

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2009/475/CFSP

of 11 June 2009

on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX

THE COUNCIL OF THE EUROPEAN UNION,

bility of the Head of Mission towards the Commission
for implementing the budget of the Mission,Having regard to the Treaty on European Union, and in
particular Article 14 thereof,

HAS ADOPTED THIS JOINT ACTION:

Whereas:

Article 1

Mission

(1) On 7 March 2005 the Council adopted Joint Action 2005/190/CFSP on the European Union Integrated Rule of Law Mission in Iraq, EUJUST LEX ⁽¹⁾. That Joint Action, as subsequently amended and extended, expires on 30 June 2009.

1. The European Union hereby establishes the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX.

(2) On 24 March 2009, the Political and Security Committee agreed that EUJUST LEX should be extended for another 12 months until 30 June 2010. During this period EUJUST LEX should conduct, in addition to continuing its core business, a pilot phase including activities in Iraq.

2. EUJUST LEX shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 2.

Article 2

Mission statement

(3) The financial reference amount of EUR 10 million provided for in Joint Action 2005/190/CFSP was supplemented by EUR 11,2 million in Council Joint Action 2006/708/CFSP ⁽²⁾ and by EUR 7,2 million in Council Joint Action 2008/304/CFSP ⁽³⁾, in order to cover expenditure related to EUJUST LEX until 30 June 2009. Another financial reference amount should be provided in order to cover expenditure related to the new Mission for the period from 1 July 2009 to 30 June 2010.

1. EUJUST LEX shall address the urgent needs in the Iraqi criminal justice system through providing training for high and mid-level officials in senior management and criminal investigation. This training shall aim to improve the capacity, coordination and collaboration of the different components of the Iraqi criminal justice system.

(4) The mandate of the Mission is being carried out in a security context that is liable to deteriorate and which is liable to undermine the objectives of the Common Foreign and Security Policy (CFSP) as defined in Article 11 of the Treaty.

2. EUJUST LEX shall promote closer collaboration between the different actors across the Iraqi criminal justice system and strengthen the management capacity of senior and high-potential officials primarily from the police, judiciary and penitentiary and improve skills and procedures in criminal investigation in full respect for the rule of law and human rights.

(5) The command and control structure of the Mission should be without prejudice to the contractual responsi-

3. The training activities shall take place in the EU and in Iraq or in the region and EUJUST LEX shall have a liaison office in Baghdad. During the period from 1 July 2009 until 30 June 2010, EUJUST LEX shall start a pilot phase of activities in Iraq, including providing strategic advice, follow-up mentoring and training activities, as and where security conditions and resources allow.

⁽¹⁾ OJ L 62, 9.3.2005, p. 37.

⁽²⁾ OJ L 291, 21.10.2006, p. 43.

⁽³⁾ OJ L 105, 15.4.2008, p. 10.

Taking into account further developments in the security conditions in Iraq and the availability of appropriate infrastructure, the Council shall examine the results of the pilot phase and shall decide on the future of the Mission after 30 June 2010.

4. An effective strategic and technical partnership with the Iraqi counterparts shall be developed throughout the Mission, particularly in relation to the design of the curricula during the planning phase. Coordination will also be needed for the selection, vetting, evaluation, follow-up and coordination of personnel attending the training with the aim of rapid appropriation by the Iraqis. There shall also be a need for close coordination during the planning and operational phases between EUJUST LEX and the Member States providing training. This shall include the involvement of the relevant Member States' diplomatic missions in Iraq and liaison with those Member States with current experience in providing training relevant for the mission.

5. EUJUST LEX shall be secure, independent and distinct but shall be complementary and bring added value to the efforts of the Government of Iraq and the international community, in particular those of the United Nations and the United States of America, and also develop synergies with relevant activities of the Community and Member States. In this context, EUJUST LEX shall liaise with the relevant Iraqi authorities and the Member States which presently conduct training projects.

Article 3

Structure

EUJUST LEX shall, in principle, be structured as follows:

- (a) the Head of Mission;
- (b) a coordinating office in Brussels;
- (c) a liaison office in Baghdad;
- (d) training facilities, trainers and experts provided by the Member States and coordinated by EUJUST LEX.

These elements shall be developed in the Concept of Operations (CONOPS) and the Operation Plan (OPLAN).

Article 4

Civilian Operation Commander

1. The Civilian Planning and Conduct Capability Director shall be the Civilian Operation Commander for EUJUST LEX.
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 Secretary-General/High Representative (SG/HR), shall exercise command and control of EUJUST LEX at the strategic level.

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at strategic level as required to the Head of Mission.

4. All seconded staff shall remain under the full command of the national authorities of the sending State or EU institution. National authorities shall transfer operational control of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander shall have overall responsibility for ensuring that the EU's duty of care is properly discharged.

