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### Legislation

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## I

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

## REGULATIONS

## COUNCIL REGULATION (EC) No 125/2008

of 12 February 2008

**amending Regulation (EC) No 3286/94 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 3286/94 <sup>(1)</sup> provides to any Community enterprise procedural means to request that the Commission investigates obstacles to trade adopted or maintained by a third country, when those obstacles have an effect on the market of that third country and adverse trade effects on the Community enterprise.
- (2) However, pursuant to Article 4(1) of Regulation (EC) No 3286/94, a complaint by a Community enterprise is admissible only if the alleged obstacle to trade is the subject of a right of action established under international trade rules laid down in a multilateral or plurilateral trade agreement. This means that complaints alleging violations of bilateral obligations by a third country need to refer also to violations of multilateral or plurilateral rules in order to be admissible.
- (3) Since the enactment of Regulation (EC) No 3286/94, the Community has concluded a number of bilateral agreements which contain substantive rules on trade between the Community and third countries that go significantly beyond the rules of the World Trade Organisation (WTO). Furthermore these agreements include efficient and binding dispute settlement mechanisms to adjudicate disputes on those 'WTO plus' obligations.

- (4) Reliance by Community enterprises on bilateral agreements to bring complaints under Regulation (EC) No 3286/94 would contribute to monitoring the respect of the obligations contained in those agreements and to tackling barriers to trade, thus improving market access for exporters and growth and jobs in the Community.

- (5) In light of these developments, and in order to reduce the administrative burden on Community enterprises, the right of those enterprises to bring complaints on obstacles to trade should be extended to include alleged obstacles to trade, which are solely the subject of a right of action established under international trade rules laid down in a bilateral trade agreement.

- (6) Regulation (EC) No 3286/94 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 4(1) of Regulation (EC) No 3286/94 shall be replaced by the following:

'1. Any Community enterprise, or any association, having or not legal personality, acting on behalf of one or more Community enterprises, which considers that such Community enterprises have suffered adverse trade effects as a result of obstacles to trade that have an effect on the market of a third country may lodge a written complaint.'

<sup>(1)</sup> OJ L 349, 31.12.1994, p. 71. Regulation as amended by Regulation (EC) No 356/95 (OJ L 41, 23.2.1995, p. 3).

*Article 2*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 12 February 2008.

*For the Council*  
*The President*  
A. BAJUK

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**COMMISSION REGULATION (EC) No 126/2008**  
**of 13 February 2008**  
**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 Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector <sup>(1)</sup>, and in particular Article 138(1) thereof,

Whereas:

- (1) 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 the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 14 February 2008.

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

Done at Brussels, 13 February 2008.

*For the Commission*  
Jean-Luc DEMARTY  
*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 350, 31.12.2007, p. 1.

## ANNEX

**to Commission Regulation of 13 February 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	IL	137,4
	JO	74,3
	MA	49,4
	MK	36,8
	TN	129,8
	TR	104,6
	ZZ	88,7
0707 00 05	EG	267,4
	JO	202,1
	MA	175,9
	TR	149,2
	ZZ	198,7
0709 90 70	MA	49,0
	TR	149,6
	ZA	71,0
	ZZ	89,9
0709 90 80	EG	349,4
	ZZ	349,4
0805 10 20	EG	44,2
	IL	50,3
	MA	58,9
	TN	47,9
	TR	69,7
	ZZ	54,2
0805 20 10	IL	120,6
	MA	108,5
	TR	72,2
	ZZ	100,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	41,9
	EG	88,5
	IL	60,1
	JM	40,8
	MA	122,9
	PK	79,8
	TR	70,1
	ZZ	72,0
0805 50 10	EG	84,6
	IL	106,4
	MA	77,5
	TR	109,4
	ZZ	94,5
0808 10 80	AR	83,0
	CA	87,7
	CN	84,9
	MK	39,4
	US	114,9
	ZZ	82,0
0808 20 50	CN	44,1
	US	120,5
	ZA	103,7
	ZZ	89,4

<sup>(1)</sup> Country nomenclature as fixed 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 127/2008

of 13 February 2008

## entering a designation in the register of protected designations of origin and protected geographical indications (Oscypek (PDO))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(1)</sup>, and in particular the second sentence of Article 7(5) thereof,

Whereas:

