

COUNCIL DECISION (CFSP) 2023/855
of 24 April 2023
on a European Union Partnership Mission in Moldova (EUPM Moldova)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) In its conclusions of 24 June 2022, the European Council recognised the European perspective of the Republic of Moldova, among others, affirmed that the future of the Republic of Moldova and its citizens lies within the European Union, and decided to grant it, along with Ukraine, the status of candidate country.
- (2) In its conclusions of 15 December 2022, the European Council affirmed that the Union will continue to provide all relevant support to the Republic of Moldova as it deals with the multifaceted impact of Russia's war of aggression against Ukraine.
- (3) By letter dated 28 January 2023 addressed to the High Representative of the Union for Foreign Affairs and Security Policy, the Prime minister of the Republic of Moldova invited the Union to deploy a civilian Mission in the Republic of Moldova under the common security and defence policy (CSDP).
- (4) On 31 January 2023, the Political and Security Committee endorsed a Political Framework for Crisis Approach in the Republic of Moldova.
- (5) On 5 April 2023, the Council approved a Crisis Management Concept for a possible civilian CSDP mission in the Republic of Moldova. That mission should therefore be established.
- (6) The CSDP mission in the Republic of Moldova will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Mission

The Union hereby establishes a civilian European Union Partnership Mission in the Republic of Moldova (EUPM Moldova) under the common security and defence policy.

Article 2

Mandate

1. EUPM Moldova shall contribute to enhancing the resilience of the security sector of the Republic of Moldova in the areas of crisis management and hybrid threats, including cybersecurity and countering foreign information manipulation and interference (FIMI).
2. For that purpose, EUPM Moldova shall:
 - (a) contribute to strengthening the Moldovan crisis management structures focused on the security sector through:
 - (i) the identification of needs for organisation, training and equipment;
 - (ii) the gradual implementation of proposed actions and identified solutions;

- (b) assist in enhancing resilience to hybrid threats by:
 - (i) providing advice at strategic level on the development of strategies and policies for countering hybrid threats and FIMI, including disinformation, for enhancing cybersecurity and for the protection of classified information;
 - (ii) identifying the needs for capacity building in the security sector for early warning, detection, identification, attribution of threats and the response to those threats;
 - (iii) contributing to the implementation of the proposed actions and identified solutions;
 - (c) support the implementation of the aforementioned tasks by means of a project cell offering targeted operational support, as needed, in line with the Integrated Approach and, as far as possible, in close coordination with other actors.
3. International humanitarian law, human rights and the principle of gender equality, the protection of civilians and the agendas under United Nations Security Council Resolutions 1325 (2000) on Women, Peace and Security, 2250 (2015) on Youth, Peace and Security and 1612 (2005) on Children and Armed Conflict shall be fully integrated and proactively mainstreamed in the EUPM Moldova's strategic and operational planning, activities and reporting.

Article 3

Chain of command and structure

1. EUPM Moldova shall have a unified chain of command as a crisis management operation.
2. EUPM Moldova shall have its Headquarters in the Republic of Moldova.
3. EUPM Moldova shall be structured in accordance with its planning documents.

Article 4

Civilian Operation Commander

1. The Managing Director of the Civilian Planning and Conduct Capability (CPCC) shall be the Civilian Operation Commander for EUPM Moldova. The CPCC shall be at the disposal of the Civilian Operation Commander for the planning and conduct of EUPM Moldova.
2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and the overall authority of the High Representative for Foreign Affairs and Security Policy ('the High Representative'), shall exercise command and control of EUPM Moldova at the strategic level.
3. The Civilian Operation Commander shall ensure the proper and effective implementation of the decisions of the Council and of the PSC with regard to the conduct of operations, including by issuing instructions at the strategic level, as required, and providing advice and technical support to the Head of Mission.
4. The Civilian Operation Commander shall report to the Council through the High Representative.
5. All seconded staff shall remain under the full command of the national authorities of the seconding State in accordance with national rules, of the Union institution concerned or of the European External Action Service (EEAS), respectively. Those authorities shall transfer the operational control (OPCON) of their staff to the Civilian Operation Commander.
6. The Civilian Operation Commander shall have overall responsibility for ensuring that the Union's duty of care is properly discharged.
7. The Civilian Operation Commander and the Head of the EU Delegation to the Republic of Moldova shall consult each other as required.