Article 5

Head of Mission

1. The Head of Mission shall assume responsibility and exercise command and control of the mission at theatre level.
2. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the mission.
3. The Head of Mission shall issue instructions to all mission staff, including the Brussels coordinating office and the Baghdad liaison office, for the effective conduct of EUJUST LEX, assuming its coordination and day-to-day management, following the instructions at strategic level of the Civilian Operation Commander.
4. The Head of Mission shall be responsible for the implementation of the Mission's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.
5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national or EU authority concerned.
6. The Head of Mission shall represent EUJUST LEX and shall ensure appropriate visibility of the Mission.

Article 6

Staff

1. The numbers and skills of EUJUST LEX staff shall be consistent with the Mission statement set out in Article 2 and the structure set out in Article 3.
2. EUJUST LEX staff shall be seconded by EU Member States or institutions. Each Member State shall bear the costs related to EUJUST LEX staff seconded by it, including salaries, medical coverage, allowances other than *per diems* and travel expenses as defined in the financial statement.

3. International and local staff may also be recruited, as required, on a contractual basis.

4. All staff shall carry out their duties and act in the interest of the Mission. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations.⁽¹⁾

Article 7

Status of staff

1. Where required, the status of EUJUST LEX staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUJUST LEX shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty. The SG/HR, assisting the Presidency, may negotiate such an agreement on its behalf.

2. The EU Member State or institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The EU Member State or institution in question shall be responsible for bringing any action against the person seconded.

Article 8

Chain of command

1. EUJUST LEX shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EUJUST LEX.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, is the commander of EUJUST LEX at strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

4. The Civilian Operation Commander shall report to the Council through the SG/HR.

5. The Head of Mission shall exercise command and control of EUJUST LEX at theatre level and shall be directly responsible to the Civilian Operation Commander.

Article 9

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with Article 25 of the Treaty.

2. This authorisation shall include the powers to amend the CONOPS and the OPLAN. It shall also include powers to take decisions regarding the appointment of the Head of Mission. The powers of decision with respect to the objectives and termination of the mission shall remain vested in the Council.

3. The PSC shall report to the Council at regular intervals.

4. 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 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 for EUJUST LEX in accordance with Articles 4 and 8 and in coordination with the Council Security Office.

2. The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation, in line with the policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union and its supporting documents.

3. For the elements of the Mission which are carried out in Member States, the host Member State shall take all necessary and appropriate measures to ensure the security of the participants and the trainers on its territory.

4. For the coordinating office in Brussels, the necessary and appropriate measures shall be organised by the GSC security office in collaboration with the host Member State authorities.

5. Should the training take place in a third State, the EU, with the involvement of the Member States concerned, shall ask the third State's authorities to make the appropriate arrangements regarding the security of the participants and the trainers or experts on its territory.

6. EUJUST LEX shall have a dedicated mission Security Officer reporting to the Head of Mission.

7. The Head of Mission shall consult with the PSC on security issues affecting the deployment of the Mission as directed by the SG/HR.

8. EUJUST staff members, trainers and experts shall undergo mandatory security training organised by the GSC Security Office and, when appropriate, medical checks prior to any deployment or travel to Iraq.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

9. Member States shall endeavour to provide EUJUST LEX, in particular the Liaison Office, staff, trainers and experts travelling to and in Iraq, with secure accommodation, body armour and close protection and other security requirements, as appropriate, within Iraq. For such purpose, the Head of Mission may conclude appropriate arrangements with Member States, or local authorities as necessary.

Article 11

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the Mission between 1 July 2009 and 30 June 2010 shall be EUR 10,8 million.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community. Should a part of the training be conducted in third States, nationals of third States shall be allowed to tender for contracts. In this case, goods and services procured for EUJUST LEX may also have their origin in third States.

3. Given the particular security situation in Iraq, services in Baghdad and other parts of the country as appropriate shall be provided through the contracts entered into by the United Kingdom, other Member States where appropriate or through arrangements concluded with the Iraqi authorities with the companies providing and invoicing for these services. The budget of EUJUST LEX shall cover these expenses. The United Kingdom or other Member States concerned shall, in consultation with the Head of Mission, report with adequate information to the Council on these expenses.

4. The Head of Mission shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

5. The financial arrangements shall respect the operational requirements of EUJUST LEX, including compatibility of equipment.

6. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

7. The equipment and supplies for the Coordination Office in Brussels shall be purchased or rented on behalf of the EU.

Article 12

Coordination

1. Without prejudice to the chain of command, the Head of Mission shall act in close coordination with the Commission delegation to ensure the consistency of EU action in support of Iraq.

2. The Head of Mission shall coordinate closely with the local EU Presidency and other EU Heads of Missions.

3. The Head of Mission shall cooperate with the other international actors present in the country, in particular the UN.

Article 13

Release of classified information

The SG/HR is authorised to release to the host State and the United Nations, as appropriate and in accordance with the operational needs of the mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the operation, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.

Article 14

Watch-keeping

The Watch-keeping Capability shall be activated for EUJUST LEX.

Article 15

Entry into force

This Joint Action shall enter into force on 1 July 2009.

It shall expire on 30 June 2010.

Article 16

Publication

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 11 June 2009.

For the Council

The President

G. SLAMEČKA