- (1) Under Article 6(2) and pursuant to Article 17(2) of Regulation (EC) No 510/2006, Poland's application to register the designation *Oscypek* was published in the *Official Journal of the European Union*<sup>(2)</sup>.
- (2) Slovakia objected to this registration in accordance with Article 7(1) of Regulation (EC) No 510/2006 citing the points of objection mentioned in Article 7(3)(a), (b) and (c) thereof. Specifically, Slovakia stated in its statement of objection that registering the designation *Oscypek* would undermine the designation *Slovenský oštiepok*, for which Slovakia had applied to the Commission for registration as a protected geographical indication<sup>(3)</sup>.
- (3) By letter dated 30 May 2007, the Commission invited the Member States concerned to start a consultation procedure.
- (4) An agreement was reached between Poland and Slovakia, which was notified to the Commission by the letter received on 28 June 2007.
- (5) Under this agreement, Poland and Slovakia recognise that the designations *Oscypek* and *Slovenský oštiepok* refer to cheeses that are now produced quite differently, despite the fact that they share the same history and tradition. According to Poland and Slovakia, the key differences between the two cheeses (concerning the raw material used, the production method and physical, chemical and organoleptic properties) should not give rise to confusion amongst consumers. Poland and Slovakia agree that both designations *Oscypek* and *Slovenský oštiepok* are legitimate and Poland underscores that registration of the designation *Oscypek* as a protected designation of origin would not undermine the right of Slovakian producers to use the designation *oštiepok* either alone or alongside other terms.
- (6) The agreement reached by the interested parties does not necessitate amending the information published in accordance with Article 6(2) of Regulation (EC) No 510/2006. Accordingly the designation *Oscypek* should be registered in accordance with Article 7(4) of this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The designation specified in the Annex to this Regulation shall be entered in the register.

*Article 2*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 13 February 2008.

For the Commission  
Mariann FISCHER BOEL  
Member of the Commission

<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12. Regulation amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

<sup>(2)</sup> OJ C 180, 2.8.2006, p. 94.

<sup>(3)</sup> The application for registration was received on 30 March 2006 and the summary was published in OJ C 308, 19.12.2007, p. 28.

## ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

**Class 1.3 — Cheese**

POLAND

*Oscypek* (PDO)  

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## II

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

## DECISIONS

## COMMISSION

## COMMISSION DECISION

of 7 December 2007

**establishing the European Research Area Board**

(2008/111/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Whereas:

(1) In order to examine general research policy issues, the European Research Advisory Board was set up by Commission Decision 2001/531/EC, Euratom <sup>(1)</sup>.

(2) Given the new challenges related to research, the Commission, in its Green Paper 'The European Research Area: New Perspectives' <sup>(2)</sup>, envisaged a reform of the European Research Advisory Board in order to enhance its role in the realisation of a European Research Area and to make the operation of that group more flexible and efficient.

(3) It is therefore necessary to set up a new group of experts in the field of European research and technological development policies and to define its tasks and structure.

(4) The group should advise the Commission on the realisation of the European Research Area, taking into account the objectives set out in the Commission's Green Paper 'The European Research Area: New Perspectives'.

(5) The group should support the Commission in its efforts to achieve the objectives specified in Council Decision 2006/970/Euratom of 18 December 2006 concerning the Seventh Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007 to 2011) <sup>(3)</sup> and Council Decision 2006/971/EC of 19 December 2006 concerning the Specific Programme Cooperation implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) <sup>(4)</sup>.

(6) The group should be composed of specialists from the scientific community, industry, the services sector and social actors.

(7) Rules on disclosure of information by members of the new group should be provided for, without prejudice to the rules on security annexed to the Commission's Rules of Procedure by Decision 2001/844/EC, ECSC, Euratom <sup>(5)</sup>.

<sup>(1)</sup> OJ L 192, 14.7.2001, p. 21.

<sup>(2)</sup> COM(2007) 161 final, 4.4.2007.

<sup>(3)</sup> OJ L 400, 30.12.2006, p. 60, as corrected by OJ L 54, 22.2.2007, p. 21.

<sup>(4)</sup> OJ L 400, 30.12.2006, p. 86, as corrected by OJ L 54, 22.2.2007, p. 30.

<sup>(5)</sup> OJ L 317, 3.12.2001, p. 1. Decision as last amended by Decision 2006/548/EC, Euratom (OJ L 215, 5.8.2006, p. 38).

