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Price: EUR 18

⁽¹⁾ Text with EEA relevance

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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 133/2009**of 16 February 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 February 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	129,4
	JO	68,6
	MA	43,2
	TN	134,4
	TR	87,8
	ZZ	92,7
0707 00 05	JO	170,1
	MA	134,2
	TR	164,1
	ZZ	156,1
0709 90 70	MA	85,2
	TR	128,4
	ZZ	106,8
0709 90 80	EG	164,4
	ZZ	164,4
0805 10 20	EG	49,2
	IL	51,8
	MA	64,3
	TN	46,4
	TR	71,0
	ZZ	56,5
0805 20 10	IL	144,4
	MA	91,8
	ZZ	118,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	88,6
	JM	85,4
	MA	150,0
	PK	47,6
	TR	65,9
	ZZ	87,5
0805 50 10	EG	44,9
	MA	55,8
	TR	52,5
	ZZ	51,1
0808 10 80	CN	71,6
	MK	32,6
	US	105,7
	ZZ	70,0
0808 20 50	AR	113,7
	CL	79,6
	CN	84,1
	US	107,3
	ZA	115,2
	ZZ	100,0

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 134/2009**of 16 February 2009****amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XI****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1907/2006 of 18 December 2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC⁽¹⁾, and in particular Article 131 thereof,

Whereas:

- (1) Regulation (EC) No 1907/2006 establishes registration obligations of Community manufacturers or importers of substances on their own, in preparations or articles, where, as part of the registration dossier, registrants have to provide the information required under Annexes VI to XI.
- (2) Annex XI allows registrants, under certain conditions, to omit testing in accordance with sections 8.6 and 8.7 of Annex VIII and in accordance with Annex IX and Annex X to Regulation (EC) No 1907/2006.
- (3) For the avoidance of doubt it should be clarified that in section 3.1 the reference to sections 8.6 and 8.7 refers to Annex VIII only.
- (4) It is necessary to establish the criteria defining what constitutes adequate justification for the omission of testing under sections 8.6 and 8.7 of Annex VIII and in accordance with Annex IX and Annex X to Regulation (EC) No 1907/2006.

- (5) Based on experience gained through the development of guidance for the chemicals safety assessment under Regulation (EC) No 1907/2006, three different criteria for exposure-based waiving have been identified. The first criterion requires that it is demonstrated and documented that exposure in all scenarios is well below an appropriate derived no-effect level (DNEL) or predicted no-effect concentration (PNEC) derived under specific conditions. The second criterion requires that it is demonstrated and documented that strictly controlled conditions apply throughout the life cycle. The third criterion requires that where the substance is incorporated in an article, the substance is incorporated in such a way that no exposure can take place and the substance is not released during its life cycle and is handled under strictly controlled conditions during all manufacturing and production stages. Consequently, these criteria for justification for the omission of testing should be incorporated in Regulation (EC) No 1907/2006.

- (6) Regulation (EC) No 1907/2006 should therefore be amended accordingly.

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XI to Regulation (EC) No 1907/2006 is amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1; corrected by OJ L 136, 29.5.2007, p. 3.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 February 2009.

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX

Section 3 of Annex XI to Regulation (EC) No 1907/2006 is replaced by the following:

‘3. SUBSTANCE-TAILORED EXPOSURE-DRIVEN TESTING

- 3.1. Testing in accordance with Sections 8.6 and 8.7 of Annex VIII and in accordance with Annex IX and Annex X may be omitted, based on the exposure scenario(s) developed in the Chemical Safety Report.
- 3.2. In all cases, adequate justification and documentation shall be provided. The justification shall be based on a thorough and rigorous exposure assessment in accordance with section 5 of Annex I and shall meet any one of the following criteria:
 - (a) the manufacturer or importer demonstrates and documents that all of the following conditions are fulfilled:
 - (i) the results of the exposure assessment covering all relevant exposures throughout the life cycle of the substance demonstrate the absence of or no significant exposure in all scenarios of the manufacture and all identified uses as referred to in Annex VI section 3.5;
 - (ii) a DNEL or a PNEC can be derived from results of available test data for the substance concerned taking full account of the increased uncertainty resulting from the omission of the information requirement, and that DNEL or PNEC is relevant and appropriate both to the information requirement to be omitted and for risk assessment purposes (*);
 - (iii) the comparison of the derived DNEL or PNEC with the results of the exposure assessment shows that exposures are always well below the derived DNEL or PNEC;
 - (b) where the substance is not incorporated in an article the manufacturer or importer demonstrates and documents for all relevant scenarios that throughout the life cycle strictly controlled conditions as set out in Article 18(4)(a) to (f) apply;
 - (c) where the substance is incorporated in an article in which it is permanently embedded in a matrix or otherwise rigorously contained by technical means, it is demonstrated and documented that all of the following conditions are fulfilled:
 - (i) the substance is not released during its life cycle;
 - (ii) the likelihood that workers or the general public or the environment are exposed to the substance under normal or reasonably foreseeable conditions of use is negligible; and
 - (iii) the substance is handled according to the conditions set out in Article 18(4)(a) to (f) during all manufacturing and production stages including the waste management of the substance during these stages.
- 3.3. The specific conditions of use must be communicated through the supply chain in accordance with Article 31 or 32, as the case may be.

(*) For the purpose of subparagraph 3.2(a)(ii), without prejudice to column 2 of Section 8.7 of Annexes IX and X, a DNEL derived from a screening test for reproductive/developmental toxicity shall not be considered appropriate to omit a prenatal developmental toxicity study or a two-generation reproductive toxicity study. For the purpose of subparagraph 3.2(a)(ii), without prejudice to column 2 of section 8.6 of Annexes IX and X, a DNEL derived from a 28-day repeated dose toxicity study shall not be considered appropriate to omit a 90-day repeated dose toxicity study.’

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 18 December 2008

concerning the signature, on behalf of the European Community, of the Cooperation Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests

(2009/127/EC)

THE COUNCIL OF THE EUROPEAN UNION,

was signed on behalf of the European Community on 26 October 2004.

Having regard to the Treaty establishing the European Community, and in particular Article 280 in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

(3) The Agreement establishes a Joint Committee with decision-making powers in certain areas and it is thus necessary to specify who represents the Community within this Committee.

Having regard to the proposal from the Commission,

(4) The Agreement should be approved,

Having regard to the opinion of the European Parliament ⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Whereas:

Article 1

(1) On 14 December 2000, the Council authorised the Commission to negotiate with the Swiss Confederation an Agreement to combat fraud and any other illegal activity to the detriment of the financial interests of the Community and its Member States, including value added tax and excise duties.

The Cooperation Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests (hereinafter the Agreement) and the accompanying Final Act are hereby approved on behalf of the Community.

(2) In accordance with the Council Decision of 26 October 2004 concerning the signature, on behalf of the European Community, of the Cooperation Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests, and subject to its conclusion at a later date, the Agreement

The text of the Agreement and the Final Act are attached to this Decision ⁽²⁾.

Article 2

In respect of matters falling within its competence, the Community shall be represented on the Joint Committee set up under Article 39 of the Agreement by the Commission.

⁽¹⁾ OJ C 304 E, 1.12.2005, p. 106.

⁽²⁾ See page 8 of this Official Journal.

The position to be taken by the Community in the course of the implementation of the Agreement as regards decisions or recommendations of the Joint Committee shall be laid down by the Council, acting by qualified majority, on a proposal from the Commission. The Council shall act unanimously when the position covers a field for which unanimity is required for the adoption of internal rules.

Article 3

The President of the Council shall, on behalf of the European Community, give the notification provided for in Article 44(2) of the Agreement ⁽¹⁾.

The President of the Council shall notify a declaration of the European Community according to which, until the entry into force of the Agreement, the Community shall consider itself

bound by the Agreement, within the limits of its competence, in its relations with any other Contracting Party having made the same declaration, in accordance with Article 44(3) of the Agreement ⁽²⁾.

Article 4

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

Done at Brussels, 18 December 2008.

For the Council

The President

M. BARNIER

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

⁽²⁾ The date of application of the Agreement between the Community and Switzerland, by virtue of Article 44(3) of the Agreement, will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

COOPERATION AGREEMENT

between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests

THE EUROPEAN COMMUNITY,

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

of the one part, and

THE SWISS CONFEDERATION,

of the other part,

hereinafter referred to as the 'Contracting Parties',

CONSIDERING the close relations between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part,

DESIRING to be effective in combating fraud and any other illegal activity to the detriment of the Contracting Parties' financial interests,

TAKING ACCOUNT of the need to step up administrative assistance in these areas,

CONVINCED that mutual legal assistance, extending to searches and seizures, must be afforded, including in all cases of smuggling and evasion in the field of indirect taxation, in particular value added tax and customs and excise duties,

RECOGNISING the importance of combating money laundering,

HAVE DECIDED TO CONCLUDE THIS AGREEMENT:

TITLE I

GENERAL PROVISIONS

Article 1

Objective

The objective of this Agreement is to extend administrative and mutual legal assistance in criminal matters between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, so as to combat the illegal activities to which Article 2 applies.

Article 2

Scope

1. This Agreement is applicable to:

(a) the administrative and criminal prevention, detection, investigation, prosecution and repression of fraud and any other illegal activity to the detriment of the Contracting Parties' respective financial interests concerning:

— trade in goods contrary to customs and agricultural legislation,

— trade contrary to tax legislation applicable to value added tax, special taxes on consumption and excise duties,

— the charging or retention of funds — including their use for purposes other than those for which they were initially granted — from the budget of the Contracting Parties or budgets managed by them or on their behalf, such as grants and refunds,

— procedures for the award of contracts by the Contracting Parties,

(b) the seizure and recovery of amounts due or wrongly received as a result of the illegal activities referred to in point (a).

2. Cooperation within the meaning of Titles II (Administrative assistance) and III (Mutual legal assistance) may not be withheld on the sole ground that the request relates to an offence treated as a tax offence in the requested Contracting Party or that the legislation of the requested Contracting Party does not provide for the same type of levy or expenditure or does not contain the same type of rules or the same legal characterisation of the facts as the legislation of the requesting Contracting Party.

3. The scope of this Agreement includes the laundering of the proceeds of the activities covered by the Agreement provided that the activities which constitute the precursor offence are punishable under the law of the two Contracting Parties by a penalty involving deprivation of liberty or a detention order of a maximum period of more than six months.

4. Direct taxes are excluded from the scope of this Agreement.

Article 3

Minor cases

1. The authority of the requested Contracting Party may refuse a request for cooperation where the alleged amount of duty underpaid or evaded does not exceed EUR 25 000 or where the presumed value of the goods exported or imported without authorisation does not exceed EUR 100 000, unless, given the circumstances or identity of the suspect, the case is deemed to be extremely serious by the requesting Contracting Party.

2. The authority of the requested Contracting Party shall inform the authority of the requesting Contracting Party without delay of its reasons for refusing the request for cooperation.

*Article 4***Ordre public**

Cooperation may be refused if the requested Contracting Party considers that execution of the request is likely to prejudice the sovereignty, security, *ordre public* or other essential interests of the requested Contracting Party.

*Article 5***Transmission of information and evidence**

1. Information and evidence transmitted or received under this Agreement, whatever its form, shall be subject to professional confidentiality and shall enjoy the protection enjoyed by comparable information conferred by the domestic law of the Contracting Party receiving it and by the corresponding provisions applicable to the Community institutions.

In particular, such information and evidence may not be divulged to persons other than those who, in the Community institutions, the Member States or the Swiss Confederation, are required by their functions to be acquainted with it, nor used by them for purposes that are not within the scope of this Agreement.

2. The information and evidence obtained by the requesting Contracting Party under this Agreement may be transmitted to any Contracting Party if this Contracting Party is conducting an investigation in respect of which cooperation is not excluded or if there are clear indications that this Contracting Party could usefully conduct such an investigation. No such transmission may serve any purpose other than those of this Agreement.

3. The transmission of information and evidence obtained pursuant to this Agreement by a Contracting Party to another Contracting Party or to more than one Contracting Party may not be open to appeal in the Contracting Party initially requested.

4. Any Contracting Party to which information or evidence is transmitted in conformity with paragraph 2 shall respect such limits as are put by the requested Contracting Party on the use of the information by the requesting Contracting Party of the first transmission.

