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Contents

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

REGULATIONS

- ★ **Council Regulation (EC) No 140/2008 of 19 November 2007 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Montenegro, of the other part** 1
- Commission Regulation (EC) No 141/2008 of 18 February 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables 5
- Commission Regulation (EC) No 142/2008 of 18 February 2008 amending Regulation (EC) No 129/2008 fixing the export refunds on white and raw sugar exported without further processing 7

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

DECISIONS

Council

2008/127/EC:

- ★ **Council Decision of 13 November 2007 concerning the provisional application of Protocol 8 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, on the general principles for the participation of Montenegro in Community programmes** 9

Agreement in the form of an exchange of letters concerning the provisional application of Protocol 8 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, on the general principles for the participation of Montenegro in Community programmes	11
---	----

2008/128/EC:

★ Decision No 1/2008 of the EC-Montenegro Interim Committee of 22 January 2008 on its Rules of Procedure including the terms of reference and structure of the EC-Montenegro subcommittees	16
--	----

III Acts adopted under the EU Treaty

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

★ Council Joint Action 2008/129/CFSP of 18 February 2008 extending the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia (FYROM)	19
★ Council Joint Action 2008/130/CFSP of 18 February 2008 extending the mandate of the European Union Special Representative in Bosnia and Herzegovina	22
★ Council Joint Action 2008/131/CFSP of 18 February 2008 extending the mandate of the European Union Special Representative for Afghanistan	26
★ Council Joint Action 2008/132/CFSP of 18 February 2008 amending and extending the mandate of the European Union Special Representative for the South Caucasus	30
★ Council Joint Action 2008/133/CFSP of 18 February 2008 amending and extending the mandate of the European Union Special Representative for the Middle East peace process	34
★ Council Decision 2008/134/CFSP of 18 February 2008 implementing Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories	38
★ Council Common Position 2008/135/CFSP of 18 February 2008 renewing restrictive measures against Zimbabwe	39

Corrigenda

★ Corrigendum to Decision of the Representatives of the Governments of the Member States meeting within the Council of 26 November 2007 amending Decision No 2005/446/EC setting the deadline for the commitment of the funds of the Ninth European Development Fund (EDF) (OJ L 320, 6.12.2007)	40
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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 140/2008

of 19 November 2007

on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Montenegro, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

should also apply to the implementation of the SAA after its entry into force.

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

- (4) The SAA and the Interim Agreement stipulate that fishery products originating in Montenegro may be imported into the Community at a reduced customs duty, within the limits of tariff quotas. It is therefore necessary to lay down provisions regulating the management of these tariff quotas.

Having regard to the proposal from the Commission,

- (5) Where trade defence measures become necessary, they should be adopted in accordance with the general provisions laid down in Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports ⁽¹⁾, Council Regulation (EEC) No 2603/69 of 20 December 1969 establishing common rules for exports ⁽²⁾, Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽³⁾ or, as the case may be, Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽⁴⁾.

Whereas:

- (1) A Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, (hereinafter referred to as SAA) was signed on 15 October 2007. The SAA is in the process of being ratified.

- (2) On 15 October 2007 the Council concluded an Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part, (hereinafter referred to as the Interim Agreement) which provides for the early entry into force of the trade and trade-related provisions of the SAA. The Interim Agreement is to enter into force on the first day of the second month following the date on which the Parties notify each other that their respective approval procedures have been completed.

- (6) Where a Member State provides the Commission with information on a possible fraud or failure to provide administrative cooperation, the relevant Community legislation shall apply, in particular Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters ⁽⁵⁾.

- (3) It is necessary to lay down the procedures for applying certain provisions of the Interim Agreement. Since the trade and trade-related provisions of these instruments are to a very large extent identical, this Regulation

⁽¹⁾ OJ L 349, 31.12.1994, p. 53. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

⁽²⁾ OJ L 324, 27.12.1969, p. 25. Regulation as last amended by Regulation (EEC) No 3918/91 (OJ L 372, 31.12.1991, p. 31).

⁽³⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽⁴⁾ OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽⁵⁾ OJ L 82, 22.3.1997, p. 1. Regulation as amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

- (7) For the purposes of implementing the relevant provisions of this Regulation the Commission should be assisted by the Customs Code Committee established by Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾.
- (8) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down certain procedures for the adoption of detailed rules for the implementation of certain provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, (hereinafter referred to as the SAA), and of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part (hereinafter referred to as the Interim Agreement).

