

**COUNCIL DECISION (CFSP) 2023/162**  
**of 23 January 2023**  
**on a European Union mission in Armenia (EUMA)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 6 October 2022, on the occasion of the meeting of the European Political Community held in Prague, the Republic of Armenia and the Republic of Azerbaijan confirmed their commitment to the Charter of the United Nations and to the Declaration agreed in Alma Ata on 21 December 1991, in which both States recognised each other's territorial integrity and sovereignty.
- (2) In a letter received by the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the Foreign Minister of the Republic of Armenia invited the Union to deploy a civilian Mission in Armenia under the Common Security and Defence Policy (CSDP).
- (3) On 19 January 2023 the Council approved a Crisis Management Concept for a possible civilian CSDP Mission in Armenia. This Mission should therefore be established.
- (4) The Political and Security Committee (PSC) should exercise, under the responsibility of the Council and of the High Representative, political control over the CSDP mission in Armenia, provide it with strategic direction and take the relevant decisions in accordance with the third paragraph of Article 38 of the Treaty on European Union (TEU).
- (5) It is necessary to negotiate and conclude international agreements relating to the status of Union-led units and personnel and to the participation of third States in the Mission.
- (6) The Mission will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1*

**Mission**

1. The Union hereby establishes a civilian European Union Mission in Armenia (EUMA) under the CSDP.
2. EUMA shall be part of the contribution by the Union, as an impartial and credible actor, in creating a safe and stable environment in conflict-affected areas in Armenia, within which improved human security and the normalisation of relations between Armenia and Azerbaijan on the ground will allow for further progress towards a potential peace agreement.

*Article 2*

**Mandate**

1. The strategic objective of EUMA shall be to contribute to decreasing the number of incidents in conflict-affected and border areas in Armenia, to reduce the level of risks for the population living in such areas and thereby to contribute to the normalisation of relations between Armenia and Azerbaijan on the ground.

2. For that purpose, the Mission shall contribute to confidence-building between Armenia and Azerbaijan, in ways that uphold its credibility as an impartial actor, by:
  - (a) observing through the conduct of routine patrolling and reporting on the situation on the ground and any conflict-related incidents in order to ensure detailed awareness of the security situation;
  - (b) contributing to human security in conflict-affected areas, inter alia by gathering information through ad hoc patrolling and reporting on situations where, due to direct or indirect consequences of the conflict, life and basic human rights are endangered;
  - (c) based on its activities under subparagraphs (a) and (b) and through its permanent and visible presence on the ground, contributing to building confidence between the populations of Armenia and Azerbaijan and, where possible, between the authorities of those countries, in support of peace and stability in the region.
3. International humanitarian law, human rights and the principle of gender equality, the protection of civilians and the agendas under United Nations Security Council Resolution (UNSCR) 1325 (2000) on Women, Peace and Security, UNSCR 2250 (2015) on Youth, Peace and Security and UNSCR 1612 (2005) on Children and Armed Conflict agendas shall be fully integrated and proactively mainstreamed in the Mission's strategic and operational planning, activities and reporting.

#### *Article 3*

#### **Chain of command and structure**

1. The Mission shall have a unified chain of command as a crisis management operation.
2. The Mission shall have its headquarters in Armenia.
3. The Mission shall be structured in accordance with its planning documents.

#### *Article 4*

#### **Civilian Operation Commander**

1. The Civilian Planning and Conduct Capability (CPCC) Managing Director shall be the Civilian Operation Commander for the Mission. The CPCC shall be at the disposal of the Civilian Operation Commander for the planning and conduct of the Mission.
2. The Civilian Operation Commander, under the political control and strategic direction of the PSC and overall authority of the High Representative, shall exercise command and control of the Mission at the strategic level.
3. The Civilian Operation Commander shall ensure the proper and effective implementation of the decisions of the Council and the PSC with regard to the conduct of operations, including by issuing instructions at the strategic level to the Head of Mission as required and by providing him or her with advice and technical support.
4. The Civilian Operation Commander shall report to the Council through the High Representative.
5. All seconded staff shall remain under the full command of the national authorities of the seconding State in accordance with national rules, of the Union institution concerned or of the European External Action Service (EEAS), respectively. Those authorities shall transfer Operational Control of their staff to the Civilian Operation Commander.
6. The Civilian Operation Commander shall have overall responsibility for ensuring that the Union's duty of care is properly discharged.
7. The Civilian Operation Commander, the Heads of the EU Delegations to Armenia and Azerbaijan, and the European Union Special Representative for the South Caucasus and the Crisis in Georgia (the 'EUSR') shall consult each other as required.