5. The transmission of information and evidence obtained under this Agreement by a Contracting Party to a third State shall be subject to authorisation from the Contracting Party from which the information or evidence originated.

*Article 6***Confidentiality**

The requesting Contracting Party may ask the requested Contracting Party to ensure that the request and the content

thereof remain confidential, except in so far as this is incompatible with the execution of the request. If the requested Contracting Party cannot comply with confidentiality requirements, it shall inform the authority of the requesting Contracting Party in advance.

TITLE II

ADMINISTRATIVE ASSISTANCE

CHAPTER 1

General provisions*Article 7***Relationship with other agreements**

This Title shall not affect the provisions applicable to mutual legal assistance in criminal matters or more extensive obligations in the field of administrative assistance or more favourable provisions of bilateral or multilateral cooperation arrangements between the Contracting Parties, in particular the Additional Protocol on mutual administrative assistance in customs matters of 9 June 1997.

*Article 8***Scope**

1. The Contracting Parties shall provide each other with mutual assistance to combat illegal activities to which this Agreement applies, in particular in preventing and detecting operations and other acts of commission and omission contrary to the relevant legislation and in conducting investigations relating thereto.

2. The assistance provided for by this Title shall apply to all competent administrative authorities in the Contracting Parties acting in the exercise of administrative investigation powers or criminal prosecution powers, including cases where these authorities exercise powers at the request of the judicial authorities.

Where a criminal investigation is carried out by or under the direction of a judicial authority, that authority shall determine whether requests for mutual assistance or cooperation in that connection shall be submitted on the basis of the provisions applicable concerning mutual legal assistance in criminal matters or on the basis of this Title.

*Article 9***Powers**

1. The authorities of the Contracting Parties shall apply this Title with the limits of the powers conferred upon them under national provisions. Nothing in this Title may be construed as affecting the powers conferred under national provisions upon the authorities of the Contracting Parties within the meaning of this Title.

They shall proceed as though they were acting on their own account or at the request of another authority of the same Contracting Party. In so doing they shall avail themselves of all the legal powers at their disposal within the framework of their national law to respond to the request.

2. Requests addressed to non-competent authorities shall be forwarded without delay to the competent authority.

Article 10

Proportionality

The authority of the requested Contracting Party may refuse a request for cooperation where it is clear that:

- (a) the number and the nature of the requests for information made by the requesting Contracting Party within a specific period impose a disproportionate administrative burden on that requested authority;
- (b) the authority of the requesting Contracting Party has not exhausted the usual sources of information which it could have used in the circumstances to obtain the information requested without running the risk of jeopardising the achievement of the desired end.

Article 11

Central units

1. Each Contracting Party shall designate one or more central unit empowered to process requests for administrative assistance under this Title.

These units shall call on all competent administrative authorities for the execution of the assistance requested.

2. The central units shall communicate directly with each other.

3. The activities of the central units shall not exclude, especially in an emergency, direct cooperation between the other authorities in the Contracting Parties having power to act in matters to which this Agreement applies. The central units shall be informed of any action involving such direct cooperation.

4. The Contracting Parties, when making the notification provided for by Article 44(2), shall announce which are the authorities regarded as the central units for the purposes of this Article.

CHAPTER 2

Assistance on request

Article 12

Requests for information

1. At the request of the authority of the requesting Contracting Party, the authority of the requested Contracting Party shall communicate to it, within the limits of the scope of this Agreement, all information which may enable it or other authorities of the same Contracting Party to prevent, detect and prosecute the illegal activities to which the Agreement applies or needed to recover a claim. The authority of the requested Contracting Party shall undertake all requisite administrative inquiries needed to gather such information.

2. The information communicated is to be accompanied by reports and other documents, or certified copies of or extracts of the same, on which the information notified is based and which are in the possession of the authorities of the requested Contracting Party or which were produced or obtained in order to execute the request for information.

3. By agreement between the authority of the requesting Contracting Party and the authority of the requested Contracting Party, officers authorised by the authority of the requesting Contracting Party may, subject to detailed instructions from the authority of the requested Party, have access in the offices of the authorities of the requested Contracting Party to documents and information pursuant to paragraph 1 held by the authorities of the requested Contracting Party which refer to specific illegal activities falling within the scope of this Agreement. Those officers shall be authorised to take copies of the said documentation.

Article 13

Requests for surveillance

At the request of the authority of the requesting Contracting Party, the authority of the requested Contracting Party shall as far as possible exercise surveillance over trade in goods in breach of the legislation referred to in Article 2. Such surveillance may relate to a person suspected on reasonable grounds of having participated or of participating in the commission of such illegal activities or having carried out preparatory acts with a view to the commission of such illegal activities, as well as to the premises, means of transport and goods connected with such activities.

Article 14

Notification and transmission by post

1. At the request of the authority of the requesting Contracting Party, the authority of the requested Contracting Party shall, in accordance with the national rules of the requested Contracting Party, notify the addressee or have it notified, of all instruments or decisions emanating from the competent authorities of the requesting Contracting Party which are within the scope of this Agreement.

2. Requests for notification, mentioning the subject of the instrument or decision to be notified, shall be accompanied by a translation in an official language of the requested Contracting Party or in a language acceptable to that Contracting Party.

3. The Contracting Parties may post acts of notification and requests for information and documents direct to the operators concerned by the third and fourth indents of Article 2(1)(a) residing in the other Contracting Party's territory.

Such persons may respond thereto and provide the relevant documents and information in the form provided for by the rules and arrangements under which the funds were granted.

Article 15

Requests for enquiries

1. The requested Contracting Party shall at the request of the requesting Contracting Party carry out or arrange to have carried out appropriate enquiries concerning operations or forms of conduct that constitute illegal activities to which this Agreement applies or which prompt the authority of the requesting Contracting Party to suspect on reasonable grounds that such illegal activities have been committed.

2. The requested Contracting Party shall avail themselves of all investigation means at its disposal within the framework of their national law as though it were acting on its own account or at the request of another internal authority, including the involvement or authorisation of the judicial authorities where required.

This provision shall be without prejudice to the duty of economic operators to cooperate under Article 17.

The authority of the requested Contracting Party shall communicate the results of such investigations to the authority of the requesting Contracting Party. Article 12(2) shall apply *mutatis mutandis*.

3. The authority of the requested Contracting Party shall extend assistance to all circumstances, objects and persons apparently linked to the object of the request for assistance, without any need for a supplementary request. In cases of doubt, the authority of the requested Contracting Party shall first contact the authority of the requesting Contracting Party.

Article 16

Presence of authorised staff from the authority of the requesting Contracting Party

1. By agreement between the authority of the requesting Contracting Party and the authority of the requested Contracting Party, officers appointed by the authority of the requesting Contracting Party may be present at the enquiries referred to in the previous Article. Their presence shall not

require the consent of the person or economic operator being investigated.

2. Officers of the authority of the requested Contracting Party shall at all times carry out the enquiries. Officers of the authority of the requesting Contracting Party may not, of their own initiative, exercise the powers conferred on officers of the authority of the requested Contracting Party.

They shall, however, have access to the same premises and the same documents as the latter, through them and for the sole purposes of the enquiry being carried out.

3. Conditions may be attached to the authorisation.

4. The information brought to the knowledge of the authority of the requesting Contracting Party may not be used as evidence until the transmission of the documents relating to execution has been authorised.

Article 17

Duty to cooperate

Economic operators shall be required to cooperate with the execution of the request for administrative assistance by giving access to their premises, means of transport and documentation and providing all relevant information.

Article 18

Form and content of requests for assistance

1. Requests for assistance shall be made in writing. Documents necessary for the execution of such requests shall accompany the requests.

In cases of urgency, oral requests shall be accepted, but must be confirmed in writing as soon as possible.

2. Requests shall be accompanied by the following information:

(a) the requesting authority;

(b) the measure requested;

(c) the object and the grounds for the request;

(d) the laws, rules and other legal provisions involved;

(e) indications as exact and comprehensive as possible of the natural or legal persons being the target of the investigations;

- (f) a summary of the relevant facts and of the enquiries already carried out, except in cases provided for in Article 14.

3. Requests shall be submitted in an official language of the requested Contracting Party or in a language that is acceptable to that Contracting Party.

4. Incorrect or incomplete requests may be corrected or completed. The measures necessary to comply with the request shall be commenced in the meantime.

Article 19

Use of information

1. The information obtained shall be used exclusively for the purposes of this Agreement. Where a Contracting Party asks to use such information for other purposes, it shall request the prior written agreement of the supplying authority. Such use shall then be subject to any restrictions laid down by that authority.

2. Paragraph 1 shall not preclude the use of the information in judicial or administrative proceedings for failure to comply with the legislation to which the request for administrative assistance applies if the same forms of assistance were to be available for these proceedings. The competent authority of the Contracting Party which supplied the information shall be advised without delay of such use.

3. The Contracting Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence the information obtained and the documents consulted in accordance with this Agreement.

CHAPTER 3

Spontaneous assistance

Article 20

Spontaneous assistance

1. The forms of cooperation established by the foregoing Chapter may be given without the prior request of another Contracting Party.

2. The authority of the Contracting Party transmitting the information may, in accordance with its domestic law, attach conditions to the use of the information by the authority of the recipient Contracting Party.

3. All the authorities of the Contracting Parties shall be bound by such conditions.

CHAPTER 4

Special forms of cooperation

Article 21

Joint operations

1. On imports, exports and transit of goods, where the extent of the trade and the related risk to taxes and subsidies is such that the potential financial loss to the budget of the Contracting Parties is considerable, those Parties may agree to conduct joint cross-border operations for the prevention and prosecution of illegal activities to which this Agreement applies.

2. The coordination and planning of such cross-border operations shall be the responsibility of the central unit or of an office designated by it.

Article 22

Joint special investigation teams

1. By mutual agreement, the authorities of several Contracting Parties may set up a joint special investigation team based in a Contracting Party.

2. The joint team shall conduct difficult investigations requiring the mobilisation of substantial resources and shall coordinate joint actions.

3. Membership of the team shall not bestow on representatives of the participating Contracting Parties' authorities any powers of intervention in the territory of the Contracting Party in which the investigations are conducted.

Article 23

Liaison officers

1. The competent authorities of the Contracting Parties may decide on the secondment, for limited or unlimited periods, of liaison officers of a Contracting Party to the competent services of another Contracting Party in order to provide mutual support in the execution of administrative assistance.

2. Liaison officers shall have the task of providing advice and assistance. They shall have no independent power to act in the territory of the host Contracting Party. With the agreement or at the request of the competent authorities of the Contracting Parties, they may:

- (a) promote and speed up the exchange of information;
- (b) provide assistance in investigations;
- (c) provide support in dealing with requests for assistance;

- (d) advise and assist the host Contracting Party in preparing and carrying out cross-border operations;
 - (e) perform any other duties on which the Contracting Parties may agree between themselves.
3. The competent authorities of the Contracting Parties shall settle the details by agreement.
 4. Liaison officers may represent the interests of one or more Contracting Parties.

CHAPTER 5

Recovery

Article 24

Recovery

1. At the request of the requesting Contracting Party, the requested Contracting Party shall proceed to the recovery of claims to which this Agreement applies as if they were its own claims.
2. The request for recovery of a claim shall be accompanied by an official copy or a certified copy of the document permitting execution, issued by the requesting Contracting Party and, where appropriate, the original or a certified copy of other documents needed for recovery.
3. The requested Contracting Party shall take precautionary measures to ensure recovery of a claim.
4. The authority of the Contracting Party requested shall transfer to the authority of the requesting Contracting Party the amount of the claim that it has recovered. In agreement with the requesting Contracting Party, it may deduct a percentage corresponding to the administrative costs it has incurred.
5. Notwithstanding paragraph 1, claims to be recovered shall not necessarily enjoy the same priority status as comparable claims arising in the requested Contracting Party.

TITLE III

MUTUAL LEGAL ASSISTANCE

Article 25

Relationship with other Agreements

1. The provisions of this Title are intended to supplement the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 8 November 1990, and to facilitate their implementation between the Contracting Parties.