Article 2

Concessions for fish and fishery products

Detailed rules on the implementation of Article 14 of the Interim Agreement, and thereafter Article 29 of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the management procedure referred to in Article 12(2) of this Regulation.

Article 3

Tariff reductions

1. Subject to paragraph 2, rates of preferential duty shall be rounded down to the first decimal place.
2. Where the result of calculating the rate of the preferential duty pursuant to paragraph 1 is one of the following, the preferential rate shall be considered a full exemption:
 - (a) 1 % or less in the case of ad valorem duties; or
 - (b) EUR 1 or less per individual amount in the specific duties.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

Article 4

Technical adaptations

Amendments and technical adaptations to the provisions adopted pursuant to this Regulation, rendered necessary by changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the Community and the Republic of Montenegro, shall be adopted in accordance with the management procedure referred to in Article 12(2).

Article 5

General safeguard clause

Without prejudice to Article 7, where the Community needs to take a measure as provided for in Article 26 of the Interim Agreement, and thereafter Article 41 of the SAA, it shall be adopted in accordance with the conditions and procedures laid down in Regulation (EC) No 3285/94, unless otherwise specified in Article 26 of the Interim Agreement, and thereafter Article 41 of the SAA.

Article 6

Shortage clause

Without prejudice to Article 7, where the Community needs to take a measure as provided for in Article 27 of the Interim Agreement, and thereafter Article 42 of the SAA, it shall be adopted in accordance with the procedures laid down in Regulation (EEC) No 2603/69.

Article 7

Exceptional and critical circumstances

Where exceptional and critical circumstances arise within the meaning of Articles 26(5)(b) and 27(4) of the Interim Agreement, and thereafter Article 41(5)(b) and 42(4) of the SAA, the Commission may take immediate measures as provided for in Articles 26 and 27 of the Interim Agreement, and thereafter Article 41 and 42 of the SAA.

If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request.

The Commission shall notify the Council of its decision.

Any Member State may refer the Commission's decision to the Council within 10 working days of receiving notification of the decision.

The Council, acting by a qualified majority, may take a different decision within two months.

*Article 8***Safeguard clause for agricultural and fishery products**

1. Notwithstanding the procedures provided for in Articles 5 and 6 of this Regulation, where the Community needs to take a safeguard measure, as provided for in Article 26 of the Interim Agreement and thereafter Article 41 of the SAA, concerning agricultural and fishery products, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures after, where applicable, having had recourse to the referral procedure provided for in Article 26 of the Interim Agreement and thereafter Article 41 of the SAA.

If the Commission receives a request from a Member State, it shall take a decision thereon:

- (a) within three working days following the receipt of a request, where the referral procedure provided for in Article 26 of the Interim Agreement and thereafter Article 41 of the SAA does not apply; or
- (b) within three days of the end of the 30-day period referred to in Article 26(5)(a) of the Interim Agreement and thereafter in Article 41(5)(a) of the SAA, where the referral procedure provided for in Article 26 of the Interim Agreement and thereafter Article 41 of the SAA applies.

The Commission shall notify the Council of the measures it decided.

2. Measures decided on by the Commission pursuant to paragraph 1 may be referred to the Council by any Member State within three working days of the date on which they were notified. The Council shall meet without delay. It may, acting by qualified majority, amend or repeal the measures in question within one month following the date on which they were referred to the Council.

*Article 9***Dumping and subsidy**

In the event of a practice which is liable to warrant application by the Community of the measures provided for in Article 25(2) of the Interim Agreement, and thereafter Article 40(2) of the SAA, the introduction of anti-dumping and/or countervailing measures shall be decided upon in accordance with the provisions laid down in, respectively, Regulation (EC) No 384/96 and/or Regulation (EC) No 2026/97.

*Article 10***Competition**

1. In the event of a practice which may justify application by the Community of the measures provided for in Article 38 of the Interim Agreement, and thereafter Article 73 of the SAA, the Commission shall, after examining the case, on its own initiative or on the request of a Member State, decide whether such practice is compatible with the Agreement.

The measures provided for in Article 38(10) of the interim Agreement, and thereafter Article 73(10) of the SAA, shall be adopted in the cases of aid in accordance with the procedures laid down in Regulation (EC) No 2026/97 and, in the other cases, in accordance with the procedure laid down in Article 133 of the Treaty.

