

## 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).