2. More favourable provisions of bilateral or multilateral Agreements between the Contracting Parties are not affected.

Article 26

Procedures in which mutual legal assistance shall also be afforded

1. Mutual legal assistance shall also be afforded:
 - (a) in proceedings brought by the administrative authorities in respect of acts which are punishable under the national law of one of the two Contracting Parties, or of both, by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters;
 - (b) in civil actions joined to criminal proceedings, as long as the criminal court has not yet taken a final decision in the criminal proceedings;
 - (c) for offences or infringements for which a legal person of the requesting Contracting Party may be liable.
2. Assistance shall also be given for the purposes of investigations and proceedings for the seizure and confiscation of the instruments and products of these illegal activities.

Article 27

Transmission of requests

1. Requests under this Title shall be presented by the authority of the requesting Contracting Party either via a relevant central authority of the requested Contracting Party, or direct to the Contracting Party's authority which is empowered to execute the requesting Contracting Party's request. The authority of the requesting Contracting Party and, where appropriate, the authority of the Contracting Party requested shall send a copy of the request to its central authority for information.
2. All documents relating to requests or the execution thereof may be sent by the same channels. They, or at least a copy, must be sent directly to the authority of the requesting Contracting Party.
3. If the authority of the Contracting Party receiving a request has no power to authorise assistance, it shall forthwith forward it to the competent authority.
4. Defective or incomplete requests shall be applied if they contain the information needed to satisfy them, without prejudice to subsequent regularisation by the authority of the requesting Contracting Party. The authority of the Contracting Party requested shall inform the authority of the requesting Contracting Party of the defects and allow it time to regularise them.

The authority of the Contracting Party requested shall without delay send the authority of the requesting Contracting Party all other indications that may help it to complete its request or extend it to include other measures.

5. The Contracting Parties, when making the notification provided for by Article 44(2), shall announce which are the competent central authorities for the purposes of this Article.

Article 28

Service by post

1. As a rule the Contracting Parties shall, in proceedings for illegal activities covered by this Agreement, send procedural documents intended for persons who are in the territory of the other Contracting Party directly by post.

2. If the authority of the Contracting Party that issued the documents knows or has reason to believe that the addressee understands only some other language, the documents, or at least the most important passages thereof, shall be accompanied by a translation into that other language.

3. The authority of the serving Contracting Party shall advise the addressee that no measure of restraint or punishment may be enforced directly by that authority in the territory of the other Contracting Party.

4. All procedural documents shall be accompanied by a report indicating that the addressee may obtain information from the authority identified in the report regarding his or her rights and obligations concerning the documents.

Article 29

Provisional measures

1. Within the limits of its domestic law and its respective powers and at the request of the authority of the requesting Contracting Party, the competent authority of the requested Contracting Party shall order the necessary provisional measures for the purpose of maintaining an existing situation, protecting endangered legal interests or preserving evidence, if the request for mutual assistance does not appear manifestly inadmissible.

2. Preventive freezing and seizure of instrumentalities and proceeds of offences shall be ordered in cases where assistance is requested. If the proceeds of an offence no longer exist in whole or in part, the same measures shall be ordered in relation to assets located within the territory of the requested Contracting Party corresponding in value to the proceeds in question.

Article 30

Presence of the authorities of the requesting Contracting Party

1. The requested Contracting Party shall, at the request of the requesting Contracting Party, authorise the representatives of the latter Party's authorities to attend the execution of the request for mutual legal assistance. Their presence shall not require the consent of the person concerned by the measure.

Conditions may be attached to the authorisation.

2. The persons present shall have access to the same premises and the same documents as the representatives of the requested Contracting Party, through them and for the sole purposes of execution of the request for mutual legal assistance. In particular they may be authorised to put or propose questions and suggest measures of investigation.

3. Their presence shall not result in facts being divulged to persons other than those authorised by virtue of the preceding paragraphs in breach of judicial confidentiality or the rights of the person concerned. The information brought to the knowledge of the authority of the requesting Contracting Party may not be used as evidence until the decision on transmission of the documents relating to execution has acquired the force of *res judicata*.

Article 31

Searches and seizures

1. The Contracting Parties may not make the admissibility of letters rogatory for search or seizure dependent on conditions other than the following:

(a) the act giving rise to the letters rogatory is punishable under the law of both Contracting Parties by a penalty involving deprivation of liberty or a detention order of a maximum period of at least six months, or is punishable under the law of one of the two Contracting Parties by an equivalent penalty and under the law of the other Contracting Party by virtue of being an infringement of the rules of law which is being prosecuted by the administrative authorities, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters;

(b) execution of the letters rogatory is consistent with the law of the requested Contracting Party.

2. Letters rogatory for purposes of search and seizure for laundering offences within the scope of this Agreement shall also be admissible provided that the activities making up the precursor offence are punishable under the law of the two Contracting Parties by a penalty involving deprivation of liberty or a detention order of a maximum period of more than six months.

*Article 32***Requests for banking and financial information**

1. Where the conditions of Article 31 are met, the requested Contracting Party shall execute requests for assistance in obtaining and transmitting banking and financial information, including:

- (a) the identification of, and information concerning, bank accounts opened at banks established in its territory and where persons under investigation are the account holders, authorised signatories or in effective control;
- (b) the identification of, and all information concerning, banking transactions and operations conducted from, to or via one or more bank accounts or by specified persons during a specified period.

2. To the extent authorised by virtue of its law governing criminal proceedings for similar domestic cases, the requested Contracting Party may order surveillance of banking operations conducted from, to or via one or more bank accounts or by specified persons during a specified period, and transmission of the results to the requesting Contracting Party. The decision to monitor transactions and transmit the results shall be taken in each individual case by the competent authorities of the requested Contracting Party and shall comply with that Contracting Party's national law. The practical details regarding the monitoring shall be determined by agreement between the competent authorities of the requesting and requested Contracting Parties.

3. Each Contracting Party shall take the necessary measures to ensure the financial institutions do not disclose to the customer concerned or to other third persons that measures are being executed at the request of the requesting Contracting Party or that an investigation is under way, for such time as is necessary to avoid compromising the results.

4. The authority of the Contracting Party issuing the request shall:

- (a) state why it considers that the requested information is likely to be of substantial value for the purpose of the investigation into the offence;
- (b) state on what grounds it presumes that banks in the requested Contracting Party hold the account and, to the extent available, which banks may be involved;
- (c) include all information available which may facilitate the execution of the request.

5. A Contracting Party shall not invoke banking secrecy as grounds for rejecting all cooperation on a request for mutual assistance from another Contracting Party.

*Article 33***Controlled deliveries**

1. The competent authority in the requested Contracting Party shall undertake to ensure that, at the request of the authority of the requesting Contracting Party, controlled deliveries may be permitted in its territory within the framework of criminal investigations into extraditable offences.

2. The decision to carry out controlled deliveries shall be taken in each individual case by the competent authorities of the requested Contracting Party, with due regard for its national law.

3. Controlled deliveries shall take place in accordance with the procedures provided for in the law of the requested Contracting Party. The right to act and to direct and control operations shall lie with the competent authorities of that Contracting Party.

*Article 34***Handing-over for confiscation or return**

1. At the request of the requesting Contracting Party, all objects, documents, funds or other items of value that have been seized on a precautionary basis may be handed over for confiscation or for return to the rightful owner.

2. The requested Contracting Party may not refuse to return funds on the sole ground that they correspond to a tax or customs debt.

3. Rights asserted by a third party in good faith shall remain reserved.

*Article 35***Speeding up assistance**

1. The authority of the requested Contracting Party shall execute the request for mutual legal assistance as soon as possible, taking as full account as possible of the procedural deadlines and other deadlines indicated by the authority of the requesting Contracting Party. The requesting Contracting Party shall explain the reasons for the deadline.

2. If the request cannot, or cannot fully, be executed in accordance with the requirements set by the authority of the requesting Contracting Party, the authority of the requested Contracting Party shall promptly inform the authority of the requesting Contracting Party and indicate the conditions under which it might be possible to execute the request. The authorities of the requesting and the requested Contracting Parties may subsequently agree on further action to be taken concerning the request, where necessary by making such action subject to the fulfilment of those conditions.

If it is foreseeable that the deadline set by the authority of the requesting Contracting Party for executing its request cannot be met and if the reasons referred to in the second sentence of paragraph 1, indicate explicitly that any delay will lead to substantial impairment of the proceedings being conducted by that authority, the authority of the requested Contracting Party shall promptly indicate the estimated time needed for execution of the request. The authority of the requesting Contracting Party shall promptly indicate whether the request is to be upheld nonetheless. The authorities of the requesting and requested Contracting Parties may subsequently agree on further action to be taken concerning the request.

Article 36

Use of information and evidence

Information and evidence transmitted in the course of the assistance procedure may be used for the following purposes in addition to the purposes of the assistance procedure for which it was supplied:

- (a) in criminal proceedings in the requesting Contracting Party against other persons who participated in the commission of the offence for which assistance was given;
- (b) where the infringements on which the request is based constitute another offence for which assistance ought also to be given;
- (c) in proceedings for the confiscation of the instrumentalities and proceeds of offences for which assistance ought to be given and in proceedings for damages in respect of infringements for which assistance had been given.

Article 37

Spontaneous transmission

1. Within the limits of their national law and their powers, the judicial authorities of a Contracting Party may spontaneously transmit information or evidence to the judicial authorities of another Contracting Party, when they consider that such information or evidence might assist the receiving Contracting Party's authority in initiating or carrying out investigations or proceedings, or might lead to a request for mutual legal assistance by the receiving authority.

2. The authority of the Contracting Party transmitting the information may, pursuant to its national law, impose conditions on the use of such information by the authority of the receiving Contracting Party.

3. All the authorities of the Contracting Parties shall be bound by such conditions.

Article 38

Procedures in the requested Contracting Party

The request for assistance shall be without prejudice to such rights as the requesting Contracting Party may enjoy as a result

of its status as *partie civile* in domestic judicial criminal proceedings commenced before the authorities of the requested Contracting Party.

TITLE IV

FINAL PROVISIONS

Article 39

Joint Committee

1. A Joint Committee shall be established, consisting of representatives of the Contracting Parties, and shall be responsible for the sound application of this Agreement. To that end, it shall make recommendations and take decisions in the cases provided for by the Agreement. It shall act by mutual agreement.

2. The Joint Committee shall adopt its Rules of Procedure, which shall include provisions governing the convening of meetings, the designation of the Chair and the determination of his or her functions.

3. The Joint Committee shall meet as required but no less than once every year. Any Contracting Party may request that a meeting be convened.

4. The Joint Committee may decide to establish working parties or expert groups to assist it in the performance of its tasks.

Article 40

Dispute settlement

1. Each Contracting Party may submit to the Joint Committee a dispute relating to the interpretation or application of this Agreement, in particular if it considers that another Contracting Party is failing repeatedly to take action on requests for cooperation made to it.

2. The Joint Committee shall endeavour to settle the dispute as quickly as possible. The Joint Committee shall be supplied with all relevant items of information to assist its detailed examination of the situation with a view to identifying a satisfactory solution. To that end, the Joint Committee shall examine all possibilities of preserving the sound operation of this Agreement.

Article 41

Reciprocity

1. The authority of the requested Contracting Party may refuse a request for cooperation where the requesting Contracting Party fails repeatedly to take action on a request for cooperation in similar cases.

2. Before a request for cooperation is refused on the grounds of reciprocity, the Joint Committee shall be informed to give it the opportunity to state its opinion on the matter.

*Article 42***Revision**

If a Contracting Party wishes this Agreement to be revised, it shall lay a proposal before the Joint Committee, which shall make recommendations, notably for the commencement of negotiations.

*Article 43***Territorial scope**

This Agreement shall apply, on the one hand, to the territory of the Swiss Confederation and, on the other hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty.

*Article 44***Entry into force**

1. This Agreement shall be concluded for an indefinite period.
2. It shall be ratified or approved by the Contracting Parties in accordance with their respective procedures. It shall enter into force on the first day of the second month after the last notification of instruments of ratification or approval.
3. Until the entry into force of this Agreement, each Contracting Party may, at the time of the notification referred to in paragraph 2 or at any other subsequent time, declare that it shall consider itself bound by the Agreement in its relations with any other Contracting Party having made the same declaration. These declarations shall take effect 90 days after the date of receipt of the notification.

*Article 45***Denunciation**

The European Community or the Swiss Confederation may denounce this Agreement by notifying the other Contracting Party of its decision. The denunciation shall take effect six months after the date of receipt of the notification of the denunciation.