- (8) Personal data relating to members of the group should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(1)</sup>.
- (9) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension.
- (10) Decision 2001/531/EC, Euratom should be replaced by this Decision,

DECIDES:

*Article 1*

**European Research Area Board**

The European Research Area Board, hereinafter referred to as 'the Board', is established with effect from 1 March 2008.

*Article 2*

**Tasks**

1. The tasks of the Board shall be the following:
  - (a) to advise the European Commission (the Commission) on the realisation of a European Research Area;
  - (b) to deliver opinions on the realisation of a European Research Area, at the request of the Commission, or on the Board's own initiative;
  - (c) to provide the Commission with an annual report on the current state of the European Research Area.
2. The Board shall be regularly informed on relevant developments and actions.
3. When formally requested by the Board, the Commission services shall provide written comments on the Board's opinions or advice. The Commission services may also provide regular information on the possible follow-up actions undertaken.

4. The Board's opinion shall be given within the time limit given by the Commission.

*Article 3*

**Consultation**

1. The Commission may consult the Board on any matter relating to the realisation of the European Research Area.
2. The Chairperson of the Board may advise the Commission that it is desirable to consult the group on a specific question.

*Article 4*

**Composition — Appointment**

1. The Board shall comprise 22 members representing the scientific community, the industry and civil society.
2. The members of the Board shall be appointed by the Commission. The set of criteria to be applied throughout the selection and nomination process is the following:
  - experience in the design and implementation of research policy,
  - excellence in research and/or research management,
  - advisory experience on a European or international level,
  - balance among science and technology disciplines including persons with specific university-industry experience,
  - geographical balance, taking into account the countries associated with the framework programmes,
  - appropriate gender balance.
3. Applicants deemed suitable for membership but not appointed may be placed on a reserve list, which the Commission may use for the appointment of replacements.
4. The members are appointed by the Commission in a personal capacity and shall advise the Commission independently of any outside influence.
5. Members shall inform the Commission in good time of any conflict of interests which might undermine their objectivity.

<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.

6. Members shall be appointed for a four-years-renewable term of office and shall remain in office until such time as they are replaced in accordance with paragraph 7 or their term of office ends.

7. Members may be replaced for the remainder of their term of office in any of the following cases:

- (a) where the member resigns;
- (b) where the member is no longer capable of contributing effectively to the group's deliberations;
- (c) where the member does not comply with Article 287 of the Treaty;
- (d) where, contrary to paragraph 4, the member is not independent of all outside influence;
- (e) where, contrary to paragraph 5, the member has failed to inform the Commission in good time of a conflict of interests.

8. The names of its members shall be published on the Internet site of the Directorate-General for Research.

The names of members shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

#### Article 5

##### Operation

1. The Board shall elect a Chairperson and two Vice-Chairpersons from amongst its members by a simple majority.

The Chairperson and the two Vice-Chairpersons will form the Bureau of the Board. The Bureau shall organise the work of the Board.

2. The Board may, with the agreement of the Commission, set up subgroups to examine specific questions under terms of reference established by the group. Such subgroups shall be dissolved as soon as their mandates are fulfilled.

3. The Commission may ask experts or observers with specific competence on a subject on the agenda to participate in the work of the Board, or in the deliberations or work of a subgroup, if, in the opinion of the Commission, this is necessary or useful.

4. Information obtained by participating in the deliberations or work of the Board or of a subgroup shall not be divulged if, in the opinion of the Commission, that information relates to confidential matters.

5. The Board and its subgroups normally meet on the Commission's premises in accordance with the procedures and schedule established by it. The Commission shall provide secretarial services. Commission representatives may attend the meetings of the Board and of its subgroups.

6. The Board shall adopt its rules of procedure on the basis of a draft presented by the Commission.

7. The Commission may publish, or place on the Internet, in the original language of the document concerned, any summary, conclusions, or partial conclusion or working document of the Board.

#### Article 6

##### Reimbursement of expenses

The Commission shall reimburse travel expenses and, where appropriate, subsistence expenses for members, experts and observers in connection with the Board's activities in accordance with the Commission's rules on the compensation of external experts.

The members of the Board, subgroups, experts and observers shall not be remunerated for the services they render.

Meeting expenses shall be reimbursed within the limits of the annual budget allocated to the group by the competent Commission department.

#### Article 7

##### Repeal

Decision 2001/531/EC, Euratom is repealed.

