

COUNCIL JOINT ACTION 2008/760/CFSP
of 25 September 2008
appointing the European Union Special Representative for the crisis in Georgia

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 1 September 2008, the European Council expressed its grave concern at the open conflict which had broken out in Georgia, and expressed the readiness of the European Union (EU) to commit itself to supporting every effort to secure a peaceful and lasting solution to the conflict.
- (2) The European Council has decided that an EU Special Representative (EUSR) for the crisis in Georgia should be appointed.
- (3) On 15 September 2008, the Council adopted Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia (EUMM Georgia) ⁽¹⁾.
- (4) At the same time, the Council decided that Mr Pierre MOREL should be appointed as EUSR for the crisis in Georgia.
- (5) 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 set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

European Union Special Representative

Mr Pierre MOREL is hereby appointed as European Union Special Representative (EUSR) for the crisis in Georgia for the period from the day of the adoption of this Joint Action to 28 February 2009.

Article 2

Objectives

The mandate of the EUSR for the crisis in Georgia shall be based on the objectives established by the conclusions of the extraordinary European Council meeting in Brussels on 1 September 2008 and the Council conclusions of 15 September 2008 on Georgia.

⁽¹⁾ OJ L 248, 17.9.2008, p. 26.

The EUSR shall enhance the effectiveness and visibility of the European Union (EU) in helping to resolve the conflict in Georgia.

Article 3

Mandate

The EUSR's mandate shall be:

- (a) firstly, to help prepare for the international talks to be held under point 6 of the settlement plan of 12 August 2008, which are in particular to cover:

- arrangements for security and stability in the region,
- the issue of refugees and displaced persons, on the basis of internationally recognised principles,
- any other subject, by mutual agreement between the parties;

secondly, to help establish the EU's position and represent it, at his level, in those talks;

- (b) facilitate the implementation of the agreement concluded on 8 September 2008 in Moscow and Tbilisi, as well as the agreement of 12 August 2008 in close coordination with the United Nations and the Organisation for Security and Cooperation in Europe (OSCE);

in the framework of the activities mentioned above, to contribute to the implementation of the EU's human rights policy and of its approach in this field, in particular with regard to children and women.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of his 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 his mandate.

*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 day of the adoption of this Joint Action to 28 February 2009 shall be EUR 390 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from the day of the 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.

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. 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 the expertise on specific policy issues as required by the mandate. The EUSR shall inform the SG/HR, the Presidency and the Commission of the final composition of his team.

2. Member States and EU institutions may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or EU institution to the EUSR shall be covered by the EU Member State or institution 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 mandate 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 with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

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.

*Article 9***Access to information and logistical support**

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

2. The Presidency, the Commission and/or Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

The EUSR shall, in accordance with the policy of the EU on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, take all reasonably practicable measures, in conformity with his mandate and on the basis of 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, providing for mission-specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to, and within, the mission area, and the management of security incidents, and providing for a contingency plan and a mission 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.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 11***Reporting**

The EUSR shall regularly provide oral and written reports to the SG/HR and to the PSC. 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 reports to the General Affairs and External Relations Council (GAERC).

*Article 12***Coordination**

1. The EUSR shall promote overall EU political coordination. He shall help ensure that all EU instruments 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, and in particular of the EUSR for the South Caucasus while respecting the specific objectives of the latter's mandate. The EUSR shall provide regular briefings to Member States missions and Commission delegations.

2. Close liaison shall be maintained with the Presidency, the Commission and the Heads of Mission of the Member States. They shall do their utmost to assist the EUSR in the implementation of his mandate. The EUSR shall also liaise with other international and regional actors.

*Article 13***Review**

The implementation of this Joint Action and its consistency with other contributions from the EU shall be kept under regular review. The EUSR shall present to the SG/HR, the Council and the Commission a comprehensive mandate implementation report by 15 December 2008. That report 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 the 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, 25 September 2008.

For the Council

The President

B. KOUCHNER