*Article 5***Head of Mission**

1. The Head of Mission shall assume responsibility for the Mission and shall exercise command and control thereof, at theatre level. The Head of Mission shall be directly responsible to the Civilian Operation Commander and shall act in accordance with his or her instructions.
2. The Head of Mission shall be the representative of the Mission in its area of responsibility.
3. The Head of Mission shall exercise administrative and logistic responsibility for the Mission, including responsibility for the assets, resources and information which have been placed at the disposal of the Mission. The Head of Mission may delegate management tasks in staff and financial matters to staff members of the Mission, under his or her overall responsibility.
4. The Head of Mission shall be responsible for disciplinary control over the staff of the Mission. For seconded staff, disciplinary action shall be exercised by the national authorities of the seconding State in accordance with national rules, by the Union institution concerned or by the EEAS respectively.
5. The Head of Mission shall ensure appropriate visibility of the Mission.

*Article 6***Staff**

1. The Mission shall consist primarily of staff seconded by Member States, Union institutions or the EEAS. Each Member State, each Union institution, and the EEAS shall bear the costs related to any of the staff seconded by it, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances other than applicable daily allowances.
2. The Member State, the Union institution, or the EEAS respectively shall be responsible for answering any claims linked to the secondment from or concerning the members of staff whom they have seconded, and for bringing any action against such persons.
3. International and local staff may be recruited on a contractual basis by the Mission if the functions required cannot be provided by personnel seconded by Member States. Exceptionally, in duly justified cases, where no qualified applicants from the Member States are available, nationals from participating third States may be recruited on a contractual basis, as appropriate.
4. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts between the Mission and the staff member concerned.

*Article 7***Status of the Mission and of its staff**

The status of the Mission and its staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of the Mission shall be the subject of an agreement concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.

*Article 8***Political control and strategic direction**

1. The PSC shall exercise political control and strategic direction of the Mission under the responsibility of the Council and of the High Representative. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with the third paragraph of Article 38 TEU. This authorisation shall include the power to appoint a Head of Mission, upon a proposal by the High Representative, and to amend the Operation Plan (OPLAN). The powers of decision with respect to the objectives and termination of the Mission shall remain vested in the Council. The decisions of the PSC regarding the appointment of the Head of Mission shall be published in the *Official Journal of the European Union*.

2. The PSC shall report to the Council at regular intervals.
3. The PSC shall receive reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility on a regular basis and as required.

#### *Article 9*

### **Participation of third States**

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, third States may be invited to contribute to the Mission, provided that they bear the cost of the staff seconded by them, including salaries, all risk insurance cover, daily subsistence allowances and travel expenses to and from Armenia, and that they contribute to the running costs of the Mission, as appropriate.
2. Third States contributing to the Mission shall have the same rights and obligations as Member States in terms of the day-to-day management of the Mission.
3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.
4. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded in accordance with Article 37 TEU and additional technical arrangements as necessary. Where the Union and a third State conclude or have concluded an agreement establishing a framework for the participation of that third State in Union crisis-management operations, the provisions of that agreement shall apply in the context of the Mission.

#### *Article 10*

### **Security**

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation by the Mission in accordance with Article 4.
2. The Head of Mission shall be responsible for the security of the Mission and for ensuring compliance with minimum security requirements applicable to the Mission, in line with the policy of the Union on the security of personnel deployed outside the Union in an operational capacity under Title V TEU, and its supporting instruments.
3. The Head of Mission shall be assisted by a Mission Security Officer, who shall report to the Head of Mission and also maintain a close functional relationship with the EEAS.
4. The Mission staff shall undergo mandatory security training before taking up their duties, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the Mission Security Officer.

5. The Head of Mission shall ensure the protection of EU classified information in accordance with Council Decision 2013/488/EU <sup>(1)</sup>.

#### Article 11

### Watch-Keeping Capability

The Watch-Keeping Capability shall be activated for the Mission.

#### Article 12

### Legal arrangements

The Mission shall have the capacity to procure services and supplies, to enter into contracts and administrative arrangements, to employ staff, to hold bank accounts, to acquire and dispose of assets and to discharge its liabilities, and to be a party to legal proceedings, as required in order to implement this Decision.