*Article 8***Expiry**

This Decision shall expire on 29 February 2012.

Done at Brussels, 7 December 2007.

*For the Commission*  
Janez POTOČNIK  
*Member of the Commission*

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## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL JOINT ACTION 2008/112/CFSP

of 12 February 2008

**on the European Union mission in support of security sector reform in the Republic of Guinea-Bissau (EU SSR GUINEA-BISSAU)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 and the third subparagraph of Article 25 thereof,

Whereas:

- (1) The promotion of peace, security and stability in Africa and Europe is a key strategic priority of the Joint Africa-EU Strategy adopted by the EU-Africa Summit on 9 December 2007.
- (2) Security sector reform (SSR) in Guinea-Bissau is essential for the stability and sustainable development of that country.
- (3) In November 2006, the Government of Guinea-Bissau presented a National Security Strategy underlining its commitment to implement SSR.
- (4) In this context, the General Secretariat of the Council and the European Commission carried out an initial joint information-gathering mission in May 2007 in Guinea-Bissau, in cooperation with that country's authorities, to develop an overall EU approach to support the national SSR process.
- (5) In order effectively to implement the National Security Strategy, an Action Plan for the Restructuring and Modernisation of the Security and Defence Sectors was presented by the Government of Guinea-Bissau in September 2007, and the institutional framework for the implementation of this Action Plan was established.
- (6) In order to combat the increasing threat posed by organised criminal networks operating in the country, the Government of Guinea-Bissau, with the assistance of the United Nations Office on Drugs and Crime (UNODC), also announced an Emergency Plan to Fight Drug Trafficking in September 2007.
- (7) A report by the UN Secretary-General of 28 September 2007, whilst commending the Government of Guinea-Bissau for the positive measures taken so far to implement SSR, also underlined the country's inability to combat drug trafficking by itself and called for technical and financial support from regional and international partners.
- (8) On 19 November 2007, the Council considered that a European Security and Defence Policy (ESDP) action in the field of SSR in Guinea-Bissau would be appropriate, consistent with, and complementary to, European Development Fund and other Community activity.
- (9) Following a second EU fact-finding mission deployed in October 2007, on 10 December 2007 the Council approved the General Concept for potential ESDP action in support of Guinea-Bissau SSR.
- (10) In a letter dated 10 January 2008, the Government of Guinea-Bissau invited the EU to deploy a European Union SSR Mission in Guinea-Bissau.
- (11) On 12 February 2008, the Council approved a Concept of Operations relating to a mission conducted under the ESDP in support of SSR in Guinea-Bissau, to be known as 'EU SSR GUINEA-BISSAU'.
- (12) In its conclusions of 21 November 2006, the Council concluded that SSR in partner countries constitutes one of the core areas for EU action as identified in the European Security Strategy.
- (13) Any Third State participation in the mission should be in accordance with the general guidelines defined by the European Council.
- (14) The Command and Control Structure of the Mission is without prejudice to the contractual responsibility of the Head of Mission towards the Commission for implementing the budget of the Mission.

- (15) The Watch-Keeping Capability established within the Council Secretariat should be activated for this Mission.
- (16) The ESDP mission will be conducted in the context of a situation which may deteriorate and could harm the objectives of the CFSP as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

**Mission**

1. The European Union (EU) hereby establishes an EU Mission in support of security sector reform in the Republic of Guinea-Bissau, hereinafter referred to as 'EU SSR GUINEA-BISSAU', or the 'Mission'), comprising a preparatory phase beginning on 26 February 2008 and with an implementation phase beginning no later than 1 May 2008. The duration of the Mission will be up to 12 months from the declaration of initial operational capability.

2. EU SSR GUINEA-BISSAU shall operate in accordance with the mission statement as set out in Article 2.

*Article 2*

**Mission statement**

1. EU SSR GUINEA-BISSAU shall provide local authorities with advice and assistance on SSR in the Republic of Guinea-Bissau, in order to contribute to creating the conditions for implementation of the National SSR Strategy, in close cooperation with other EU, international and bilateral actors, and with a view to facilitating subsequent donor engagement.

2. The particular objectives of the mission are:

- Operationalisation of the National SSR Strategy through assisting in the development of detailed implementation plans for downsizing/restructuring the Armed Forces and security forces.
- Assistance to the development and articulation of capacity-building needs, including training and equipment, facilitating subsequent mobilisation of, and engagement by, donors.
- Assessment of the potential and risk for continued ESDP engagement in the medium term in support of SSR implementation.

