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COUNCIL JOINT ACTION 2005/190/CFSP

of 7 March 2005

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

(OJ L 62, 9.3.2005, p. 37)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Joint Action 2006/413/CFSP of 12 June 2006	L 163	17	15.6.2006
► <u>M2</u>	Council Joint Action 2006/708/CFSP of 17 October 2006	L 291	43	21.10.2006
► <u>M3</u>	Council Joint Action 2007/760/CFSP of 22 November 2007	L 305	58	23.11.2007
► <u>M4</u>	Council Joint Action 2008/304/CFSP of 14 April 2008	L 105	10	15.4.2008
► <u>M5</u>	Council Joint Action 2008/480/CFSP of 23 June 2008	L 163	50	24.6.2008



COUNCIL JOINT ACTION 2005/190/CFSP

of 7 March 2005

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14, Article 25, third paragraph, Article 26 and Article 28 (3) thereof,

Whereas:

- (1) The European Union is committed to a secure, stable, unified, prosperous and democratic Iraq that will make a positive contribution to the stability of the region. The EU supports the people of Iraq and the Iraqi Interim Government in their efforts towards the economic, social and political reconstruction of Iraq in the framework of the implementation of United Nations Security Council Resolution 1546 of 8 June 2004.
- (2) The European Council on 5 November 2004 welcomed the Joint Fact Finding Mission for a possible integrated police, rule of law and civilian administration mission for Iraq and considered its report. The European Council recognised the importance of strengthening the criminal justice system, consistent with the respect for the rule of law, human rights and fundamental freedoms. It noted the wish of the Iraqi authorities for the EU to become more actively involved in Iraq and that strengthening the criminal justice sector would respond to Iraqi needs and priorities.
- (3) The European Council agreed that the EU could usefully contribute to the reconstruction and the emergence of a stable, secure and democratic Iraq through an integrated mission, which could *inter alia* promote closer collaboration between the different actors across the criminal justice system and strengthen the management capacity of senior and high-potential officials 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.
- (4) As agreed by the European Council, by Joint Action 2004/909/CFSP ⁽¹⁾ the Council decided to send an expert team to continue the dialogue with the Iraqi authorities, to start initial planning for a possible integrated police, rule of law and civilian administration mission to be launched after the elections, and in particular assess the urgent security needs for such a mission.
- (5) The Council decided on 21 February 2005 to launch an integrated rule of law mission for Iraq, which would become operational as soon as possible, subject to an official invitation from the Iraqi authorities.
- (6) The success of the mission will depend on an effective strategic and technical partnership with the Iraqis throughout the operation, in the framework of European Security and Defense Policy and in complementarity with the United Nations.

⁽¹⁾ Council Joint Action 2004/909/CFSP of 26 November 2004 on establishing an expert team with a view to a possible European Union integrated police, rule of law and civilian administration mission for Iraq (OJ L 381, 28.12.2004, p. 84).

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- (7) The EU will use its dialogue with Iraq and its neighbours to encourage continuous regional engagement and support for improved security and for the political and reconstruction process in Iraq based on inclusiveness, democratic principles, respect for human rights and the rule of law, as well as support for security and cooperation in the region.
- (8) EUJUST LEX will implement its mandate in the context of a situation posing a threat to law and order, the security and safety of individuals, and to the stability of Iraq and which could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty.
- (9) In conformity with the guidelines of the European Council meeting in Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary General/High Representative, hereinafter referred to as 'SG/HR', in accordance with Articles 18 and 26 of the Treaty.
- (10) Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year. EUJUST LEX will also receive contributions in kind from Member States,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union hereby establishes an European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX, comprising a planning phase beginning no later than 9 March 2005 and an operational phase beginning no later than 1 July 2005.
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

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.
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.
3. The training activities shall take place in the EU or in the region and EUJUST LEX shall have a liaison office in Baghdad.

Depending on developments in the security conditions in Iraq and on the availability of appropriate infrastructure, the Council shall examine the possibility of training within Iraq and, if necessary, shall amend this Joint Action accordingly.

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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 ongoing international efforts, in particular of the United Nations, as well as develop synergies with ongoing Community and Member States efforts. In this context, EUJUST LEX shall liaise with Member States who 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 and trainers 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).

▼M3*Article 3a***Civilian Operation Commander**

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUJUST LEX.
2. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the 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 (OPCON) 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.

▼M3*Article 4***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.

▼B*Article 5***Planning phase**

1. During the preparatory phase of the mission, a planning team shall be established and shall comprise the Head of Mission, who shall lead the planning team, and the necessary staff to deal with functions ensuing from established needs of the mission.
2. A comprehensive risk assessment shall be carried out as a priority in the planning process and shall be updated as necessary.

▼M1

3. EUJUST LEX shall develop all technical instruments necessary for its execution. The Head of Mission shall elaborate amendments to the OPLAN in accordance with the amended CONOPS, such amendments taking into account a comprehensive risk assessment.

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4. The planning team shall work in close coordination with relevant international actors, in particular the United Nations.

*Article 6***Staff**

1. The numbers and competence 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 staff and local staff shall be recruited on a contractual basis by EUJUST LEX as required.

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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⁾.

▼B*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 secondee.

▼M3*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 provide the 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, shall be 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, the political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty on the European Union. This authorisation shall include the powers to amend the CONOPS and the OPLAN. It shall also include powers to take subsequent 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.

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

⁽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).

▼M3

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 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 3a and 8 and in coordination with the Security Office of the General Secretariat of the Council (hereinafter referred to as 'GSC 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 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 LEX staff members shall undergo mandatory security training organised by the GSC Security Office and medical checks prior to any deployment or travel to Iraq.

9. Member States shall endeavour to provide EUJUST LEX, in particular the Liaison Office, with secure accommodation, body armour and close protection within Iraq.

▼B*Article 11***Financial arrangements****▼M4**

1. The financial reference amount intended to cover the expenditure related to the mission for the period 7 March 2005 to 30 June 2008 shall be EUR 21,2 million.

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The financial reference amount intended to cover the expenditure related to the Mission for the period 1 July 2008 to 30 June 2009 shall be EUR 7,2 million.

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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

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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.

▼M2

3. Given the particular security situation in Iraq, services in Baghdad shall be provided through the contracts entered into by the United Kingdom with the companies providing and invoicing for these services. The budget of EUJUST LEX shall cover these expenses up to a maximum of EUR 2,4 million. The United Kingdom shall, in consultation with the Head of Mission, report with adequate information to the Council on these expenses.

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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 and rented on behalf of the EU.

*Article 12***Community action**

1. The Council notes the intention of the Commission to direct its action towards achieving the objectives of this Joint Action in all phases of the proposed operation, including in view of the elaboration by the Commission of potential follow-on actions to the European Security and Defense Policy operation under Community programs.

2. The Council also notes that coordination arrangements are required in Brussels as well as, as appropriate, in Baghdad.

*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.

▼M3*Article 13a***Watch-keeping**

The watch-keeping capability shall be activated for EUJUST LEX.

▼B*Article 14***Entry into force**

This Joint Action shall enter into force on the date of its adoption

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It shall expire on 30 June 2009.

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Article 15

Publication

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

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