2. In the event of a practice which may cause measures to be applied to the Community by the Republic of Montenegro on the basis of Article 38 of the Interim Agreement, and thereafter Article 73 of the SAA, the Commission shall, after examining the case, decide whether the practice is compatible with the principles set out in the Interim Agreement, and thereafter the SAA. Where necessary, it shall take appropriate decisions on the basis of criteria which result from the application of Articles 81, 82 and 87 of the Treaty.

*Article 11***Fraud or failure to provide administrative cooperation**

Where the Commission, on the basis of information provided by a Member State or on its own initiative, finds that the conditions laid down in Article 31 of the Interim Agreement and thereafter in Article 46 of the SAA are fulfilled, it shall, without undue delay:

- (a) inform the Council; and
- (b) notify the Interim Committee, and thereafter the Stabilisation and Association Committee, of its finding together with the objective information, and enter into consultations within the Interim Committee, and thereafter the Stabilisation and Association Committee.

Any publication under Article 31(5) of the Interim Agreement, and thereafter Article 46(5) of the SAA, shall be effected by the Commission in the *Official Journal of the European Union*.

The Commission may decide, in accordance with the advisory procedure referred to in Article 12(3), to suspend temporarily the relevant preferential treatment of the products as provided for in Article 31(4) of the Interim Agreement, and thereafter Article 46(4) of the SAA.

*Article 12***Committee**

1. The Commission shall be assisted by the Customs Code Committee set up by Article 248(a) of Regulation (EEC) No 2913/92.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.

*Article 13***Notification**

The Commission, acting on behalf of the Community, shall be responsible for notification to the Interim Committee, and thereafter the Stabilisation and Association Council and the Stabilisation and Association Committee, respectively, as required by the Interim Agreement or the SAA.

*Article 14***Entry into force**

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, 19 November 2007.

For the Council

The President

L. AMADO

COMMISSION REGULATION (EC) No 141/2008**of 18 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 ⁽¹⁾, 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 19 February 2008.

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

Done at Brussels, 18 February 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 18 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 ⁽¹⁾	Standard import value
0702 00 00	IL	53,3
	JO	74,3
	MA	48,4
	TN	129,8
	TR	93,9
	ZZ	79,9
0707 00 05	EG	267,4
	JO	190,5
	MA	143,8
	TR	127,0
	ZZ	182,2
0709 90 70	MA	46,8
	TR	129,8
	ZA	71,0
	ZZ	82,5
0709 90 80	EG	60,4
	ZZ	60,4
0805 10 20	EG	50,6
	IL	51,1
	MA	61,0
	TN	47,8
	TR	72,2
	ZZ	56,5
0805 20 10	IL	111,6
	MA	110,1
	ZZ	110,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	42,0
	EG	82,3
	IL	82,6
	JM	114,0
	MA	121,4
	PK	79,8
	TR	73,5
	ZZ	85,1
0805 50 10	EG	91,5
	IL	129,1
	MA	86,9
	TR	114,1
	ZZ	105,4
0808 10 80	AR	96,3
	CA	88,1
	CN	96,6
	MK	39,4
	US	114,0
	ZZ	86,9
0808 20 50	AR	91,5
	CN	88,4
	US	123,6
	ZA	95,9
	ZZ	99,9

⁽¹⁾ 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 142/2008**of 18 February 2008****amending Regulation (EC) No 129/2008 fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular the fourth subparagraph of Article 33(2) thereof,

Whereas:

- (1) Export refunds on products listed in Article 1(1)(b) of Regulation (EC) No 318/2006 were fixed from 15 February 2008 by Commission Regulation (EC) No 129/2008⁽²⁾.

- (2) In the light of additional information available to the Commission, related in particular to the change in the relation between prices in the internal and world market, it is necessary to adjust export refunds currently applying.

- (3) Regulation (EC) No 129/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 129/2008 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 February 2008.

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

Done at Brussels, 18 February 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 41, 15.2.2008, p. 3.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 19 February 2008

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	26,52 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	24,09 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	26,52 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	24,09 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2883
1701 99 10 9100	S00	EUR/100 kg	28,83
1701 99 10 9910	S00	EUR/100 kg	26,20
1701 99 10 9950	S00	EUR/100 kg	26,20
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2883

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 13 November 2007

concerning the provisional application of Protocol 8 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, on the general principles for the participation of Montenegro in Community programmes

(2008/127/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 thereof in conjunction with Article 300(2), first subparagraph, first and second sentences,

Having regard to the proposal from the Commission,

Whereas:

(1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (hereafter the Agreement) was signed on 15 October 2007, subject to its conclusion at a later date.

