

COUNCIL JOINT ACTION 2007/107/CFSP**of 15 February 2007****appointing the European Union Special Representative for the Republic of Moldova**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Appointment**

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

Mr Kálmán MIZSEI is hereby appointed European Union Special Representative (EUSR) for the Republic of Moldova as from 1 March 2007 to 29 February 2008.

Whereas:

*Article 2***Policy objectives**

- (1) On 20 February 2006, the Council adopted Joint Action 2006/120/CFSP extending the mandate of the European Union Special Representative for Moldova ⁽¹⁾.
 - (2) 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 on European Union.
 - (3) On the basis of a review of Joint Action 2006/120/CFSP, the mandate of the European Union Special Representative (EUSR) should be extended for a 12-month period.
 - (4) Mr Adriaan Jacobovits de Szeged has informed the Secretary General/High Representative (SG/HR) of his intention to resign at the end of February 2007. A new EUSR should therefore be appointed as from 1 March 2007.
 - (5) On 31 January 2007, the SG/HR recommended that Mr Kálmán MIZSEI be appointed as the new EUSR for the Republic of Moldova.
 - (6) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 11 of the Treaty,
1. The EUSR's mandate shall be based on the European Union's policy objectives in the Republic of 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 European Union on the basis of common values and interests and as set out in the European Neighbourhood Policy (ENP) Action Plan;
 - (d) to assist in the fight against the trafficking of human beings and of weapons and other goods, from and through the Republic of Moldova;
 - (e) to contribute to strengthening stability and cooperation in the region;
 - (f) to enhance European Union effectiveness and visibility in the Republic of Moldova and the region;
 - (g) to enhance the effectiveness of border and customs controls and border surveillance activities in the Republic of Moldova and Ukraine along their common border, with a particular focus on the Transnistrian section, notably through an EU Border Mission.

⁽¹⁾ OJ L 49, 21.2.2006, p. 11.

2. The EUSR shall support the work of the Secretary General/High Representative (SG/HR) 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

Mandate

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

- (a) strengthen the European Union contribution to the resolution of the Transnistria conflict in accordance with agreed European Union policy objectives and in close coordination with the OSCE, representing the European Union 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 European Union 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 European Union's advice and facilitation;
- (d) assist in the further development of the European Union's policy towards the Republic of Moldova and the region, in particular regarding conflict prevention and conflict resolution;
- (e) through a support team led by a Senior Political Adviser to the EUSR:
 - (i) assure political overview of developments and activities related to the Moldovan-Ukrainian state border;
 - (ii) analyse the political commitment of the Republic of Moldova and Ukraine to improving border management;
 - (iii) promote cooperation on border issues between the Moldovan and Ukrainian sides, also in view of

building preconditions for a settlement to the Transnistrian conflict;

- (f) contribute to the implementation of the European Union human rights policy and European Union Guidelines on Human Rights, in particular with regard to children and women in conflict-affected areas, especially by monitoring and addressing developments in this regard.

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

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

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March 2007 to 29 February 2008 shall be EUR 1 100 000.

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 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 1 March 2007.

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

*Article 6***Constitution of the team**

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 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. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The remuneration of personnel who are seconded by a Member State or an institution of the European Union to the EUSR shall be covered by the Member State or the institution of the European Union 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 Member States and institutions of the European Union 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***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 European Union 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:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, 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;

- (b) ensuring that all personnel deployed outside the European Union are covered by high risk insurance as required by the conditions in the mission area;

- (c) 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 General Secretariat of the Council;

- (d) 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;

- (e) 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 European Union elements present in a crisis management operation or operations in his geographical area of responsibility.

*Article 8***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 General Affairs and External Relations Council.

*Article 9***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.

⁽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).

2. The Council and the Commission shall, each within their respective powers, ensure consistency between the implementation of this Joint Action and external activities of the Community, in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.

Article 10

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 Commission with a progress report before the end of June 2007 and a comprehensive mandate implementation report by mid-November 2007. 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

Entry into force

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

Article 12

Publication

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

Done at Brussels, 15 February 2007.

For the Council
The President
W. SCHÄUBLE