#### Article 13

### Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the Mission for the four months following the entry into force of this Decision shall be EUR 8 103 590,82. The financial reference amount for any subsequent period shall be decided by the Council.
2. All expenditure shall be managed in accordance with the rules and procedures applicable to the general budget of the Union. Participation of natural and legal persons in the award of procurement contracts by the Mission shall be open without limitations. Moreover, no rule of origin for the goods purchased by the Mission shall apply. Subject to the Commission's approval, the Mission may conclude technical arrangements with Member States, the host State, participating third States and other international actors regarding the provision of equipment, services and premises to the Mission.
3. The Mission shall be responsible for the implementation of its budget. For this purpose, the Mission shall sign an agreement with the Commission. The financial arrangements shall respect the chain of command provided for in Articles 3, 4 and 5 and the operational requirements of the Mission.
4. The Mission shall report fully to, and be supervised by, the Commission on the financial activities undertaken in the framework of their agreement.
5. The expenditure related to the Mission shall be eligible as of the date of adoption of this Decision.

#### Article 14

### Confidence Building Facility

1. The Mission shall have a Confidence Building Facility for identifying and implementing projects in support of its task under Article 2, paragraph 2 (c).
2. This project cell shall, as appropriate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility in areas related to the Mission and in support of its objectives.

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<sup>(1)</sup> Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

3. The Mission shall be authorised to seek recourse to financial contributions from the Member States or from third States to implement projects identified as supplementing the Mission's other actions in a consistent manner, if the project is:

- (a) provided for in the financial statement relating to this Decision; or
- (b) integrated during the mandate by means of an amendment to the financial statement requested by the Head of Mission.

4. The Mission shall conclude an arrangement with those States, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by the Mission in the use of the funds provided by those States. Under no circumstances may the contributing States hold the Union or the High Representative liable for acts or omissions by the Mission in the use of the funds provided by those States.

5. The PSC shall agree on the acceptance of a financial contribution from third States to the Project Cell.

#### Article 15

### Consistency of the Union's response and coordination

1. The High Representative shall ensure the consistency of the implementation of this Decision with the Union's external action as a whole, including the Union's assistance programmes.

2. Without prejudice to the chain of command, the Head of Mission shall act in close coordination with the Union's delegation to Armenia and with the EUSR to ensure the consistency of Union action in Armenia; in particular, the Head of Mission shall receive political guidance from the Head of the Union's Delegation to Armenia regarding relations with the authorities of Armenia and from the EUSR with respect to relations between Armenia and Azerbaijan.

3. In addition, without prejudice to the chain of command, the Head of Mission shall keep the Head of Delegation in Azerbaijan informed on the activities of the Mission and shall consult him or her on matters of relevance to Azerbaijan.

4. The Head of Mission shall coordinate with other international actors as appropriate.

#### Article 16

### Release of information

1. The High Representative shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance with the needs of the Mission, EU classified information up to 'CONFIDENTIEL UE/EU CONFIDENTIAL' level generated for the purposes of the Mission, in accordance with Decision 2013/488/EU.

2. In the event of a specific and immediate operational need, the High Representative shall also be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which are generated for the purposes of the Mission, in accordance with Decision 2013/488/EU. Arrangements between the High Representative and the competent authorities of the host State shall be drawn up for this purpose.

3. The High Representative shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to the Mission and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure <sup>(2)</sup>.

<sup>(2)</sup> Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

4. The High Representative may delegate the powers referred to in paragraphs 1 to 3, as well as the ability to conclude the arrangements referred to in paragraph 2 to persons placed under his or her authority, to the Civilian Operation Commander and to the Head of Mission, in accordance with Section VII of Annex VI to Decision 2013/488/EU.

*Article 17*

**Launch of the Mission**

1. The Mission shall be launched by a Council Decision on the date recommended by the Civilian Operation Commander of the Mission once it has reached its initial operating capability.
2. The core team of the Mission shall make the necessary preparations to allow the Mission to reach its initial operating capability.

*Article 18*

**Entry into force and duration**

1. This Decision shall enter into force on the date of its adoption.
2. It shall apply for a period of two years from the launch of the Mission.
3. A strategic assessment of the Mission and its mandate shall be conducted by the PSC one year after it is launched. A strategic review of the Mission shall be conducted in good time before this Decision expires.

Done at Brussels, 23 January 2023.

*For the Council*  
*The President*  
J. BORRELL FONTELLES

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