*Article 3*

**Structure of the mission**

The mission shall be located in the capital city of Bissau and shall comprise:

(a) the Head of Mission and Deputy Head of Mission, supported by a Mission Support Cell and a Political Adviser/Public and Press Information Officer (POLAD/PPIO);

(b) advisors assigned to work with:

- the Army,
- the Navy,
- the Air Force,

and at the Armed Forces Headquarters level;

(c) advisors assigned to work with:

- the Judicial Police,
- the National Interpol Office,
- the Prosecution Services, and
- the Public Order Police

including on the establishment of a National Guard;

and

(d) an advisor to the Secretariat of the Committee for Technical Coordination (CTC).

*Article 4*

**Civilian Operation Commander**

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EU SSR GUINEA-BISSAU.

2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and the overall authority of the Secretary-General/High Representative (SG/HR), shall exercise command and control of EU SSR GUINEA-BISSAU at the strategic level.

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at strategic level as required to the Head of Mission.

4. All seconded staff shall remain under the full command of the national authorities of the seconding State or EU institution. National authorities shall transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander shall have the overall responsibility for ensuring that the EU's duty of care is properly discharged.

*Article 5***Head of Mission**

1. The Head of Mission shall assume responsibility and exercise command and control of the mission at theatre level.

2. The Head of Mission shall exercise OPCON over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the Mission.

3. The Head of Mission shall issue instructions to all mission staff, for the effective conduct of EU SSR GUINEA-BISSAU in theatre, assuming its coordination and day-to-day management, following the instructions at strategic level of the Civilian Operation Commander.

4. The Head of Mission shall be responsible for the implementation of the Mission's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.

5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national or EU authority concerned.

6. The Head of Mission shall represent EU SSR GUINEA-BISSAU in the operations area and shall ensure appropriate visibility of the Mission.

7. The Head of Mission, assisted by the General Secretariat of the Council, shall draw up the Operational Plan (OPLAN) for the Mission for approval by the Council.

*Article 6***Staff**

1. EU SSR GUINEA-BISSAU shall consist primarily of staff seconded by Member States or the EU institutions. Each Member State or EU institution shall bear the costs related to any of the staff seconded by it, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances, other than applicable per diems as well as hardship and risk allowances.

2. International civilian staff and local staff shall be recruited on a contractual basis by the Mission if the functions required are not provided by Member States.

3. All staff shall abide by the Mission-specific minimum security operating standards and the Mission Security Plan supporting the EU Field Security Policy. As regards the protection of EU Classified Information with which staff are entrusted in the course of their duties, all staff shall respect

the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations<sup>(1)</sup> (hereinafter referred to as the 'Council's security regulations').

*Article 7***Chain of command**

1. EU SSR GUINEA-BISSAU shall have a unified chain of command as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EU SSR GUINEA-BISSAU.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall be the commander of EU SSR GUINEA-BISSAU at strategic level and, as such, shall issue the Head of Mission with instructions and provide him with advice and technical support. The EU Military Staff Civ-Mil Cell shall be involved in all aspects within its Terms of Reference.

4. The Civilian Operation Commander shall report to the Council through the SG/HR.

5. The Head of Mission shall exercise command and control of EU SSR GUINEA-BISSAU at theatre level and shall be directly responsible to the Civilian Operation Commander.

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

1. The PSC shall exercise, under the responsibility of the Council, political control and strategic direction of the Mission. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty.

This authorisation shall include the powers to appoint a Head of Mission, upon proposal of the SG/HR, and to amend the Concept of operations (CONOPS) and the OPLAN. The powers of decision with respect to the objectives and termination of the Mission shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

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

<sup>(1)</sup> OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).

*Article 9***Financial arrangements**

1. The financial reference amount to cover expenditure relating to the Mission shall be EUR 5 650 000.
2. All expenditure shall be managed in accordance with the Community rules and procedures applicable to the budget, with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States shall be allowed to tender for contracts.
3. The Head of Mission shall report fully to, and be supervised by, the Commission regarding the activities undertaken in the framework of his contract.
4. The financial arrangements shall respect the operational requirements of the Mission, including compatibility of equipment.
5. The expenditure connected with the Mission shall be eligible as from the entry into force of this Joint Action.