*Article 46***Application over time**

The provisions of this Agreement shall be applicable to requests concerning illegal activities committed at least six months after it was signed.

*Article 47***Extension of the Agreement to the new Member States of the European Union**

1. Any State which becomes a Member State of the European Union may, by written notification to the Contracting Parties, become a Contracting Party to this Agreement.
2. The text of the Agreement in the language of the new acceding Member State as established by the Council of the European Union shall be authenticated by an Exchange of Letters between the European Community and the Swiss Confederation. It shall be considered to be authentic within the meaning of Article 48.
3. This Agreement shall enter into force in relation to any new Member State of the European Union which accedes to it 90 days after the receipt of its instrument of accession, or on the date of entry into force of this Agreement if it was not yet in force when that 90-day period expired.
4. If this Agreement is not yet in force when the new acceding State notifies its instrument of accession, Article 44(3) shall apply.

*Article 48***Languages**

1. This Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.
2. The Maltese language version of this Agreement shall be authenticated by the Contracting Parties on the basis of an Exchange of Letters. It shall also be authentic, in the same way as for the languages referred to in paragraph 1.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have hereunto set their hands.

Hecho en Luxemburgo, el veintiseis de octubre del dos mil cuatro.

V Lucemburku dne dvacátého šestého října dva tisíce čtyři.

Udfærdiget i Luxembourg den seksogtyvende oktober to tusind og fire.

Geschehen zu Luxemburg am sechsundzwanzigsten Oktober zweitausendundvier.

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Έγινε στο Λουξεμβούργο, στις είκοσι έξι Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Luxembourg on the twenty sixth day of October in the year two thousand and four.

Fait à Luxembourg, le vingt six octobre deux mille quatre.

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Luksemburgā, divi tūkstoši ceturtdā gada divdesmit sestajā oktobrī.

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Pour le Royaume de Belgique
Voor het Koninkrijk België
Für das Königreich Belgien



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

Za Českou republiku



På Kongeriget Danmarks vegne



Für die Bundesrepublik Deutschland



Eesti Vabariigi nimel



Για την Ελληνική Δημοκρατία



Por el Reino de España



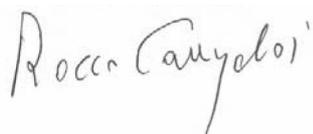
Pour la République française



Thar cheann Na hÉireann
For Ireland



Per la Repubblica italiana



Για την Κυπριακή Δημοκρατία



Latvijas Republikas vārdā



Lietuvos Respublikos vardu



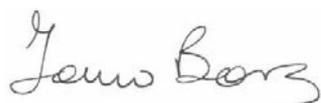
Pour le Grand-Duché de Luxembourg



A Magyar Köztársaság részéről



Għar-Repubblika ta' Malta



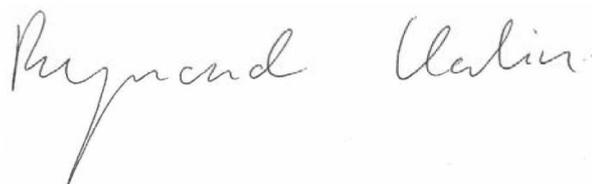
Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



W imieniu Rzeczypospolitej Polskiej



Pela República Portuguesa



Za Republiko Slovenijo



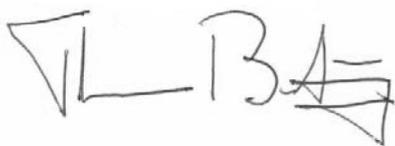
Za Slovinskú republiku



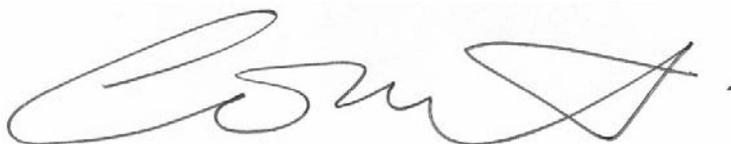
Suomen tasavallan puolesta
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Ghall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

Für die Schweizerische Eidgenossenschaft
Pour la Confédération suisse
Per la Confederazione svizzera

FINAL ACT

The plenipotentiaries of

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

THE EUROPEAN COMMUNITY,

of the one part, and of

THE SWISS CONFEDERATION,

of the other part,

meeting on 26 October 2004 for the signature of the Cooperation Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests, have adopted the joint declarations listed below and attached to this Final Act:

1. Joint declaration on money laundering;
2. Joint declaration on cooperation by the Swiss Confederation with Eurojust and, if possible, with the European Judicial Network.

The plenipotentiaries of the European Union and of its Member States and the plenipotentiaries of the Swiss Confederation have furthermore adopted the Agreed Minute of the negotiations attached to this Final Act. The Agreed Minute is binding.

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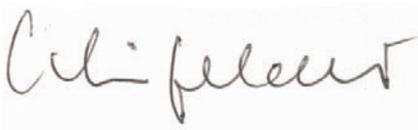
Za Českou republiku



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Eesti Vabariigi nimel



Για την Ελληνική Δημοκρατία



Por el Reino de España



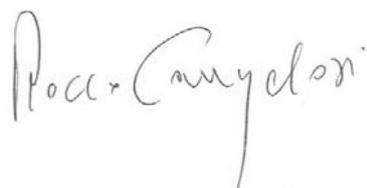
Pour la République française



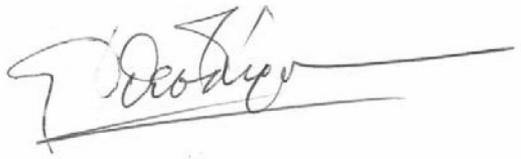
Thar cheann Na hÉireann
For Ireland



Per la Repubblica italiana



Για την Κυπριακή Δημοκρατία



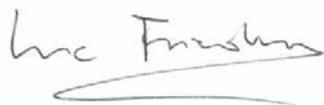
Latvijas Republikas vārdā



Lietuvos Respublikos vardu



Pour le Grand-Duché de Luxembourg



A Magyar Köztársaság részéről



Għar-Repubblika ta' Malta

Yannu Burg

Voor het Koninkrijk der Nederlanden



Für die Republik Österreich

Gregor Woschnigg

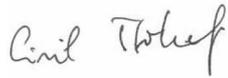
W imieniu Rzeczypospolitej Polskiej

Ryszard Cichorz

Pela República Portuguesa

Paulo Castro Rangel

Za Republiko Slovenijo



Za Slovinskú republiku



Suomen tasavallan puolesta
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Ghall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

Für die Schweizerische Eidgenossenschaft
Pour la Confédération suisse
Per la Confederazione svizzera

JOINT DECLARATION ON MONEY LAUNDERING

The Contracting Parties hereby agree that Article 2(3) of the Agreement on cooperation in combating money laundering shall include as precursor offences those which constitute tax fraud or professional smuggling under Swiss law. Information received in response to a request concerning laundering may be used in proceedings for laundering, save in proceedings against Swiss persons if all the acts relevant to the offence were committed in Switzerland only.

JOINT DECLARATION ON COOPERATION BY THE SWISS CONFEDERATION WITH EUROJUST AND, IF POSSIBLE,
WITH THE EUROPEAN JUDICIAL NETWORK

The Contracting Parties take note of the Swiss Confederation's wish to study the possibility of cooperating in the work of Eurojust and, if possible, the European Judicial Network.

AGREED MINUTE OF THE NEGOTIATIONS ON THE COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE ONE PART, AND THE SWISS CONFEDERATION, OF THE OTHER PART, TO COMBAT FRAUD AND ANY OTHER ILLEGAL ACTIVITY TO THE DETRIMENT OF THEIR FINANCIAL INTERESTS

The Contracting Parties have agreed as follows:

Ad Article 2(1)(a)

The expression 'fraud and any other illegal activity' extends to smuggling, corruption and laundering of the proceeds of the activities covered by this Agreement, subject to Article 2(3).

The expression 'trade in goods contrary to customs and agricultural legislation' is to be understood independently of the passage (departure, destination or transit) or otherwise of the goods through the territory of the other Contracting Party.

The expression 'trade contrary to tax legislation applicable to value added tax, special taxes on consumption and excise duties' is to be understood independently of the passage (departure, destination or transit) or otherwise of the goods or services through the territory of the other Contracting Party.

Ad Article 15(2)

The term 'investigation means' includes the questioning of persons, the searching of premises and means of transport, the copying of documents, the requesting of information and the seizure of objects, documents and items of value.

Ad second subparagraph of Article 16(2)

This subparagraph also means that those present may in particular be authorised to put questions and propose measures of investigation.

Ad Article 25(2)

The concept of multilateral Agreements between the Contracting Parties includes in particular, as of its entry into force, the Agreement between the European Union, the European Community and the Swiss Confederation concerning the latter's association with the implementation, application and development of the Schengen *acquis*.

Ad Article 35(1)

'Request for mutual legal assistance' also means the transmission of information and evidence to the authority of the requesting Contracting Party.

Ad Article 43

The European Commission will, at the latest at the date of signature of this Agreement, send an indicative list of the territories to which this Agreement applies.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2009/128/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative for the African Great Lakes Region**

THE COUNCIL OF THE EUROPEAN UNION,

*Article 2***Policy objectives**

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

The mandate of the EUSR shall be based on the policy objectives of the European Union (EU) regarding the further stabilisation and consolidation of the post-conflict situation in the African Great Lakes Region, paying particular attention to the regional dimension of the developments in the countries concerned. These objectives, which promote, in particular, compliance with the basic norms of democracy and good governance, including respect for human rights and the rule of law, include:

Whereas:

- (1) On 15 February 2007, the Council adopted Joint Action 2007/112/CFSP ⁽¹⁾ appointing Mr Roeland VAN DE GEER European Union Special Representative (EUSR) for the African Great Lakes Region.
- (2) On 12 February 2008, the Council adopted Joint Action 2008/108/CFSP ⁽²⁾ amending and extending the mandate of the EUSR until 28 February 2009.
- (3) On the basis of a review of Joint Action 2008/108/CFSP, the mandate of the EUSR should be extended for a further 12-month period.
- (4) 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,

- (a) contributing actively and effectively to a consistent, sustainable and responsible policy of the EU in the African Great Lakes Region, and promoting a coherent overall EU approach in the region. The EUSR shall support the work of the Secretary-General/High Representative (SG/HR) in the region;

- (b) ensuring the continued commitment of the EU to the stabilisation and reconstruction processes in the region, through an active presence on the ground and in relevant international fora, staying in touch with key players and contributing to crisis management;

HAS ADOPTED THIS JOINT ACTION:

- (c) contributing to the post-transition phase in the Democratic Republic of the Congo (DRC), in particular as regards the political process of consolidating the new institutions and defining a broader international framework for political consultation and coordination with the new government;

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

The mandate of Mr Roeland VAN DE GEER as the European Union Special Representative (EUSR) for the African Great Lakes Region is hereby extended until 28 February 2010.

- (d) contributing, in close cooperation with the United Nations/MONUC, to the international support efforts to pursue a comprehensive Security Sector Reform in the DRC, in particular in view of the coordinating role the EU is ready to assume in this context;

⁽¹⁾ OJ L 46, 16.2.2007, p. 79.

⁽²⁾ OJ L 38, 13.2.2008, p. 22.

- (e) contributing to appropriate follow-up measures to the International Conference of the Great Lakes Region, in particular by establishing close contacts with the Great Lakes Secretariat and its Executive Secretary as well as with the Troika of the follow-up mechanism and by promoting good neighbourly relations in the region;
- (f) addressing the still considerable problem of armed groups operating across the borders, which risks destabilising the countries in the region and aggravating their internal problems;
- (g) contributing to the post-conflict stabilisation in Burundi, Rwanda and Uganda, in particular through accompanying peace negotiations with armed groups such as the FNL and LRA.

