

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/760/CFSP**of 22 November 2007****amending and extending Joint Action 2005/190/CFSP on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) On 7 March 2005, the Council adopted Joint Action 2005/190/CFSP on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX ⁽¹⁾.

(2) On 25 September 2007, the Political and Security Committee (hereinafter referred to as 'PSC') agreed that EUJUST LEX should be extended for another 18 months after the expiry of the existing mandate on 31 December 2007, until 30 June 2009. This Joint Action should cover the first phase of this extension until 30 April 2008.

(3) On 18 June 2007, the Council approved Guidelines for Command and Control Structure for EU Civilian Operations in Crisis Management. These Guidelines notably provide that a Civilian Operation Commander will exercise command and control at strategic level for the planning and conduct of all civilian crisis management operations, under the political control and strategic direction of the PSC and the overall authority of the Secretary-General/High Representative for the CFSP (hereinafter referred to as 'SG/HR'). These Guidelines further provide that the Director of the Civilian Planning and Conduct Capability (CPCC) established within the Council Secretariat will, for each civilian crisis management operation, be the Civilian Operation Commander.

(4) The abovementioned Command and Control Structure is without prejudice to the contractual responsibilities of the Head of Mission towards the Commission for implementing the budget of the Mission.

(5) The watch-keeping capability established within the Council Secretariat should be activated for this Mission.

(6) Joint Action 2005/190/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2005/190/CFSP is hereby amended as follows:

1. the following Article shall be inserted:

*'Article 3a***Civilian Operation Commander**

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUJUST LEX.

2. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall exercise command and control of EUJUST LEX 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.

⁽¹⁾ OJ L 62, 9.3.2005, p. 37. Joint Action as last amended by Joint Action 2006/708/CFSP (OJ L 291, 21.10.2006, p. 43).

4. All seconded staff shall remain under the full command of the national authorities of the sending 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 overall responsibility for ensuring that the EU's duty of care is properly discharged.;

2. Article 4 shall be replaced by the following:

'Article 4

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 command and control 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, including the Brussels Coordinating Office and the Baghdad Liaison Office, for the effective conduct of EUJUST LEX, 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 EUJUST LEX and shall ensure appropriate visibility of the Mission.;

3. Article 6(4) shall be replaced by the following:

'4. All staff shall carry out their duties and act in the interest of the Mission. 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 ().*

() 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).;*

4. Article 8 shall be replaced by the following:

'Article 8

Chain of Command

1. EUJUST LEX shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall provide the political control and strategic direction of EUJUST LEX.

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 EUJUST LEX at strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

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 EUJUST LEX at theatre level and shall be directly responsible to the Civilian Operation Commander.;

5. Article 9 shall be replaced by the following:

'Article 9

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, the 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 on the European Union. This authorisation shall include the powers to amend the CONOPS and the OPLAN. It shall also include powers to take subsequent decisions regarding the appointment of the Head of Mission. 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;
6. Article 10 shall be replaced by the following:

Article 10

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EUJUST LEX in accordance with Articles 3a and 8 and in coordination with the Security Office of the General Secretariat of the Council (hereinafter referred to as "GSC Security Office").
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 European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union and its supporting documents.
3. For the elements of the Mission which are carried out in Member States, the host Member State shall take all necessary and appropriate measures to ensure the security of the participants and the trainers on its territory.
4. For the Coordinating Office in Brussels, the necessary and appropriate measures shall be organised by the GSC Security Office in collaboration with the host Member State authorities.
5. Should the training take place in a third State, the EU, with the involvement of the Member States concerned, shall ask the third State's authorities to make the appropriate arrangements regarding the security of the participants and the trainers on its territory.
6. EUJUST LEX shall have a dedicated mission Security Officer reporting to the Head of Mission.

7. The Head of Mission shall consult with the PSC on security issues affecting the deployment of the Mission as directed by the SG/HR.

8. EUJUST LEX staff members shall undergo mandatory security training organised by the GSC Security Office and medical checks prior to any deployment or travel to Iraq.

9. Member States shall endeavour to provide EUJUST LEX, in particular the Liaison Office, with secure accommodation, body armour and close protection within Iraq;

7. the following Article shall be inserted:

Article 13a

Watch-keeping

The watch-keeping capability shall be activated for EUJUST LEX.;

8. the second subparagraph of Article 14 shall be replaced by the following:

'It shall expire on 30 April 2008.'

Article 2

The financial reference amount intended to cover the expenditure related to the mission for the period 1 November 2006 to 30 April 2008 shall be EUR 11,2 million.

Article 3

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

Article 4

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

Done at Brussels, 22 November 2007.

For the Council
The President
 M. PINHO