

AGREEMENT**between the European Union and the Republic of Cyprus on the participation of the Republic of Cyprus in the European Union Forces (EUF) in the Democratic Republic of Congo**

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF CYPRUS,

of the other part,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the adoption by the Council of the European Union of Joint Action 2003/423/CFSP of 5 June 2003 on the European Union Military Operation in the Democratic Republic of Congo ⁽¹⁾,
- the invitation to the Republic of Cyprus to participate in the EU-led operation,
- the successful completion of the Force Generation process and the recommendation by the EU Operation Commander and the EU Military Committee to agree on the participation of the Republic of Cyprus forces in the EU-led operation,
- the Political and Security Committee Decision DRC/2/03 of 11 July 2003 on the setting up of the Committee of Contributors for the EU military operation in the Democratic Republic of Congo ⁽²⁾,
- the Political and Security Committee Decision DRC/3/03 of 31 July 2003 on the acceptance of Republic of Cyprus's contribution to the EU military operation in the Democratic Republic of Congo ⁽³⁾,

HAVE AGREED AS FOLLOWS:

Article 1

Framework and definitions

1. The Republic of Cyprus agrees to implement the provisions of Joint Action 2003/423/CFSP, in accordance with the provisions of this Agreement.
2. For the purpose of this Agreement, the following definitions shall apply:
 - (a) 'Operation Artemis' shall mean the European Union military operation in the Democratic Republic of Congo established by the Joint Action 2003/423/CFSP;
 - (b) 'European Union Forces' (EUF) shall mean EU military headquarters, constituent national units/elements contributing to the Operation Artemis, their assets and their means of transport;
 - (c) 'EUF personnel' means the civilian and military personnel assigned to EUF;
 - (d) 'EU Force Commander' shall mean the EU Force Commander in the theatre of operations, as appointed by the Council of the European Union on 5 June 2003;
 - (e) 'EU Operation Commander' shall mean the Operation Commander of Operation Artemis, as appointed by the Council of the European Union on 5 June 2003.

⁽¹⁾ OJ L 143, 11.6.2003, p. 50.

⁽²⁾ OJ L 184, 23.7.2003, p. 13.

⁽³⁾ OJ L 206, 15.8.2003, p. 32.

*Article 2***Participation in the operation**

1. The Republic of Cyprus shall ensure that its forces and personnel participating in the EUF undertake their mission in conformity with the provisions of the Joint Action 2003/423/CFSP, the Operation Plan and implementing measures.
2. The Republic of Cyprus shall inform the EU Operation Commander of any change to its participation in the Operation Artemis.

*Article 3***Status**

1. The status of EUF and EUF personnel participating in the Operation Artemis shall be governed by the Agreement between the European Union and the Democratic Republic of Congo and by the Agreement between the European Union and the Republic of Uganda on the status of the European Union-led forces and their implementing arrangements.
2. The status of EUF personnel contributed to Headquarters or Command elements located outside the Democratic Republic of Congo and the Republic of Uganda shall be governed by arrangements between the headquarters and command elements concerned and the Republic of Cyprus.

*Article 4***Chain of command**

1. All forces and personnel participating in the EUF shall remain under the full command of their national authorities.
2. National authorities shall transfer operational control (OPCON) to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority.
3. The Republic of Cyprus shall have the same rights and obligations in terms of the day to day management of Operation Artemis as participating Member States.
4. The Republic of Cyprus shall exercise jurisdiction over its personnel participating in the EUF. The EU Operation Commander may at any time request the withdrawal of the Republic of Cyprus's contribution.
5. A Senior Military Representative (SMR) shall be appointed by the Republic of Cyprus to represent its national contingent in the EUF. The SMR shall consult with the EU Force Commander on all matters affecting the Operation Artemis and shall be responsible for day-to-day contingent discipline.

*Article 5***Classified information**

The Republic of Cyprus shall take appropriate measures to ensure that, when EU classified information is handled by its personnel participating in the EUF, this personnel respects the European Union Council's security regulations, which are contained in Council Decision 2001/264/EC of 19 March 2001 ⁽¹⁾, and further guidance that may be issued by the EU Operation Commander.

*Article 6***Financial aspects**

The Republic of Cyprus shall assume all the costs associated with its participation in the Operation Artemis unless the costs are commonly funded as set out in the statement of expenditure of the operation.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 7***Dispute settlement**

Failing any prior settlement, disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

*Article 8***Non-compliance**

Should one of the participating Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a one-month notice.

*Article 9***Entry into force**

This Agreement shall enter into force upon signature.

It shall remain in force for the duration of the Republic of Cyprus's contribution to Operation Artemis.

Done at Brussels, on **01 -10- 2003**, in the English language in four copies.

For the European Union

For the Republic of Cyprus


