EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the action, in accordance with the Council's security regulations.

3. The SG/HR shall be authorised to release to the UN and the OSCE, in accordance with the operational needs of the EUSR, EU classified information and documents up to the level 'RESTREINT UE' which are generated for the purposes of the action, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.

4. The SG/HR shall be authorised to release to third parties associated with this Joint Action EU non-classified documents related to the deliberations of the Council with regard to the action covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽²⁾.

Article 9

Access to information and logistical support

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

⁽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⁾ Decision 2006/683/EC, Euratom of 15 September 2006 adopting the Council's Rules of Procedure (OJ L 285, 16.10.2006, p. 47). Decision as last amended by Decision 2007/881/EC (OJ L 346, 29.12.2007, p. 17).

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 the 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

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 General Affairs and External Relations Council with reports.

*Article 12***Coordination**

1. The EUSR shall promote overall EU political coordination. He shall help 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 regular briefings to Member States' missions and Commission's delegations.

2. In the field, close liaison shall be maintained with Presidency, Commission and Member States' Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide local political guidance to the Head of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including on the political aspects of issues relating to executive responsibilities. The EUSR and the Civilian Operation Commander will consult each other as required.

3. The EUSR shall also liaise with relevant local bodies and other international and regional actors in the field.

4. The EUSR, with other EU actors present in the field, shall ensure the dissemination and sharing of information among EU actors in theatre with a view to achieving a high degree of common situation awareness and assessment.

*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 2008 and a comprehensive mandate implementation report by mid-November 2008. 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, 4 February 2008.

For the Council
The President
D. RUPEL