*Article 10***Participation by third States**

1. Without prejudice to the decision-making autonomy of the EU and its single institutional framework, third States may be invited to contribute to the Mission, provided that they bear the cost of the staff seconded by them, including salaries, all risks insurance cover, daily allowances and travel expenses to and from the Republic of Guinea-Bissau, and that they contribute to the running costs of the Mission, as appropriate.
2. Third States contributing to the Mission shall have the same rights and obligations in terms of day-to-day management of the Mission as Member States.
3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the contributions proposed and to establish a Committee of Contributors.
4. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded in accordance with the procedure laid down in Article 24 of the Treaty. The SG/HR, who shall assist the Presidency, may negotiate such arrangements on the latter's behalf. Where the EU and a third State have concluded an agreement establishing a framework for the third State's participation in EU crisis-management operations, the provisions of that agreement shall apply in the context of the Mission.

*Article 11***Coordination**

1. The Council and the Commission shall each, in accordance with their respective powers, ensure that this Joint Action is consistent with the Community's external activities, in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end. Arrangements for the coordination of the EU's activities in the Republic of Guinea-Bissau shall be established in Bissau as well as in Brussels.
2. Without prejudice to the chain of command, the Head of Mission shall also act in close coordination with the Commission delegation to ensure the coherence of EU action in support to SSR in Guinea-Bissau.
3. The Head of Mission shall coordinate closely with the local EU Presidency and other EU Heads of Missions in particular as regards EU participation in the Steering Committee for the implementation of the National Security Strategy.
4. The Head of Mission shall cooperate with the other international actors present in the country, in particular the United Nations, ECOWAS and with the International Contact Group on Guinea-Bissau.

*Article 12***Release of classified information**

1. The SG/HR shall be authorised to release to third States associated with this Joint Action EU classified information and documents up to the level 'RESTREINT UE' which are generated for the purposes of the operation, in accordance with the Council's security regulations.
2. The SG/HR shall be authorised to release to the United Nations and ECOWAS, in accordance with the operational needs of the operation, EU classified information and documents up to the level 'RESTREINT UE' which are generated for the purposes of the operation, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.
3. In the event of a specific and immediate operational need, the SG/HR shall also be authorised to release to the host State EU classified information and documents up to the level 'RESTREINT UE' which are generated for the purposes of the operation, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the host State in accordance with procedures appropriate to the host State's level of cooperation with the EU.

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

#### Article 13

##### **Status of EU SSR GUINEA-BISSAU and its staff**

1. The status of EU SSR GUINEA-BISSAU and its staff, including where appropriate the privileges, immunities and any further guarantees necessary for the completion and smooth functioning of the Mission, shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty. The SG/HR, who shall assist the Presidency, may negotiate such arrangements on its behalf.

2. The State or EU institution having seconded a member of staff shall be responsible for answering any claims linked to the secondment, from or concerning the member of staff. The State or EU institution in question shall be responsible for bringing any action against the person seconded.

#### Article 14

##### **Security**

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EU SSR GUINEA-BISSAU in accordance with Articles 4 and 7, in coordination with the Security Office of the General Secretariat of the Council.

2. The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation, in line 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 on EU and its supporting documents.

3. The Head of Mission shall be assisted by a Mission Security Officer (MSO), who shall report to Head of Mission and also maintain a close functional relationship with the Council Security Office.

4. EU SSR GUINEA-BISSAU staff shall undergo mandatory security training before taking up their duties, in accordance

with the OPLAN. They shall also receive regular in-theatre refresher training organised by the MSO.

5. The Head of Mission shall ensure the protection of EU Classified Information in accordance with the Council's Security Regulations.

#### Article 15

##### **Watch-keeping Capability**

The Watch-keeping Capability shall be activated for EU SSR GUINEA-BISSAU.

#### Article 16

##### **Review of the Mission**

A Mission review shall be presented to the PSC six months after the beginning of the implementation phase of the Mission, on the basis of a report by the Head of Mission and the General Secretariat of the Council.

#### Article 17

##### **Entry into force and duration**

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

It shall apply until 31 May 2009.

#### Article 18

##### **Publication**

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

2. The Decisions of the PSC pursuant to Article 8(1), regarding the appointment of the Head of Mission, shall also be published in the *Official Journal of the European Union*.

