

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

COUNCIL JOINT ACTION 2006/49/CFSP

of 30 January 2006

appointing the European Union Special Representative in Bosnia and Herzegovina

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) The mandate of the European Union Special Representative (EUSR) in Bosnia and Herzegovina (BiH), as set out in Joint Action 2004/569/CFSP⁽¹⁾ on 12 July 2004, is due to expire on 28 February 2006.
- (2) On 24 November 2005, the Council adopted Joint Action 2005/824/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina⁽²⁾, which provides for a continuation of the EUPM with an adjusted mandate and size.
- (3) On 14 December 2005, the Peace Implementation Council Steering Board appointed Mr Christian Schwarz-Schilling as High Representative in Bosnia and Herzegovina, as the successor to Lord Ashdown, with effect from 1 February 2006.
- (4) Mr Schwarz-Schilling should be appointed as the new EUSR in Bosnia and Herzegovina with effect from 1 February 2006 and Joint Action 2004/569/CFSP should be repealed with effect from the same date.
- (5) On the basis of a review of Joint Action 2004/569/CFSP, the mandate of the EUSR should be extended until 28 February 2007.
- (6) The EUSR's mandate should be implemented in coordination with the Commission in order to ensure consistency with other relevant activities falling within Community competence.

- (7) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the CFSP as set out in Article 11 of the Treaty on European Union,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mr Christian SCHWARZ-SCHILLING is hereby appointed European Union Special Representative (EUSR) in Bosnia and Herzegovina with effect from 1 February 2006 until 28 February 2007.

Article 2

The mandate of the EUSR shall be based on the policy objectives of the EU in BiH. These centre around continued progress in the implementation of the General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina, in accordance with the Office of the High Representative's Mission Implementation Plan, and in the Stabilisation and Association Process, with the aim of a stable, viable, peaceful and multi-ethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU membership.

Article 3

In order to achieve the policy objectives of the EU in BiH, the mandate of the EUSR shall be to:

- (a) offer the EU's advice and facilitation in the political process;
- (b) promote overall EU political coordination in BiH;
- (c) promote overall EU coordination of, and give local political direction to, EU efforts in tackling organised crime, without prejudice to the European Union Police Mission (EUPM)'s leading role in the coordination of policing aspects of these efforts and to the ALTHEA (EUFOR) military chain of command;
- (d) provide the EU Force Commander with local political advice, including with respect to the Integrated Police Unit style capability, on which the EUSR may draw, in agreement with the said Commander, without prejudice to the chain of command;

⁽¹⁾ OJ L 252, 28.7.2004, p. 7. Joint Action as last amended by Joint Action 2005/825/CFSP (OJ L 307, 25.11.2005, p. 59 and corrigendum in OJ L 349, 31.12.2005, p. 35).

⁽²⁾ OJ L 307, 25.11.2005, p. 55.

- (e) contribute to reinforcement of internal EU coordination and coherence in BiH, including through briefings to EU Heads of Mission and through participation in, or representation at, their regular meetings, through chairing a coordination group composed of all EU actors present in the field with a view to coordinating the implementation aspects of the EU's action, and through providing them with guidance on relations with the BiH authorities;
- (f) ensure consistency and coherence of EU action towards the public. The EUSR spokesperson shall be the main EU point of contact for BiH media on Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP) issues;
- (g) maintain an overview of the whole range of activities in the field of the rule of law and in this context provide the Secretary-General/High Representative (SG/HR) and the Commission with advice as necessary;
- (h) provide the Head of Mission of the EUPM with local political guidance as part of his wider responsibilities and his role in the chain of command for EUPM;
- (i) as part of the international community's and the BiH authorities' broader approach to the rule of law, and drawing upon the EUPM's provision of technical policing expertise and assistance in this respect, support the preparation and implementation of police restructuring;
- (j) provide support for a reinforced and more effective BiH criminal justice/police interface, in close liaison with EUPM;
- (k) as far as activities under Title VI of the Treaty, including Europol, and related Community activities are concerned, provide the SG/HR and the Commission with advice as necessary, and take part in the required local coordination;
- (l) with a view to coherence and possible synergies, continue to be consulted on priorities for Community Assistance for Reconstruction, Development and Stabilisation.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the SG/HR. 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 strategic

guidance and political input to the EUSR within the framework of the mandate.

Article 5

The role of the EUSR shall not in any way prejudice the mandate of the High Representative in Bosnia and Herzegovina, including his coordinating role with regard to all activities of all civilian organisations and agencies as set out in GFAP and subsequent Peace Implementation Council conclusions and declarations.

Article 6

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 770 000.

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 prefinancing shall not remain the property of the Community. Nationals of the host and neighbouring countries shall be allowed to tender for contracts.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. Expenditure shall be eligible as from 1 February 2006.

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

Article 7

1. An EU dedicated staff projecting an EU identity shall be assigned to assist the EUSR to implement his mandate and contribute to the coherence, visibility and effectiveness of the overall EU action in BiH, in particular in political, politico-military and security affairs, and with regard to communication and media relations. 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 SG/HR, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his team.

2. EU Member States and Institutions may propose the secondment of staff to work with the EUSR. The remuneration of staff who might be seconded by an EU Member State or Institution to the EUSR shall be covered by the EU Member State or 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 also notified to EU 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 8

As a rule, the EUSR shall report in person to the SG/HR and to the PSC and may report also to the relevant working group. Regular written reports shall be circulated to the SG/HR, Council and Commission. The EUSR may report to the Council on the recommendation of the SG/HR and the PSC.

Article 9

To ensure consistency of the EU external action, the activities of the EUSR shall be coordinated with those of the SG/HR, the Presidency and the Commission. The EUSR 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, including, *inter alia*, the OSCE.

Article 10

The implementation of this Joint Action and its consistency with other contributions from the European Union to the

region shall be kept under regular review. The EUSR shall present to the SG/HR, Council and Commission a progress report before the end of June 2006 and a comprehensive mandate implementation report by mid-November 2006. These reports 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 SG/HR shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 11

Joint Action 2004/569/CFSP shall be repealed with effect from 1 February 2006.

Article 12

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

Article 13

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

Done at Brussels, 30 January 2006.

For the Council

The President

U. PLASSNIK