Article 3

Mandate

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

- (a) establish and maintain close contact with the countries of the Great Lakes Region, the United Nations, the African Union, key African countries and main partners of the DRC and the EU, as well as regional and sub-regional African organisations, other relevant third countries and other key regional leaders;
- (b) advise and report on the possibilities for the EU to support the stabilisation and consolidation process and on how best to pursue EU initiatives;
- (c) provide advice and assistance for security sector reform (SSR) in the DRC;
- (d) contribute to the follow-up to the International Conference of the Great Lakes Region, in particular by supporting policies, defined in the region, which pursue the objectives of non-violence and mutual defence in the resolution of conflicts as well as, regarding regional cooperation, by promoting human rights and democratisation, good governance, judicial cooperation, and the fight against impunity and the illegal exploitation of natural resources;
- (e) contribute to a better understanding of the role of the EU among opinion leaders in the region;
- (f) contribute, where requested, to the negotiation and implementation of peace and cease-fire agreements between the parties and engage with them diplomatically in the event of non-compliance with the terms of these agreements; in the context of the ongoing LRA negotiations,

such activities should be pursued in close coordination with the EUSR for Sudan;

- (g) contribute to the implementation of the EU human rights policy and EU Guidelines on human rights, in particular the EU Guidelines on Children and Armed Conflict, and the EU policy regarding UN Security Council Resolution 1325 (2000) on Women, Peace and Security, including by monitoring and reporting on developments in this regard.

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.

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 direction 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 2009 to 28 February 2010 shall be EUR 1 425 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition 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 team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the composition of his team.

2. Member States and institutions of the EU may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

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 agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

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.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

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

Article 10

Security

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall 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, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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.

Article 11

Reporting

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide the General Affairs and External Relations Council with reports.

Article 12

Coordination

1. The EUSR shall promote coherence between Common Foreign and Security Policy/European Security and Defence Policy actors and shall promote overall EU political coordination. The EUSR shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and the Commission's delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They 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.

3. The EUSR shall ensure consistency between the activities of the EUSEC RD Congo and EUPOL RD Congo missions and provide the Heads of these missions with local political guidance. The EUSR shall contribute to coordination with the other international players involved in security sector reform in the DRC. The EUSR and the Civilian Operation Commander shall consult each other as required.

Article 13

Review

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 the SG/HR, the Council and the Commission with a progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November 2009. 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 recommen-

dations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 14

Entry into force

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

Article 15

Publication

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

COUNCIL JOINT ACTION 2009/129/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia (FYROM)**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

*Article 3***Mandate**

In order to achieve the policy objective, the mandate of the EUSR shall be to:

Whereas:

- (1) On 17 October 2005, the Council adopted Joint Action 2005/724/CFSP⁽¹⁾ appointing Mr Erwan FOUÉRE European Union Special Representative (EUSR) in the former Yugoslav Republic of Macedonia (FYROM).
- (2) On 18 February 2008, the Council adopted Joint Action 2008/129/CFSP⁽²⁾ extending the mandate of the EUSR until 28 February 2009.
- (3) On the basis of a review of Joint Action 2008/129/CFSP, the mandate of the EUSR should be extended until 30 September 2009,

- (a) maintain close contact with the Government of the former Yugoslav Republic of Macedonia (FYROM) and with the parties involved in the political process;
- (b) offer the European Union's advice and facilitation in the political process;
- (c) ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of the Framework Agreement of 13 August 2001, as set out in the Agreement and the Annexes thereto;
- (d) follow closely, and report on, security and inter-ethnic issues and liaising with all relevant bodies to that end;
- (e) contribute to the development and consolidation of respect for human rights and fundamental freedoms in the former Yugoslav Republic of Macedonia (FYROM), in accordance with European Union human rights policy and European Union Guidelines on Human Rights.

HAS ADOPTED THIS JOINT ACTION:

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

The mandate of Mr Erwan FOUÉRE as the European Union Special Representative (EUSR) in the former Yugoslav Republic of Macedonia (FYROM) is hereby extended until 30 September 2009.

*Article 2***Policy objective**

The mandate of the EUSR shall be based on the policy objective of the European Union in the former Yugoslav Republic of Macedonia (FYROM), which shall be to contribute to the consolidation of the peaceful political process and the full implementation of the Ohrid Framework Agreement, thereby facilitating further progress towards European integration through the stabilisation and association process.

*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.
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 direction within the framework of the mandate.

⁽¹⁾ OJ L 272, 18.10.2005, p. 26.

⁽²⁾ OJ L 43, 19.2.2008, p. 19.

*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 2009 to 30 September 2009 shall be EUR 305 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition 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 team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the 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 salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and his staff**

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 agreed with the host

party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

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.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

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

*Article 10***Security**

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall 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, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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;

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

(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.

Article 11

Reporting

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide the General Affairs and External Relations Council with reports.

Article 12

Coordination

The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and the Commission's delegations with regular briefings.

In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They 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 13

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 before the end of June 2009. This 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 SG/HR shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 14

Entry into force

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

Article 15

Publication

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

COUNCIL JOINT ACTION 2009/130/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative for Central Asia**

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 5 October 2006, the Council adopted Decision 2006/670/CFSP ⁽¹⁾ appointing Mr Pierre MOREL European Union Special Representative (EUSR) for Central Asia.

(2) On 12 February 2008, the Council adopted Joint Action 2008/107/CFSP ⁽²⁾ amending and extending the mandate of the EUSR until 28 February 2009.

(3) On the basis of a review of Joint Action 2008/107/CFSP, the mandate of the EUSR should be extended for a further 12-month period.

(4) 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,

HAS ADOPTED THIS JOINT ACTION:

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

The mandate of Mr Pierre MOREL as the European Union Special Representative (EUSR) for Central Asia is hereby extended until 28 February 2010.

*Article 2***Policy objectives**

The EUSR's mandate shall be based on the Union's policy objectives in Central Asia. These objectives include:

(a) promoting good and close relations between countries of Central Asia and the European Union on the basis of common values and interests as set out in relevant agreements;

(b) contributing to strengthening the stability and cooperation between the countries in the region;

(c) contributing to strengthening democracy, the rule of law, good governance and respect for human rights and fundamental freedoms in Central Asia;

(d) addressing key threats, especially specific problems with direct implications for Europe;

(e) enhancing the European Union's effectiveness and visibility in the region, including through a closer coordination with other relevant partners and international organisations, such as the OSCE.

*Article 3***Mandate**

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

(a) promote overall political coordination of the European Union in Central Asia and ensure consistency of the external actions of the European Union in the region without prejudice to Community competence;

(b) monitor, on behalf of the High Representative and in accordance with his mandate, together with the Commission and the Presidency, and without prejudice to Community competence, the implementation process of the EU Strategy for a New Partnership with Central Asia, make recommendations and report to relevant Council bodies on a regular basis;

(c) assist the Council in further developing a comprehensive policy towards Central Asia;

⁽¹⁾ OJ L 275, 6.10.2006, p. 65.

⁽²⁾ OJ L 38, 13.2.2008, p. 19.

- (d) follow closely political developments in Central Asia by developing and maintaining close contacts with governments, parliaments, judiciary, civil society and mass media;
- (e) encourage Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan to cooperate on regional issues of common interest;
- (f) develop appropriate contacts and cooperation with the main interested actors in the region, and all relevant regional and international organisations, including the Shanghai Cooperation Organisation (SCO), the Eurasian Economic Community (EURASEC), the Conference on Interaction and Confidence-Building Measures in Asia (CICA), the Collective Security Treaty Organisation (CSTO), the Central Asia Regional Economic Cooperation Program (CAREC) and the Central Asian Regional Information and Coordination Centre (CARICC);
- (g) contribute to the implementation of the European Union human rights policy and European Union Guidelines on Human Rights, in particular with regard to women and children in conflict-affected areas, especially by monitoring and addressing developments in this regard;
- (h) contribute, in close cooperation with the OSCE, to conflict prevention and resolution by developing contacts with the authorities and other local actors (NGOs, political parties, minorities, religious groups and their leaders);
- (i) provide input to the formulation of energy security, anti-narcotics and water resource management aspects of the CFSP with respect to Central Asia.

2. The EUSR shall support the work of the Secretary-General/High Representative (SG/HR) and maintain an overview of all activities of the European Union in the region.

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.
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 direction 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 2009 to 28 February 2010 shall be EUR 998 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition 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 team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the 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 salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

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 agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

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.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

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

*Article 10***Security**

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall 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, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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.

*Article 11***Reporting**

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide the General Affairs and External Relations Council with reports.

*Article 12***Coordination**

The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of the EUSR for Afghanistan. The EUSR shall provide Member States' missions and the Commission's delegations with regular briefings.

In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They 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 13***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 progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November 2009. 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 14***Entry into force**

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

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 15***Publication**

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

COUNCIL JOINT ACTION 2009/131/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative for the crisis in Georgia**

THE COUNCIL OF THE EUROPEAN UNION,

*Article 3***Mandate**

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

The EUSR's mandate shall be:

Whereas:

(1) On 25 September 2008, the Council adopted Joint Action 2008/760/CFSP⁽¹⁾ appointing Mr Pierre MOREL European Union Special Representative (EUSR) for the crisis in Georgia until 28 February 2009.

(a) firstly, to help prepare for the international talks to be held under point 6 of the settlement plan of 12 August 2008, which are in particular to cover:

(2) On the basis of a review of Joint Action 2008/760/CFSP, the mandate of the EUSR should be extended for a six-month period.

— arrangements for security and stability in the region,

— the issue of refugees and displaced persons, on the basis of internationally recognised principles,

(3) 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 set out in Article 11 of the Treaty,

— any other subject, by mutual agreement between the parties,

secondly, to help establish the EU's position and represent it, at his level, in those talks;

HAS ADOPTED THIS JOINT ACTION:

(b) to facilitate the implementation of the agreement concluded on 8 September 2008 in Moscow and Tbilisi, as well as the agreement of 12 August 2008 in close coordination with the United Nations and the Organisation for Security and Cooperation in Europe (OSCE);

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

The mandate of Mr Pierre MOREL as the European Union Special Representative (EUSR) for the crisis in Georgia is hereby extended until 31 August 2009.

in the framework of the activities mentioned above, to contribute to the implementation of the EU's human rights policy and of its approach in this field, in particular with regard to children and women.

*Article 2***Objectives**

The mandate of the EUSR for the crisis in Georgia shall be based on the objectives established by the conclusions of the extraordinary European Council meeting in Brussels on 1 September 2008 and the Council conclusions of 15 September 2008 on Georgia.

*Article 4***Implementation of the mandate**

The EUSR shall enhance the effectiveness and visibility of the European Union (EU) in helping to resolve the conflict in Georgia.

1. The EUSR shall be responsible for the implementation of his mandate acting under the authority and operational direction of the Secretary-General/High Representative (SG/HR).

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 direction within the framework of his mandate.

⁽¹⁾ OJ L 259, 27.9.2008, p. 16.

*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 2009 to 31 August 2009 shall be EUR 445 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition 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 team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall inform the SG/HR, the Presidency and the Commission of the final composition of his team.
2. Member States and EU institutions may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or EU institution to the EUSR shall be covered by the EU Member State or institution concerned, respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and his staff**

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 agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

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.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Presidency, the Commission and/or Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

The EUSR shall, in accordance with the policy of the EU 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 on the basis of 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, providing for mission-specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to, and within, the mission area, and the management of security incidents, and providing for a contingency plan and a mission evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 11***Reporting**

The EUSR shall regularly provide oral and written reports to the SG/HR and to the PSC. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide reports to the General Affairs and External Relations Council (GAERC).

*Article 12***Coordination**

1. The EUSR shall promote overall EU political coordination. He shall help ensure that all EU instruments are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region, and in particular of the EUSR for the South Caucasus while respecting the specific objectives of the latter's mandate. The EUSR shall provide regular briefings to Member States missions and the Commission's delegations.

2. Close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They shall do their utmost to assist the EUSR in the implementation of his mandate. The EUSR shall also liaise with other international and regional actors.

*Article 13***Review**

The implementation of this Joint Action and its consistency with other contributions from the EU shall be kept under regular review. The EUSR shall present to the SG/HR, the Council and the Commission a comprehensive mandate implementation report before the end of May 2009. That 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 SG/HR shall make recommendations to the PSC concerning the Council's Decision on the renewal, amendment or termination of the mandate.

