

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

COUNCIL JOINT ACTION 2005/265/CFSP
of 23 March 2005
appointing a Special Representative of the European Union for Moldova

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 14 June 2004 the Council stated the willingness of the European Union to play a more active political role in Moldova.
- (2) On 22 February 2005 the EU and Moldova reaffirmed their willingness to work together fully to exploit the new opportunities presented by European Neighbourhood Policy (ENP) based on the shared values which underpin the policy.
- (3) There is a need to ensure coordination and consistency of external actions of the EU in Moldova.
- (4) It is therefore appropriate to appoint a Special Representative of the EU for Moldova,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mr Adriaan JACOBOWITS de SZEGED is hereby appointed as the EU Special Representative (EUSR) for Moldova.

Article 2

1. The EUSR's mandate shall be based on the EU's policy objectives in Moldova. These objectives include:

- (a) to contribute to a peaceful settlement of the Transnistria conflict and to the implementation of such a settlement on the basis of a viable solution, respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognised borders;

- (b) to contribute to the strengthening of democracy, rule of law and respect for human rights and fundamental freedoms for all citizens of the Republic of Moldova;

- (c) to promote good and close relations between the Republic of Moldova and the EU on the basis of common values and interests and as set out in the ENP Action Plan;

- (d) to assist in the fight against the trafficking of human beings and of weapons and other goods, from and through Moldova;

- (e) to contribute to strengthening stability and cooperation in the region;

- (f) to enhance EU effectiveness and visibility in the Republic of Moldova and the region.

2. The EUSR shall support the work of the High Representative in the Republic of Moldova and the region, and work in close cooperation with the Presidency, EU Heads of Missions and the Commission.

Article 3

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:

- (a) strengthen the EU contribution to the resolution of the Transnistria conflict in accordance with agreed EU policy objectives and in close coordination with the OSCE, representing the EU through appropriate channels and in agreed fora and by developing and maintaining close contacts with all relevant actors;

(b) assist in the preparation, as appropriate, of EU contributions to the implementation of an eventual conflict settlement;

(c) follow closely political developments in the Republic of Moldova, including in the Transnistrian region, by developing and maintaining close contacts with the Government of the Republic of Moldova and other domestic actors, and offer as appropriate the EU's advice and facilitation;

(d) assist in the further development of the EU's policy towards the Republic of Moldova and the region, in particular regarding conflict prevention and conflict resolution.

2. For the purpose of the fulfilment of his mandate, the EUSR shall maintain an overview of all EU activities, notably the relevant aspects of the ENP Action Plan.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for all expenditure.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political input within the framework of the mandate.

Article 5

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate shall be EUR 278 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget, with the exception that any pre-financing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The expenditure shall be eligible as from the date on which this Joint Action enters into force.

4. The Presidency, Commission, and/or Member States, as appropriate, shall provide logistical support in the region.

Article 6

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the Secretary General/High Representative, and in full association with the Commission.

2. Member States and EU institutions may propose the secondment of staff to work with the EUSR. The remuneration of staff who might be seconded by a Member State or an EU institution to the EUSR shall be covered by the Member State or the EU institution concerned respectively.

3. All A-type posts which are not covered by secondment shall be advertised as appropriate by the General Secretariat of the Council and notified to Member States and institutions in order to recruit the best qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

As a rule, the EUSR shall report in person to the High Representative and to the PSC and may report also to the relevant Working Group. Regular written reports shall be circulated to the High Representative, the Council and the Commission. On the recommendation of the High Representative and the PSC, the EUSR may report to the General Affairs and External Relations Council.

Article 8

To ensure the consistency of the external action of the EU, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. EUSRs shall provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission, who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 9

The implementation of this Joint Action and its consistency with other contributions from the EU to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the High Representative, the Council and the Commission two months before the mandate expires. The report shall form a basis for evaluation of this Joint Action in the relevant Working Groups and by the PSC. In the context of overall priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 10

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

It shall apply until 31 August 2005.

Article 11

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

Done at Brussels, 23 March 2005.

For the Council
The President
J. ASSELBORN
