

COUNCIL JOINT ACTION 2007/87/CFSP**of 7 February 2007****amending and extending the mandate of the European Union Special Representative in Bosnia and Herzegovina**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

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

Whereas:

- (1) On 30 January 2006, the Council adopted Joint Action 2006/49/CFSP⁽¹⁾ appointing Mr Christian Schwarz-Schilling as the European Union Special Representative (EUSR) in Bosnia and Herzegovina.
- (2) On 25 July 2006, the Council adopted Joint Action 2006/523/CFSP⁽²⁾ amending the mandate of the EUSR in Bosnia and Herzegovina.
- (3) On 7 June 2006, the Council approved the policy of the European Union on the security of personnel deployed outside the European Union in an operational capacity under Title V of the Treaty.
- (4) On the basis of a review of Joint Action 2006/49/CFSP, the mandate of the EUSR should be amended and extended for an additional four months until 30 June 2007.
- (5) 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.
- (6) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

*Article 1***European Union Special Representative**

The mandate of Mr Christian Schwarz-Schilling as the European Union Special Representative (EUSR) in Bosnia and Herzegovina (BiH) is hereby extended until 30 June 2007.

*Article 2***Policy objectives**

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 BiH, 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 multiethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU membership.

*Article 3***Mandate**

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 26, 31.1.2006, p. 21.

⁽²⁾ OJ L 205, 27.7.2006, p. 30.

- (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 Instrument of Pre-accession Assistance;
- (m) support planning for a reinforced EUSR office in the context of the closure of the Office of the High Representative (OHR), including advice on public information aspects of the transition, in close coordination with the Commission;
- (n) contribute to the development and consolidation of respect for human rights and fundamental freedoms in BiH, in accordance with EU human rights policy and EU Guidelines on Human Rights;
- (o) engage with relevant BiH authorities on their full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY);
- (p) provide political advice and facilitation in the process of constitutional reform.

Article 4

Implementation of the mandate

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 the EUSR with strategic guidance and political input within the framework of the mandate.

Article 5

High Representative

The role of the EUSR shall not in any way prejudice the mandate of the High Representative in BiH, 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

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March to 30 June 2007 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. The expenditure shall be eligible as from 1 March 2007.

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

Article 7

Constitution of the team

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 are 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

Security

1. The EUSR and the members of his team shall respect security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's Security Regulations⁽¹⁾, in particular when managing EU classified information.

2. The EUSR shall, in accordance 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, take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (i) establishing a mission-specific security plan based on Council Secretariat guidance, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, the management of security incidents and a mission contingency and evacuation plan;
- (ii) ensuring that all personnel deployed outside the EU are covered by high risk insurance as required by the conditions in the mission area;
- (iii) ensuring that all members of his team to be deployed outside the European Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the Council Secretariat;
- (iv) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the SG/HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports;

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/952/EC (OJ L 346, 29.12.2005, p. 18).

- (v) ensuring, as necessary and within his responsibilities as part of the chain of command, that a coherent approach is taken with regard to the security of personnel across all EU elements present in a crisis management operation or operations in his geographical area of responsibility.

Article 9

Reporting

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, the Council and the Commission. On the recommendation of the SG/HR and the PSC, the EUSR may report to the Council.

Article 10

Coordination

1. To ensure the consistency of the external action of the European Union, the activities of the EUSR shall be coordinated with those of the SG/HR, the Presidency and the Commission. The EUSR shall provide Member States' missions and Commission delegations with regular briefings. 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.

2. In support of EU crisis management operations, the EUSR, with other EU actors present in the field, shall improve the dissemination and sharing of information by EU actors in theatre with a view to achieving a high degree of common situation awareness and assessment.

Article 11

Review

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 the SG/HR, the Council and the Commission with a comprehensive mandate implementation report by mid May 2007.

Article 12

Entry into force

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

Article 13

Publication

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

Done at Brussels, 7 February 2007.

For the Council

The President

F.-W. STEINMEIER