Done at Brussels, 12 February 2008.

For the Council

The President

A. BAJUK

<sup>(1)</sup> Decision 2006/683/EC, Euratom (OJ L 285, 16.10.2006, p. 47).  
Decision as last amended by Decision 2007/881/EC, Euratom (OJ L 346, 29.12.2007, p. 17).

**COUNCIL JOINT ACTION 2008/113/CFSP**  
**of 12 February 2008**

**in support of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (SALW) in the framework of the EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 8 December 2005, the United Nations General Assembly adopted an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (SALW) (hereinafter referred to as International Tracing Instrument).
- (2) On 15 and 16 December 2005, the European Council adopted the EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition (EU SALW Strategy) which calls for supporting the adoption of a legally binding international instrument on the tracing and marking of SALW and ammunition.
- (3) By adopting the International Tracing Instrument, States committed themselves to undertake a number of measures to ensure the adequate marking of and record-keeping for SALW and to strengthen cooperation in tracing illicit SALW. In particular, States were to ensure that they are capable of undertaking traces and responding to tracing requests in accordance with the requirements of the International Tracing Instrument. The instrument declares that States will cooperate, as appropriate, with the United Nations to support its effective implementation.
- (4) On 6 December 2006, the United Nations General Assembly adopted Resolution 61/66 on 'The illicit trade in small arms and light weapons in all its aspects' which called upon States to implement the International Tracing Instrument, the implementation of which will be considered during the Biennial Meeting of States in 2008.
- (5) This Joint Action should be implemented in accordance with the Financial and Administrative Framework Agreement, concluded by the European Commission with the United Nations.

- (6) In accordance with paragraphs 27, 29 and 30 of the International Tracing Instrument the UN Secretariat (Office of Disarmament Affairs) is seeking financial assistance to support activities which are aimed at promoting the International Tracing Instrument,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

1. The European Union shall pursue the promotion of the International Tracing Instrument.
2. In order to achieve the objective referred to in paragraph 1, the European Union shall support a project of the United Nations Office for Disarmament Affairs (hereinafter referred to as UN-ODA) for the promotion of the International Tracing Instrument in 2008, which includes three regional workshops for better acquainting relevant government officials and others (including SALW points of contact, law enforcement officials, members of national coordinating bodies, and parliamentarians) with the provisions of the International Tracing Instrument.

A description of the project is set out in the Annex.

*Article 2*

1. The Presidency, assisted by the Secretary-General/High Representative for the CFSP (hereinafter referred to as SG/HR), shall be responsible for the implementation of this Joint Action. The Commission shall be fully associated.
2. The technical implementation of the activities resulting from the EU contribution shall be carried out by the UN-ODA, which shall perform its tasks under the control of the SG/HR, assisting the Presidency. For this purpose the SG/HR shall enter into the necessary arrangements with the UN-ODA.
3. The Presidency, the SG/HR and the Commission shall keep each other regularly informed of the implementation of this Joint Action, in accordance with their respective competences.

*Article 3*

1. The financial reference amount for the implementation of this Joint Action shall be EUR 299 825, to be funded from the general budget of the European Union.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the Community procedures and rules applicable to the general budget of the European Union.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2, which shall take the form of a grant. For this purpose, it shall conclude a financing agreement with the UN-ODA. The financing agreement shall stipulate that the UN-ODA is to ensure visibility of the EU contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Joint Action. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreements.

#### *Article 4*

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action on the basis of reports prepared by the UN-ODA. These reports shall form the basis for the evaluation carried out by the Council. The Commission shall be fully associated. It shall report on the financial aspects of the implementation of this Joint Action.

#### *Article 5*

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

It shall expire 12 months after the conclusion of the financing agreement referred to in Article 3(3) or 6 months after the date of its adoption if no financing agreement has been concluded within that period.

#### *Article 6*

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

Done at Brussels, 12 February 2008.

*For the Council*

*The President*

A. BAJUK

## ANNEX

**EU CONTRIBUTION TO THE UN PROJECT IN SUPPORT OF THE INTERNATIONAL TRACING INSTRUMENT****1. Introduction**

The UN Secretariat (Office of Disarmament Affairs) (hereinafter referred to as UN-ODA), intends to organise in 2008 a series of regional and sub-regional workshops in order to allow relevant government officials and others (including SALW points of contact, law enforcement officials, members of national coordinating bodies, and parliamentarians) to become better acquainted with the provisions of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (SALW), adopted by United Nations General Assembly on 8 December 2005 (hereinafter referred to as International Tracing Instrument).