*Article 5***Head of Mission**

1. The Head of Mission shall assume responsibility for EUPM Moldova and shall exercise command and control thereof, at theatre level. The Head of Mission shall be directly responsible to the Civilian Operation Commander and shall act in accordance with his or her instructions.
2. The Head of Mission shall be the representative of EUPM Moldova in its area of responsibility.
3. The Head of Mission shall exercise administrative and logistic responsibility for EUPM Moldova, including responsibility for the assets, resources and information which have been placed at the disposal of EUPM Moldova. The Head of Mission may delegate management tasks relating to staff and financial matters to staff members of EUPM Moldova, under his overall responsibility.
4. The Head of Mission shall be responsible for disciplinary control over the staff of EUPM Moldova. For seconded staff, disciplinary action shall be exercised by the national authorities of the seconding State in accordance with national rules, by the Union institution concerned or by the EEAS, respectively.
5. The Head of Mission shall ensure appropriate visibility of EUPM Moldova.
6. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the Head of the Union's Delegation to the Republic of Moldova.

*Article 6***Staff**

1. EUPM Moldova shall consist primarily of staff seconded by Member States, by Union institutions or by the EEAS. Member States, Union institutions, and the EEAS shall bear the costs related to any of the staff seconded by them, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances other than applicable daily allowances.
2. The Member State, the Union institution, or the EEAS, respectively, shall be responsible for answering any claims linked to the secondment from or concerning the members of staff whom they have seconded, and for bringing any action against such persons.
3. International and local staff may be recruited on a contractual basis by EUPM Moldova if the functions required cannot be provided by personnel seconded by Member States. Exceptionally, in duly justified cases, where no qualified applicants from Member States are available, nationals from participating third States may be recruited on a contractual basis, as appropriate.
4. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts between EUPM Moldova and the staff member concerned.

*Article 7***Status of EUPM Moldova and of its staff**

The status of EUPM Moldova and its staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUPM Moldova, shall be the subject of an agreement concluded pursuant to Article 37 of the Treaty on European Union (TEU) and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.

*Article 8***Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council and of the High Representative, political control and strategic direction of EUPM Moldova. The Council hereby authorises the PSC to take the relevant decisions for that purpose in accordance with the third paragraph of Article 38 TEU. That authorisation shall include the powers to appoint a Head of Mission, upon a proposal from the High Representative, and to amend the Operation Plan (OPLAN). The powers of decision with respect to the objectives and termination of EUPM Moldova shall remain vested in the Council. The decisions of the PSC regarding the appointment of the Head of Mission shall be published in the *Official Journal of the European Union*.
2. The PSC shall report to the Council at regular intervals.
3. The PSC shall receive, on a regular basis and as required, reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

*Article 9***Participation of third States**

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, third States may be invited to contribute to EUPM Moldova, provided that they bear the cost of the staff seconded by them, including salaries, all risk insurance cover, daily subsistence allowances and travel expenses to and from the Republic of Moldova, and that they contribute to the running costs of EUPM Moldova, as appropriate.
2. Third States contributing to EUPM Moldova shall have the same rights and obligations as Member States with regard to the day-to-day management of that mission.
3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.
4. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded in accordance with Article 37 TEU and additional technical arrangements as necessary. Where the Union and a third State conclude or have concluded an agreement establishing a framework for the participation of that third State in Union crisis-management operations, the provisions of that agreement shall apply in the context of EUPM Moldova.

*Article 10***Security**

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation by EUPM Moldova in accordance with Article 4.
2. The Head of Mission shall be responsible for the security of EUPM Moldova and for ensuring compliance with the minimum security requirements applicable to that mission, in line with the policy of the Union on the security of personnel deployed outside the Union in an operational capacity under Title V TEU, and its supporting instruments.
3. The Head of Mission shall be assisted by a Mission Security Officer, who shall report to the Head of Mission and also maintain a close functional relationship with the EEAS.
4. EUPM Moldova staff shall undergo mandatory security training before taking up their duties, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the Mission Security Officer.
5. The Head of Mission shall ensure the protection of EU classified information in accordance with Council Decision 2013/488/EU ⁽¹⁾.

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

*Article 11***Watch-Keeping Capability**

The Watch-Keeping Capability shall be activated for EUPM Moldova.