*Article 14***Entry into force**

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

*Article 15***Publication**

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

COUNCIL JOINT ACTION 2009/132/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative in the Republic of 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 15 February 2007, the Council adopted Joint Action 2007/107/CFSP⁽¹⁾ appointing Mr Kálmán MIZSEI European Union Special Representative (EUSR) in the Republic of Moldova.
- (2) On 12 February 2008, the Council adopted Joint Action 2008/106/CFSP⁽²⁾ extending the mandate of the EUSR until 28 February 2009.
- (3) On the basis of a review of Joint Action 2008/106/CFSP, the mandate of the EUSR should be extended for a further 12-month period.
- (4) 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,

HAS ADOPTED THIS JOINT ACTION:

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

The mandate of Mr Kálmán MIZSEI as the European Union Special Representative (EUSR) in the Republic of Moldova is hereby extended until 28 February 2010.

*Article 2***Policy objectives**

1. The mandate of the EUSR shall be based on the policy objectives of the European Union (EU) in the Republic of Moldova. These objectives include:

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

(c) promoting 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 European Neighbourhood Policy (ENP) Action Plan;

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

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

(f) enhancing EU effectiveness and visibility in the Republic of Moldova and in the region;

(g) enhancing 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.

2. The EUSR shall support the work of the Secretary-General/High Representative (SG/HR) in the Republic of Moldova and the region.

*Article 3***Mandate**

1. In order to achieve the policy objectives of the EU, the mandate of the EUSR shall be to:

(a) strengthen the EU's 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;

⁽¹⁾ OJ L 46, 16.2.2007, p. 59.

⁽²⁾ OJ L 38, 13.2.2008, p. 15.

- (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;
- (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 Republic of Moldova and Ukraine, also in view of building preconditions for a settlement to the Transnistrian conflict;
- (f) contribute to the implementation of the EU human rights policy and EU 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 EU 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.
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 direction 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 2009 to 28 February 2010 shall be EUR 1 280 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition 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 team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the composition of his team.
2. Member States and institutions of the EU may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

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 agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

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.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Presidency, the Commission and/or Member States, as appropriate, shall provide logistical support in the region.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 10***Security**

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall 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, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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.

*Article 11***Reporting**

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide the General Affairs and External Relations Council with reports.

*Article 12***Coordination**

The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are

engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and the Commission's delegations with regular briefings.

In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They 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 13***Review**

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 the SG/HR, the Council and the Commission with a progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November 2009. 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 14***Entry into force**

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

*Article 15***Publication**

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

COUNCIL JOINT ACTION 2009/133/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative for the South Caucasus**

THE COUNCIL OF THE EUROPEAN UNION,

of law, democratisation, human rights, good governance, development and poverty reduction;

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

(b) in accordance with existing mechanisms, to prevent conflicts in the region, to contribute to the peaceful settlement of conflicts, including through promoting the return of refugees and internally displaced persons;

Whereas:

(1) On 20 February 2006, the Council adopted Joint Action 2006/121/CFSP⁽¹⁾ appointing Mr Peter SEMNEBY European Union Special Representative (EUSR) for the South Caucasus.

(c) to engage constructively with main interested actors concerning the region;

(2) On 18 February 2008, the Council adopted Joint Action 2008/132/CFSP⁽²⁾ amending and extending the mandate of the EUSR until 28 February 2009.

(d) to encourage and to support further cooperation between States of the region, in particular between the States of the South Caucasus, including on economic, energy and transport issues;

(3) On the basis of a review of Joint Action 2008/132/CFSP, the mandate of the EUSR should be extended for a further 12-month period.

(e) to enhance the effectiveness and visibility of the European Union in the region.

(4) 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,

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

HAS ADOPTED THIS JOINT ACTION:

*Article 3***Mandate**

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

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

The mandate of Mr Peter SEMNEBY as the European Union Special Representative for the South Caucasus is hereby extended until 28 February 2010.

(a) develop contacts with governments, parliaments, judiciary and civil society in the region;

*Article 2***Policy objectives**

1. The mandate of the EUSR shall be based on the policy objectives of the European Union for the South Caucasus. These objectives include:

(b) encourage Armenia, Azerbaijan and Georgia to cooperate on regional themes of common interest, such as common security threats, the fight against terrorism, trafficking and organised crime;

(a) to assist Armenia, Azerbaijan and Georgia in carrying out political and economic reforms, notably in the fields of rule

(c) contribute to the prevention of conflicts and to assist in creating the conditions for progress on settlement of conflicts, including through recommendations for action related to civil society and rehabilitation of the territories without prejudice to the Commission's responsibilities under the EC Treaty;

⁽¹⁾ OJ L 49, 21.2.2006, p. 14.

⁽²⁾ OJ L 43, 19.2.2008, p. 30.

(d) contribute to the settlement of conflicts and to facilitate the implementation of such settlement in close coordination with the United Nations Secretary-General and his Special Representative for Georgia, the Group of Friends of the United Nations Secretary-General for Georgia, the Organisation for Security and Cooperation in Europe and its Minsk Group, and the conflict resolution mechanism for South Ossetia;

(e) provide the Head of the European Union Monitoring Mission in Georgia (EUMM Georgia) with local political guidance;

(f) intensify the European Union's dialogue with the main interested actors concerning the region;

(g) assist the Council in further developing a comprehensive policy towards the South Caucasus;

(h) through a support team:

— provide the European Union with reporting and a continued assessment of the border situation,

— facilitate confidence-building between Georgia and the Russian Federation, thereby ensuring efficient cooperation and liaison with all relevant actors,

— establish relevant contacts in the conflict regions, thereby enabling the team to contribute to confidence-building and to assess border-related issues in those regions, after terms of reference have been agreed with the Georgian government and consultations held with all parties concerned (excluding operational field activities in Abkhazia and South Ossetia),

— assist the Georgian Border Police and other relevant government institutions in Tbilisi in the implementation of the comprehensive integrated border management strategy,

— work with the Georgian authorities to increase communication between Tbilisi and the border, including mentoring. This shall be done by liaison and by working closely with all levels of the chain of command between Tbilisi and the border (excluding operational field activities in Abkhazia and South Ossetia);

(i) contribute to the implementation of the EU human rights policy and EU 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.

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.

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 direction 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 2009 to 28 February 2010 shall be EUR 2 510 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition 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 team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the 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 salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

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 agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

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.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

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

Article 10

Security

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall 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, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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.

Article 11

Reporting

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide the General Affairs and External Relations Council with reports.

Article 12

Coordination

1. The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region, and in particular the EUSR for the crisis in Georgia, while taking into account the specific objectives of the latter's mandate. The EUSR shall provide Member States' missions and the Commission's delegations with regular briefings.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

2. In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Head of the European Union Monitoring Mission in Georgia (EUMM Georgia) with local political guidance. The EUSR and the Civilian Operations Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

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 progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November 2009. 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 14

Entry into force

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

Article 15

Publication

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

COUNCIL JOINT ACTION 2009/134/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative for Sudan**

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 19 April 2007, the Council adopted Decision 2007/238/CFSP⁽¹⁾ appointing Mr Torben BRYLLE European Union Special Representative (EUSR) for Sudan.
- (2) On 12 February 2008, the Council adopted Joint Action 2008/110/CFSP⁽²⁾ amending and extending the mandate of the EUSR until 28 February 2009.
- (3) On the basis of a review of Joint Action 2008/110/CFSP, the mandate of the EUSR should be extended for a further 12-month period.
- (4) 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,

HAS ADOPTED THIS JOINT ACTION:

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

The mandate of Mr Torben BRYLLE as the European Union Special Representative (EUSR) for Sudan is hereby extended until 28 February 2010.

*Article 2***Policy objectives**

1. The mandate of the EUSR shall be based on the policy objectives of the European Union (EU) in Sudan, notably as regards efforts, as part of the international community and in support of the African Union (AU) and the United Nations (UN), to assist the Sudanese parties, the AU and the UN to achieve a political settlement of the conflict in Darfur,

including through the implementation of the Darfur Peace Agreement (DPA) and to facilitate the implementation of the Comprehensive Peace Agreement (CPA) and to promote South-South dialogue, as well as facilitating the implementation of the Eastern Sudan Peace Agreement (ESPA), with due regard to the regional ramifications of these issues and to the principle of African ownership.

2. The mandate of the EUSR shall furthermore be based on the EU policy objectives in relation to Council Joint Action 2007/677/CFSP of 15 October 2007 on the European Union military operation in the Republic of Chad and in the Central African Republic⁽³⁾ (EUFOR Tchad/RCA).

*Article 3***Mandate**

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

- (a) liaise with the AU, the Government of Sudan, the Government of Southern Sudan, the Darfur armed movements and other Sudanese parties as well as Darfur civil society and non-governmental organisations and maintain close collaboration with the UN and other relevant international actors, with the aim of pursuing the European Union's policy objectives;
- (b) represent the European Union at the Darfur-Darfur dialogue, at high-level meetings of the Joint Commission, as well as other relevant meetings as requested;
- (c) represent the European Union, whenever possible, at the CPA and DPA Assessment and Evaluation Commissions;
- (d) follow developments regarding the implementation of the ESPA;
- (e) ensure coherence between the European Union's contribution to crisis management in Darfur and the overall political relationship of the European Union with Sudan;

⁽¹⁾ OJ L 103, 20.4.2007, p. 52.

⁽²⁾ OJ L 38, 13.2.2008, p. 28.

⁽³⁾ OJ L 279, 23.10.2007, p. 21.

(f) with regard to human rights, including the rights of children and women, and the fight against impunity in Sudan, follow the situation and maintain regular contacts with the Sudanese authorities, the AU and the UN, in particular with the Office of the High Commissioner for Human Rights, the human rights observers active in the region and the Office of the Prosecutor of the International Criminal Court;

(g) liaise with the Presidency, the Secretary-General/High Representative (SG/HR), the EU Operation Commander and the EU Force Commander of Operation EUFOR Tchad/RCA in order to ensure close coordination of their respective activities with respect to the implementation of Joint Action 2007/677/CFSP; close coordination shall also be ensured with the local Commission Delegations;

(h) with respect to the implementation of Joint Action 2007/677/CFSP, assist the SG/HR in relation to his contacts with the United Nations, the Chadian authorities, the authorities of the Central African Republic and neighbouring countries as well as with other relevant actors;

(i) without prejudice to the military chain of command, provide the EU Force Commander of Operation EUFOR Tchad/RCA with political guidance in particular on issues with a regional political dimension;

(j) with respect to his tasks related to Operation EUFOR Tchad/RCA, consult with the EU Force Commander on political issues with a security dimension.

2. For the purpose of the fulfilment of his mandate, the EUSR shall, *inter alia*:

(a) maintain an overview of all activities of the European Union;

(b) ensure close coordination and coherence of the activities of the European Union with respect to Operation EUFOR Tchad/RCA;

(c) support the political process and activities relating to the implementation of the CPA, the DPA and the ESPA; and

(d) follow up and report on compliance by the Sudanese parties with the relevant UN Security Council Resolutions, notably 1556 (2004), 1564 (2004), 1591 (2005), 1593 (2005), 1672 (2006), 1679 (2006), 1706 (2006), 1769 (2007) and 1778 (2007).

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 Secretary-General/High Representative (SG/HR).

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 direction 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 2009 to 28 February 2010 shall be EUR 1 800 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition 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 team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the 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 salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

4. Offices of the EUSR shall be maintained in Khartoum and in Juba, comprising a Political Advisor and the necessary administrative and logistic support staff. In accordance with the EUSR's mandate as described in Article 3, a sub-office in Darfur may also be established if the existing Offices in Khartoum and Juba cannot provide all necessary support to EUSR staff deployed in the Darfur region.

Article 7

Privileges and immunities of the EUSR and his staff

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 agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

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.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

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

Article 10

Security

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall 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, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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.

Article 11

Reporting

1. The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide the General Affairs and External Relations Council with reports.

2. The EUSR shall regularly report to the PSC on the situation in Darfur and on the situation in Sudan as a whole, as well as on the situation in the Republic of Chad and the Central African Republic in relation to EUFOR Tchad/RCA.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 12***Coordination**

1. The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and the Commission's delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They 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 13***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 progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November

2009. 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 14***Entry into force**

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

*Article 15***Publication**

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

COUNCIL JOINT ACTION 2009/135/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative in Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

process in Afghanistan and thereby contribute to the consolidation of the Afghan State;

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

(c) support the pivotal role played by the UN, notably the Special Representative of the Secretary-General; and

Whereas:

(1) On 24 July 2008, the Council adopted Joint Action 2008/612/CFSP⁽¹⁾ appointing Mr Ettore F. SEQUI European Union Special Representative (EUSR) in Afghanistan until 28 February 2009.