**2. Project description**

Workshops will have a practical focus and a two-day duration and will provide participants with information aimed at enhancing their understanding of the International Tracing Instrument, its relevance and the capacities, skills and resources that would be needed to ensure its implementation at national level. In addition, the workshops will aim at initiating country-specific needs assessments.

The Conventional Arms Branch (CAB) of the UN-ODA intends to organise and implement the workshops in collaboration with the Office's Regional Disarmament Branch, which includes the three United Nations Regional Disarmament Centres. In addition, UN-ODA will endeavour to work in partnership with interested Governments, relevant regional and/or sub-regional organisations, international organizations and civil society organisations with expertise in the area of marking and tracing SALW, including the Bonn International Centre for Conversion (BICC), the Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP) and the Small Arms Survey (SAS). In close cooperation with Interpol, technical presentations will also be provided with a view to familiarising participants with the technical tools available and to assist law enforcement officials with the identification and tracing of illicit SALW.

**2.1. West Africa**

Possible venues for the workshop in West Africa are Bamako (Mali), Abuja (Nigeria), Libreville (Gabon), or the UN Regional Centre for Peace and Disarmament in Lomé (Togo). A final decision on the location of the workshop will be taken by the UN-ODA, in coordination with the Presidency, assisted by the SG/HR.

Member States of the sub-regional organisations 'Economic Community of West African States' (ECOWAS) and the 'Economic Community of Central African States' (ECCAS) will be eligible to take part in <sup>(1)</sup> the workshop:

ECOWAS: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo. ECCAS: Angola, Burundi, Democratic Republic of Congo, Rwanda, Cameroon, Central African Republic, Chad, Congo, Gabon, Equatorial Guinea, Sao Tomé and Príncipe.

**2.2. Asia**

The workshop in Asia is to be held in Seoul, Republic of Korea.

The following countries are eligible to take part in the workshop:

Afghanistan, Australia <sup>(2)</sup>, Bangladesh, Cambodia, China, India, Indonesia, Japan <sup>(2)</sup>, Kazakhstan, Kyrgyz Republic, Malaysia, Myanmar, Nepal, Pakistan, Papua New Guinea, Philippines, Solomon Islands, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Turkmenistan, Uzbekistan, Vietnam.

**2.3. Latin America and the Caribbean**

The workshop in Latin America and the Caribbean is to be held in Brazil. A final decision on the location of the workshop will be taken by the UN-ODA, in coordination with the Presidency, assisted by the SG/HR.

The following countries are eligible to take part in the workshop:

Argentina, Bahamas, Barbados, Bolivia, Brazil, Chile, Colombia, Cuba, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay, Venezuela.

**3. Duration**

The total estimated duration of the projects will be 12 months.

<sup>(1)</sup> UN-ODA will organise a workshop for the North, East and South of Africa in December 2007.

<sup>(2)</sup> The Governments of Australia and Japan will assume the travel expenses of their participants.

**4. Beneficiaries**

The beneficiaries of the seminars are States in Africa, Asia and Latin America, as indicated above, which according to the UN-ODA need to enhance their understanding of the provisions set up by the International Tracing Instrument, as well as to identify the capacities, skills and resources that would be needed to ensure its implementation at national level.

Potential regional and other technical assistance donors, as well as relevant international regional and sub-regional organisations, will also be invited to attend.

**5. Implementing entity**

Within the context of its overall responsibility, the UN-ODA will implement the technical activities resulting from the EU contribution, as stipulated in this Joint Action, under the control of the SG/HR, assisting the Presidency.

**6. Estimated total cost of the project and EU financial contribution**

The project is to be co-financed by the EU and other donors. The EU contribution will cover the participation of representatives from beneficiary States and experts in the workshops, excluding UN staff, as well as conference costs. The EU contribution will finance eligible activities for the workshop in Africa as a priority. Expenditure incurred by relevant regional and sub-regional organisations may also be covered, insofar as this is directly related to their participation in activities under the projects. The UN-ODA will be responsible for the overall coordination of contributions made by other donors, which will finance the remaining costs of the project.

The total estimated cost of the project is USD 798 800 to which the EU will contribute EUR 299 825.

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