

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION
of 20 June 2002
amending Common Position 2001/443/CFSP on the International Criminal Court
(2002/474/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Article 1

Whereas:

Common Position 2001/443/CFSP is hereby amended as follows:

- (1) Article 7 of Council Common Position 2001/443/CFSP of 11 June 2001, on the International Criminal Court ⁽¹⁾ (the Court), states that the Council shall review the Common Position every six months.
- (2) On 16 April 2002 the Council took note of a resolution on the Court approved by the European Parliament on 28 February 2002 which, *inter alia*, called for the adoption of an action plan to follow up Common Position 2001/443/CFSP.
- (3) The said Action Plan was finalised on 15 May 2002 and may be adapted as appropriate.
- (4) The Statute of the International Criminal Court, hereinafter the 'Statute', adopted by the Rome Conference of Plenipotentiaries, has been signed by 139 and ratified or acceded to by 69 States and will enter into force on 1 July 2002.
- (5) All Member States of the European Union have ratified the Statute.
- (6) In view of the forthcoming entry into force of the Statute, a number of steps have to be taken before the Court can function effectively, a period during which the European Union should do its utmost to promote the early establishment of the Court, in accordance with the relevant decisions of the Preparatory Commission and the Assembly of States Parties (the Assembly).
- (7) Common Position 2001/443/CFSP should therefore be amended,

1. Article 1(2) shall be replaced by the following:

'2. The objective of this Common Position is to support the early establishment and effective functioning of the Court and to advance universal support for the Court by promoting the widest possible participation in the Statute.'

2. Article 2 shall be replaced by the following:

'Article 2

1. In order to contribute to the objective of the widest possible participation in the Statute, the European Union and its Member States shall make every effort to further this process by raising the issue of the widest possible ratification, acceptance, approval of or accession to the Rome Statute and the implementation of the Statute in negotiations or political dialogues with third States, groups of States or relevant regional organisations, whenever appropriate.

2. The Union and its Member States shall contribute to the world-wide ratification and implementation of the Statute also by other means, such as by adopting initiatives to promote the dissemination of the values, principles and provisions of the Statute and related instruments. In furtherance of the objectives of this Common Position, the Union shall cooperate as necessary with other interested States, international institutions, non-governmental organisations and other representatives of civil society.

3. The Member States shall share with all interested States their own experiences on the issues related to the implementation of the Statute and, when appropriate, provide other forms of support to that objective. They shall contribute, when requested, with technical and, where appropriate, financial assistance to the legislative work needed for the ratification and implementation of the Statute in third countries. States considering to ratify the Statute or to cooperate with the Court shall be encouraged to inform the Union of difficulties encountered on that path.

⁽¹⁾ OJ L 155, 12.6.2001, p. 19.

4. In implementing this Article, the Union and its Member States shall coordinate political and technical support for the Court with regard to various States or groups of States. To that end, country-specific or region-specific strategies shall be developed and used where appropriate.'
3. Article 3 shall be replaced by the following:
- 'Article 3*
1. The Union and its Member States shall give support, including practical support, to the early establishment and good functioning of the Court. In particular, they shall support the early creation and operation of an appropriate planning mechanism, including an advance team of experts, in order to prepare the effective establishment of the Court.
2. Member States shall cooperate to ensure the smooth functioning of the Assembly in all respects, including the adoption of documents recommended by the Preparatory Commission. In particular, Member States shall make every effort to ensure that highly qualified candidates are nominated, *inter alia* by encouraging transparent nomination procedures for judges and prosecutors in accordance with the Statute. They shall also endeavour to achieve that the composition of the Court as a whole reflects the criteria set forth in the Statute.
3. The Union and its Member States shall consider contributing in an appropriate and equitable manner to the costs for measures needed before the first periods budget of the

Court becomes effective and the Court is fully operational. The Union, after adoption of a budget of the Court by the Assembly of States' Parties, shall encourage States' Parties to promptly transfer their assessed contributions in accordance with the decisions taken by the Assembly.

4. The Union and its Member States shall endeavour to support as appropriate the development of training and assistance for judges, prosecutors, officials and counsel in work related to the Court.'

Article 2

This Common Position shall take effect on the date of its adoption.

Article 3

This Common Position shall be published in the Official Journal.

Done at Madrid, 20 June 2002.

For the Council
The President
R. DE RATO Y FIGAREDO