(d) support work of the Secretary-General/High Representative (SG/HR) in the region.

*Article 3***Mandate**

(2) On the basis of a review of Joint Action 2008/612/CFSP, the mandate of the EUSR should be extended for a 12-month period.

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

(3) 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,

(a) convey the European Union's views on the political process while drawing on the key principles agreed between Afghanistan and the international community, in particular the EU-Afghanistan Joint Declaration and the Afghanistan Compact;

HAS ADOPTED THIS JOINT ACTION:

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

The mandate of Mr Ettore F. SEQUI as the European Union Special Representative (EUSR) in Afghanistan is hereby extended until 28 February 2010.

(b) establish and maintain close contact with, and give support to, the Afghan representative institutions, in particular the Government and Parliament. Contact should also be maintained with other Afghan political figures and other relevant actors inside as well as outside the country;

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the European Union in Afghanistan. More specifically, the EUSR shall:

(c) maintain close contact with relevant international and regional organisations, notably with the local representatives of the UN;

(a) contribute to the implementation of the EU-Afghanistan Joint Declaration and the Afghanistan Compact as well as the relevant United Nations (UN) Security Council Resolutions and other relevant UN Resolutions;

(d) stay in close contact with neighbouring and other interested countries in the region, so that their views on the situation in Afghanistan and the development of cooperation between these countries and Afghanistan are taken into account in European Union policy;

(b) encourage positive contributions from regional actors in Afghanistan and from neighbouring countries to the peace

(e) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration and the Afghanistan Compact, in particular in the following areas:

— good governance and the establishment of institutions of the rule of law,

⁽¹⁾ OJ L 197, 25.7.2008, p. 60.

- security sector reforms, including establishment of judicial institutions, a national army and police force,
 - respect for human rights of all Afghan people, regardless of gender, ethnicity or religion,
 - respect of democratic principles, the rule of law, the rights of persons belonging to minorities, the rights of women and children and the principles of international law,
 - fostering participation by women in public administration and civil society,
 - respect for Afghanistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking and trafficking in human beings,
 - facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons;
- (f) in consultation with representatives of Member States and of the Commission, assist in ensuring that the European Union's political approach is reflected in its action for the development of Afghanistan;
- (g) jointly with the Commission, actively participate in the Joint Coordination and Monitoring Board established under the Afghanistan Compact;
- (h) advise on the participation and the positions of the European Union in international conferences on Afghanistan.

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.
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 direction 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 2009 to 28 February 2010 shall be EUR 2 830 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition 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 team must include the expertise on certain specific policy issues, as required by the mandate. The EUSR shall notify the SG/HR, 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 salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff must have the nationality of an EU Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

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 agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

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.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

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

*Article 10***Security**

The EUSR shall, in accordance with the policy of the EU 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:

- (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, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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 mandate implementation reports.

*Article 11***Reporting**

The EUSR shall regularly provide oral and written reports to the SG/HR and the PSC. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide reports to the General Affairs and External Relations Council (GAERC).

*Article 12***Coordination**

1. The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of the EUSR for Central Asia. The EUSR shall provide regular briefings to Member States missions and the Commission's delegations.

2. In the field, close liaison shall be maintained with the Presidency, the Commission and Member States Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Head of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) with local political guidance. The EUSR and the Civilian Operation Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***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 progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November 2009. These reports shall form a basis for the evaluation of the mandate 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 14***Entry into force**

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

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 15***Publication**

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

COUNCIL JOINT ACTION 2009/136/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative for the Middle East peace process**

THE COUNCIL OF THE EUROPEAN UNION,

*Article 2***Policy objectives**

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

1. The mandate of the EUSR shall be based on the policy objectives of the European Union regarding the Middle East peace process.

Whereas:

2. These objectives include:

(1) On 21 July 2003, the Council adopted Joint Action 2003/537/CFSP ⁽¹⁾ appointing Mr Marc OTTE European Union Special Representative (EUSR) for the Middle East peace process.

(a) a two-State solution with Israel and a democratic, viable, peaceful and sovereign Palestinian State living side by side within secure and recognised borders enjoying normal relations with their neighbours in accordance with United Nations (UN) Security Council Resolutions 242(1967), 338(1973), 1397(2002) and 1402(2002) and the principles of the Madrid Conference;

(2) On 18 February 2008, the Council adopted Joint Action 2008/133/CFSP ⁽²⁾ amending and extending the mandate of the EUSR until 28 February 2009.

(b) solution in the Israeli-Syrian and Israeli-Lebanese tracks;

(3) On the basis of a review of Joint Action 2008/133/CFSP, the mandate of the EUSR should be extended for a further 12-month period.

(c) a fair solution to the complex issue of Jerusalem and a just, viable and agreed solution to the problem of Palestinian refugees;

(4) 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,

(d) following-up of the Annapolis process towards a final status agreement and the creation of a Palestinian state, including strengthening the role of the Quartet as guardian of the roadmap particularly in view of monitoring the implementation of obligations both parties have under the roadmap and in line with all international efforts to bring about a comprehensive Arab-Israeli peace;

HAS ADOPTED THIS JOINT ACTION:

(e) the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in cooperation with the European Community's institution building programmes as well as other international efforts in the wider context of Security Sector, including Criminal Justice Reform;

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

The mandate of Mr Marc OTTE as the European Union Special Representative (EUSR) for the Middle East peace process is hereby extended until 28 February 2010.

(f) reopening of the Gaza crossing points, including the Rafah crossing, not least to meet the severe humanitarian needs of the population, and providing a third party presence if agreed by both parties, in cooperation with the Community's institution building efforts.

⁽¹⁾ OJ L 184, 23.7.2003, p. 45.

⁽²⁾ OJ L 43, 19.2.2008, p. 34.

3. These objectives are based on the European Union's commitment to:

- (a) work with the parties and with partners in the international community, especially within the framework of the Middle East Quartet, to pursue every opportunity for peace and for a decent future for all people of the region;
- (b) continue to assist in Palestinian political and administrative reforms, the electoral process and security reforms;
- (c) contribute fully to peace building, as well as to the recovery of the Palestinian economy as an integral part of regional development.

4. The EUSR shall support the work of the Secretary-General/High Representative (SG/HR) in the region, including in the framework of the Middle East Quartet.

Article 3

Mandate

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

- (a) provide an active and efficient contribution from the European Union to actions and initiatives leading to a final settlement of the Israeli-Palestinian conflict and of the Israeli-Syrian and Israeli-Lebanese conflicts;
- (b) facilitate and maintain close contact with all the parties to the Middle East peace process, other countries of the region, members of the Middle East Quartet and other relevant countries, as well as the UN and other relevant international organisations, in order to work with them in strengthening the peace process;
- (c) ensure continued presence of the European Union on the ground and in relevant international forums and contribute to crisis management and prevention;
- (d) observe and support peace negotiations between the parties and offer the European Union's advice and good offices as appropriate;
- (e) contribute, where requested, to the implementation of international agreements reached between the parties and engage with them diplomatically in the event of non-compliance with the terms of these agreements;

(f) pay particular attention to factors having implication for the regional dimension of the Middle East peace process;

(g) engage constructively with signatories to agreements within the framework of the peace process in order to promote compliance with the basic norms of democracy, including respect for human rights and the rule of law;

(h) 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;

(i) report on the possibilities for European Union intervention in the peace process and on the best way of pursuing European Union initiatives and ongoing Middle East peace process-related European Union efforts, such as the contribution of the European Union to Palestinian reforms, and including the political aspects of relevant European Union development projects;

(j) monitor actions by either side on the implementation of the roadmap and on issues that might prejudice the outcome of the permanent status negotiations to enable the Middle East Quartet to better assess the parties' compliance;

(k) engage in wider collaboration on Security Sector Reform in cooperation with the European Commission and the US Security Coordinator and facilitate cooperation on security issues with all relevant actors;

(l) contribute to a better understanding of the role of the European Union among opinion leaders in the region.

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.

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 direction 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 2009 to 28 February 2010 shall be EUR 1 190 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition 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 team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the 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 salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and his staff**

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 agreed with the host

party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

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.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

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

*Article 10***Security**

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall 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, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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;

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

(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.

Article 11

Reporting

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide the General Affairs and External Relations Council with reports.

Article 12

Coordination

1. The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and the Commission's delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Heads of the European Union Police Mission in the Palestinian Territories (EUPOL COPPS) and of the European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) with local political guidance. The EUSR and

the Civilian Operation Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

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 progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November 2009. 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 14

Entry into force

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

Article 15

Publication

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

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

COUNCIL JOINT ACTION 2009/137/CFSP**of 16 February 2009****extending the mandate of the European Union Special Representative in Kosovo**

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 10 June 1999, the United Nations Security Council adopted Resolution 1244.
- (2) On 15 September 2006, the Council adopted Joint Action 2006/623/CFSP⁽¹⁾ on the establishment of a team to contribute to the preparations of the establishment of a possible International Civilian Office in Kosovo, including a European Union Special Representative component (ICO/EUSR Preparation Team).
- (3) On 13/14 December 2007, the European Council underlined that the European Union (EU) stands ready to play a leading role in strengthening stability in the region and in implementing a settlement defining Kosovo's future status. It stated the EU's readiness to assist Kosovo in the path towards sustainable stability, including by a European Security and Defence Policy (ESDP) mission and a contribution to an International Civilian Office as part of the international presences.
- (4) On 4 February 2008, the Council adopted Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO⁽²⁾ and Joint Action 2008/123/CFSP⁽³⁾ appointing Mr Pieter FEITH European Union Special Representative (EUSR) in Kosovo until 28 February 2009.
- (5) On the basis of a review of Joint Action 2008/123/CFSP, the mandate of the EUSR should be extended for a 12-month period.
- (6) The Stabilisation and Association Process is the strategic framework of the EU's policy towards the Western Balkan region, and its instruments apply to Kosovo, including a European partnership, political and technical dialogue under the SAP Tracking Mechanism, and related Community assistance programmes.
- (7) 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.

(8) The Council foresees that the powers and authorities of the EUSR and the powers and authorities of an International Civilian Representative shall be vested in the same person.

(9) 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,

HAS ADOPTED THIS JOINT ACTION:

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

The mandate of Mr Pieter FEITH as the European Union Special Representative (EUSR) in Kosovo is hereby extended until 28 February 2010.

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the European Union (EU) in Kosovo. These include to play a leading role in strengthening stability in the region and in implementing a settlement defining Kosovo's future status, with the aim of a stable, viable, peaceful, democratic and multi-ethnic Kosovo, contributing to regional cooperation and stability, on the basis of good neighbourly relations; a Kosovo that is committed to the rule of law and to the protection of minorities and of cultural and religious heritage.

*Article 3***Mandate**

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

- (a) offer the EU's advice and support in the political process;
- (b) promote overall EU political coordination in Kosovo;
- (c) provide local political guidance to the Head of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including on the political aspects of issues relating to executive responsibilities;

⁽¹⁾ OJ L 253, 16.9.2006, p. 29.

⁽²⁾ OJ L 42, 16.2.2008, p. 92.

⁽³⁾ OJ L 42, 16.2.2008, p. 88.

- (d) ensure consistency and coherence of EU action towards the public. The EUSR spokesperson shall be the main EU point of contact for Kosovo media on Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP) issues. All press and public information activities will be conducted in close and continued coordination with the Secretary-General/High Representative (SG/HR) spokesperson/Council Secretariat Press Office;
- (e) contribute to the development and consolidation of respect for human rights and fundamental freedoms in Kosovo, including with regard to women and children, in accordance with EU human rights policy and EU guidelines on Human Rights.

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.
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 direction 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 2009 to 28 February 2010 shall be EUR 645 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities. Nationals of the countries of the Western Balkans region 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 EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. An EU dedicated staff 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 Kosovo. 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 team shall include expertise on specific policy issues as required by the mandate. The EUSR shall inform the SG/HR, the Presidency and the Commission of the 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 salary 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. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

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 agreed as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of classified information

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 SG/HR shall be authorised to release to NATO/KFOR EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the action, in accordance with the Council's security regulations.