*Article 12***Legal arrangements**

EUPM Moldova shall have the capacity to procure services and supplies, to enter into contracts and administrative arrangements, to employ staff, to hold bank accounts, to acquire and dispose of assets and to discharge its liabilities, and to be a party to legal proceedings, as required in order to implement this Decision.

*Article 13***Financial arrangements**

1. The financial reference amount intended to cover the expenditure relating to EUPM Moldova for the four months following the entry into force of this Decision shall be EUR 3 529 889,20. The financial reference amount for any subsequent period shall be decided by the Council.
2. All expenditure shall be managed in accordance with the rules and procedures applicable to the general budget of the Union. Participation of natural and legal persons in the award of procurement contracts by EUPM Moldova shall be open without limitations. Moreover, no rule of origin for the goods purchased by EUPM Moldova shall apply. Subject to the Commission's approval, EUPM Moldova may conclude technical arrangements with Member States, the host State, participating third States and other international actors regarding the provision of equipment, services and premises to EUPM Moldova.
3. EUPM Moldova shall be responsible for the implementation of its budget. For this purpose, EUPM Moldova shall sign an agreement with the Commission. The financial arrangements shall respect the chain of command provided for in Articles 3, 4 and 5 and the operational requirements of EUPM Moldova.
4. EUPM Moldova shall report fully to, and be supervised by, the Commission on the financial activities undertaken in the framework of the agreement referred to in paragraph 3.
5. The expenditure related to EUPM Moldova shall be eligible as of the date of adoption of this Decision.

*Article 14***Project cell**

1. EUPM Moldova shall have a Project Cell for identifying and implementing projects. EUPM Moldova shall, as appropriate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility in areas related to EUPM Moldova and in support of its objectives.
2. Subject to paragraph 3, EUPM Moldova shall be authorised to seek recourse to financial contributions from the Member States or from third States to implement projects identified as supplementing in a consistent manner EUPM Moldova's other actions, if the projects are:
 - (a) provided for in the financial statement relating to this Decision; or
 - (b) integrated during the mandate by means of an amendment to the financial statement requested by the Head of Mission.

EUPM Moldova shall conclude an arrangement with the contributing States, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by EUPM Moldova in the use of the funds provided by those States. Under no circumstances shall the contributing States hold the Union or the High Representative liable for acts or omissions by EUPM Moldova in the use of the funds provided by those States.

3. Financial contributions from the Union, the Member States or third States to the Project Cell shall be subject to acceptance by the PSC.

Article 15

Consistency of the Union's response and coordination

1. The High Representative shall ensure the consistency of the implementation of this Decision with the Union's external action as a whole, including the Union's assistance programmes.

2. Without prejudice to the chain of command, the Head of the Union's Delegation to the Republic of Moldova shall provide local political guidance to the Head of Mission.

3. The Head of Mission shall ensure close coordination with representatives of Member States and like-minded international partners in the Republic of Moldova.

Article 16

Release of information

1. The High Representative shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance with the needs of EUPM Moldova, EU classified information up to 'CONFIDENTIEL UE/EU CONFIDENTIAL' level generated for the purposes of EUPM Moldova, in accordance with Decision 2013/488/EU.

2. In the event of a specific and immediate operational need, the High Representative shall be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which is generated for the purposes of EUPM Moldova in accordance with Decision 2013/488/EU. Arrangements between the High Representative and the competent authorities of the host State shall be drawn up for this purpose.

3. The High Representative shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUPM Moldova and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽²⁾.

4. The High Representative may delegate the powers referred to in paragraphs 1 to 3 of this Article, as well as the ability to conclude the arrangements referred to in paragraph 2 of this Article to persons placed under his/her authority, to the Civilian Operation Commander and to the Head of Mission, in accordance with Section VII of Annex VI to Decision 2013/488/EU.

Article 17

Launch of EUPM Moldova

1. EUPM Moldova shall be launched by a Council Decision on the date recommended by the Civilian Operation Commander of EUPM Moldova once it has reached its initial operating capability.

2. The core team of EUPM Moldova shall make the necessary preparations to allow that mission to reach its initial operating capability.

⁽²⁾ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

*Article 18***Entry into force and duration**

This Decision shall enter into force on the date of its adoption.

It shall apply for a period of 2 years from the launch of EUPM Moldova.

Done at Luxembourg, 24 April 2023.

For the Council

The President

J. BORRELL FONTELLES