3. The SG/HR shall be authorised to release to the United Nations (UN) and the Organisation for Security and Cooperation in Europe (OSCE), in accordance with the operational needs of the EUSR, EU classified information and documents up to the level 'RESTREINT UE' which are generated for the purposes of the action, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

4. The SG/HR shall be authorised to release to third parties associated with this Joint Action EU non-classified documents related to the deliberations of the Council with regard to the action covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

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

Article 10

Security

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall 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, as well as the management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU 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 EU, 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.

Article 11

Reporting

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide the General Affairs and External Relations Council with reports.

Article 12

Coordination

1. The EUSR shall promote overall EU political coordination. He shall help ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide regular briefings to Member States' missions and the Commission's delegations.

2. In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide local political guidance to the Head of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including on the political aspects of issues relating to executive responsibilities. The EUSR and the Civilian Operation Commander will consult each other as required.

3. The EUSR shall also liaise with relevant local bodies and other international and regional actors in the field.

4. The EUSR, with other EU actors present in the field, shall ensure the dissemination and sharing of information among EU actors in theatre with a view to achieving a high degree of common situation awareness and assessment.

Article 13

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 progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November 2009. 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.

⁽¹⁾ Decision 2006/683/EC, Euratom of 15 September 2006 adopting the Council's Rules of Procedure (OJ L 285, 16.10.2006, p. 47).

*Article 14***Entry into force**

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

*Article 15***Publication**

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

Done at Brussels, 16 February 2009.

For the Council
The President
O. LIŠKA

COUNCIL COMMON POSITION 2009/138/CFSP**of 16 February 2009****concerning restrictive measures against Somalia and repealing Common Position 2002/960/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 10 December 2002, the Council adopted Common Position 2002/960/CFSP⁽¹⁾, following United Nations Security Council Resolutions (UNSCR) 733 (1992), 1356 (2001) and 1425 (2002) relating to an arms embargo against Somalia.
- (2) On 20 November 2008, the United Nations Security Council adopted UNSCR 1844 (2008) introducing restrictive measures against those who seek to prevent or block a peaceful political process, or those who threaten the Transitional Federal Institutions (TFIs) of Somalia or the African Union Mission in Somalia (AMISOM) by force, or take action that undermines stability in Somalia or the region.
- (3) For the sake of clarity, the measures imposed by Common Position 2002/960/CFSP and those to be imposed pursuant to UNSCR 1844 (2008) should be integrated into a single legal instrument.
- (4) Common Position 2002/960/CFSP should therefore be repealed.
- (5) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The supply or sale of arms and related material of all types, including weapons and ammunition, military vehicles

and equipment, paramilitary equipment and spare parts for the aforementioned to Somalia by nationals of Member States or from the territories of Member States shall be prohibited whether originating or not in their territories.

2. The direct or indirect supply to Somalia of technical advice, financial and other assistance and training related to military activities, including in particular technical training and assistance related to the provision, manufacture, maintenance or use of the items mentioned in paragraph 1, by nationals of Member States or from the territories of the Member States shall be prohibited.

3. Paragraphs 1 and 2 shall not apply to:

- (a) the supply or sale of arms and related material of all types and to the direct or indirect supply of technical advice, financial and other assistance and training related to military activities intended solely for the support of or use by the AMISOM mission as stipulated in paragraph 4 of UNSCR 1744 (2007) or for the sole use of States and regional organisations undertaking measures in accordance with paragraph 6 of UNSCR 1851 (2008) and paragraph 10 of UNSCR 1846 (2008);
- (b) the supply or sale of arms and related material of all types and to the direct or indirect supply of technical advice intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in paragraphs 1, 2 and 3 of UNSCR 1744 (2007) and in the absence of a negative decision by the Committee established by paragraph 11 of UNSCR 751 (1992) (hereinafter Sanctions Committee) within five working days of receiving the relevant notification;
- (c) supplies of non-lethal military equipment intended solely for humanitarian or protective use, or of material intended for institution building programmes of the Union, the Community or Member States, including in the field of security, carried out within the framework of the Peace and Reconciliation Process, as approved in advance by the Sanctions Committee, and to protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

⁽¹⁾ OJ L 334, 11.12.2002, p. 1.

Article 2

Restrictive measures as provided for in Articles 3, 4(1) and 5(1) and (2) shall be imposed against persons and entities designated by the Sanctions Committee:

- as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFLs or AMISOM by force,
- as having acted in violation of the arms embargo and related measures as referred to in Article 1,
- as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia.

The relevant persons and entities are listed in the Annex.

Article 3

Member States shall take the necessary measures to prevent the direct and indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to persons or entities referred to in Article 2.

Article 4

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons referred to in Article 2.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall not apply where the Sanctions Committee:

- (a) determines on a case-by-case basis that such entry or transit is justified on the grounds of humanitarian need, including religious obligation,

- (b) determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region.

4. In cases where, pursuant to paragraph 3, a Member State authorises the entry into, or transit through, its territory of persons designated by the Sanctions Committee, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 5

1. All funds and economic resources owned or controlled directly or indirectly by the persons or entities referred to in Article 2 or held by entities owned or controlled directly or indirectly by them or by any persons or entities acting on their behalf or at their direction, as designated by the Sanctions Committee, shall be frozen. The persons and entities concerned are identified in the Annex.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the persons or entities referred to in paragraph 1.

3. Member States may allow for exemptions from the measures referred to in paragraphs 1 and 2 in respect of funds and economic resources which are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

- (b) intended exclusively for the payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

- (c) intended exclusively for the payment of fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds and economic resources;

(d) necessary for extraordinary expenses, after notification by the Member State concerned to, and approval by, the Sanctions Committee;

(e) the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered before designation by the Sanctions Committee of the person or entity concerned, and is not for the benefit of a person or entity referred to in Article 2, after notification by the Member State concerned to the Sanctions Committee.

4. The exemptions referred to in paragraph 3(a), (b) and (c) may be made after notification to the Sanctions Committee by the Member State concerned of its intention to authorise, where appropriate, access to such funds and economic resources, and in the absence of a negative decision by the Sanctions Committee within three working days of such notification.

5. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments remain subject to paragraph 1.

Article 6

The Council shall establish the list contained in the Annex and amend it in accordance with determinations by the Sanctions Committee.

Article 7

This Common Position shall take effect on the date of its adoption.

Article 8

This Common Position shall be reviewed, amended or repealed as appropriate, in accordance with relevant decisions of the United Nations Security Council.

Article 9

Common Position 2002/960/CFSP is hereby repealed.

Article 10

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 16 February 2009.

For the Council
The President
O. LIŠKA

ANNEX

List of persons and entities referred to in Articles 2, 3, 4 and 5

COUNCIL COMMON POSITION 2009/139/CFSP
of 16 February 2009
renewing restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Common Position 2008/160/CFSP is hereby extended until 27 February 2010.

Article 2

Whereas:

Annexes I and II to Common Position 2008/160/CFSP shall be replaced by the text set out in Annexes I and II to this Common Position.

Article 3

- (1) On 25 February 2008, the Council adopted Common Position 2008/160/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova ⁽¹⁾. That Common Position applies until 27 February 2009.

This Common Position shall take effect on the date of its adoption.

Article 4

- (2) On the basis of a re-examination of Common Position 2008/160/CFSP, the restrictive measures should be renewed for a further period of 12 months.

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 16 February 2009.

- (3) Annexes I and II to Common Position 2008/160/CFSP should be amended following a change in the function of certain persons covered by the restrictive measures,

For the Council
The President
O. LIŠKA

⁽¹⁾ OJ L 51, 26.2.2008, p. 23.

ANNEX I

‘ANNEX I

List of persons referred to in Article 1(1)(i)

1. SMIRNOV, Igor Nikolayevich, “President”, born on 23 October 1941 in Khabarovsk, Russian Federation, Russian passport No 50No0337530.
 2. SMIRNOV, Vladimir Igorevich, son of No 1 and “Chairman of the State Customs Committee”, born on 3 April 1961 in Kupiansk, Kharkovskaya oblast or Novaya Kakhovka, Khersonskaya oblast, Ukraine, Russian passport No 50No00337016.
 3. SMIRNOV, Oleg Igorevich, son of No 1 and “Adviser to the State Customs Committee”, “Member of the Supreme Soviet”, born on 8 August 1967 in Novaya Kakhovka, Khersonskaya oblast, Ukraine, Russian passport No 60No1907537.
 4. MARAKUTSA, Grigory Stepanovich, “Member of the Supreme Soviet”, “Special Representative of the Supreme Soviet for Interparliamentary Relations”, born on 15 October 1942 in Teya, Grigoriopolsky rayon, Republic of Moldova, old Soviet passport No 8BM724835.
 5. LITSKAI, Valery Anatolyevich, former “Minister for Foreign Affairs”, born on 13 February 1949 in Tver, Russian Federation, Russian passport No 51No0076099, issued 9 August 2000.
 6. KHAZHEYEV, Stanislav Galimovich, “Minister for Defence”, born on 28 December 1941 in Chelyabinsk, Russian Federation.
 7. ANTYUFYEV, Vladimir Yuryevich, alias SHEVTSOV, Vadim, “Minister for State Security”, born in 1951 in Novosibirsk, Russian Federation, Russian passport.
 8. KOROLYOV, Alexandr Ivanovich, “Vice-President”, born on 24 October 1958 in Wroclaw, Poland, Russian passport.
 9. BALALA, Viktor Alekseyevich, former “Minister of Justice”, born in 1961 in Vinnitsa, Ukraine.
 10. ZAKHAROV, Viktor Pavlovich, former “Prosecutor of Transnistria”, born in 1948 in Kamenka, Republic of Moldova.
 11. GUDYMO, Oleg Andreyevich, “Member of the Supreme Soviet”, “Chairman of the Committee on Security, Defence and Peacekeeping of the Supreme Soviet”, former “Deputy Minister of Security”, born on 11 September 1944 in Alma-Ata, Kazakhstan, Russian passport No 51No0592094.
 12. KRASNOSELSKY, Vadim Nikolayevich, “Minister of Internal Affairs”, born on 14 April 1970 in Dauriya, Zabaykalskiy rayon, Chitinskaya oblast, Russian Federation.
 13. ATAMANIUK, Vladimir, “Deputy Minister of Defence”.
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ANNEX II

ANNEX II

List of persons referred to in Article 1(1)(ii)

1. URSKAYA, Galina Vasilyevna, former "Minister of Justice", born on 10 December 1957 in Pyatiletka village, Brianskyi rayon, Brianskaya oblast, Russian Federation.
 2. MAZUR, Igor Leonidovich, "Head of State Administration in Dubossary Rayon", born on 29 January 1967 in Dubossary, Republic of Moldova.
 3. PLATONOV, Yuri Mikhailovich, known as Yury PLATONOV, "Head of State Administration in Rybnitsa Rayon and Rybnitsa City", born on 16 January 1948 in Klimkovo, Poddorsky rayon, Novgorodskaya oblast, Russian passport No 51No0527002, issued by the Russian Embassy in Chisinau on 4 May 2001.
 4. CHERBULENKO, Alla Viktorovna, "Deputy Head of State Administration of Rybnitsa", responsible for education issues.
 5. KOGUT, Vecheslav Vasyilevich, "Head of State Administration in Bender", born on 16 February 1950 in Taraclia, Chadir-Lunga rayon, Republic of Moldova.
 6. KOSTIRKO, Viktor Ivanovich, "Head of State Administration in Tiraspol", born on 24 May 1948, Komsomolsk na Amure, Habarovskiy kray, Russian Federation'
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CORRIGENDA**Corrigendum to Commission Regulation (EC) No 77/2009 of 26 January 2009 amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe**

(Official Journal of the European Union L 23 of 27 January 2009)

— On page 8, Annex, point 24,

for: 'Date of designation referred to in Article 7(2): 16.6.2005';

read: 'Date of designation referred to in Article 7(2): 27.1.2009';

— on page 15, Annex, point 122,

for: 'Function/Reason for listing; Identifying data: Assistant Inspector Zimbabwe National Army.';

read: 'Function/Reason for listing; Identifying data: Assistant Zimbabwe Republic Police.'