(2) Protocol 8 to the Agreement takes over, in substance, the content, with respect to Montenegro, of the Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes ⁽¹⁾, which the Council concluded by Decision 2005/527/EC ⁽²⁾.

(3) Due to the independence of Montenegro, this Framework Agreement is no longer applicable with respect to Montenegro. Montenegro should, however, continue to have the possibility, in the same way as all other Western Balkan countries, of participating in Community programmes.

(4) It is therefore necessary to provide for provisional application of Protocol 8 to the Agreement, pending the completion of the procedures required to bring the Agreement into force,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the Community and the Republic of Montenegro, which provides for the provisional application of Protocol 8 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, on the general principles for the participation of Montenegro in Community programmes, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision, as well as the text of Protocol 8.

⁽¹⁾ OJ L 192, 22.7.2005, p. 29.

⁽²⁾ OJ L 192, 22.7.2005, p. 84.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 13 November 2007.

For the Council
The President
F. TEIXEIRA DOS SANTOS

AGREEMENT

in the form of an exchange of letters concerning the provisional application of Protocol 8 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, on the general principles for the participation of Montenegro in Community programmes

A. Letter from the Community

Sir,

I have the honour to refer to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, signed on 15 October 2007, and in particular to Protocol 8 on the general principles for the participation of Montenegro in Community programmes.

Pending the entry into force of the said Stabilisation and Association Agreement, I have the honour to propose to you that the European Community and the Republic of Montenegro apply provisionally as from today Protocol 8 on the general principles for the participation of Montenegro in Community programmes.

Pending the entry into force of the Stabilisation and Association Agreement, I have the honour to propose to you that the review of the implementation of Protocol 8, by derogation from the modalities set out in Article 7 of that Protocol, be executed by the Contracting Parties.

If the above is acceptable to the Republic of Montenegro, this letter and your confirmation shall together constitute an agreement between the European Community and the Republic of Montenegro.

Please accept, Sir, the assurance of our highest appreciation.

On behalf of the European Community

Съставено в Брюксел на
Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselē,
Priimta Briuselyje
Kelt Brüsszelben,
Magħmula fi Brussell,
Gedaan te Brussel,
Sporzýdzono w Brukseli, dnia
Feito em Bruxelas,
Încheiat la Bruxelles,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den
Sačinjeno u Briselu

15 -11- 2007

За Европейската общност
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
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
Za Evropsku Zajednicu

ANNEX

PROTOCOL 8

ON THE GENERAL PRINCIPLES FOR THE PARTICIPATION OF MONTENEGRO IN COMMUNITY PROGRAMMES*Article 1*

Montenegro shall be allowed to participate in the following Community programmes:

- (a) the programmes which are listed in the Annex to the Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes ⁽¹⁾,
- (b) programmes established or renewed after 27 July 2005 and which contain an opening clause which foresees the participation of Montenegro.

Article 2

Montenegro shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which it participates.

Article 3

Montenegro's representatives shall be allowed to take part, as observers and for the points which concern Montenegro, in the management committees responsible for monitoring the programmes to which Montenegro contributes financially.

Article 4

Projects and initiatives submitted by participants from Montenegro shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Montenegro in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the European Commission, acting on behalf of the Community, and Montenegro.

If Montenegro applies for Community external assistance on the basis of Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) ⁽²⁾ or pursuant to any similar Regulation providing for Community external assistance to Montenegro that may be adopted in future, the conditions governing the use by Montenegro of the Community assistance shall be determined in a financing agreement.

Article 6

The Memorandum of Understanding shall stipulate, in accordance with the Community's Financial Regulation, that financial control or audits will be carried out by, or under the authority of, the European Commission, European Anti-Fraud Office (OLAF) and the Court of Auditors of the European Communities.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the European Commission, OLAF and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Community.

Article 7

No later than three years after the date of entry into force of this Agreement, and every three years thereafter, the Stabilisation and Association Council may review the implementation of this Protocol on the basis of actual participation of Montenegro in one or more Community programmes.

⁽¹⁾ OJ L 192, 22.7.2005, p. 29.

⁽²⁾ OJ L 210, 31.7.2006, p. 82.

B. *Letter from the Republic of Montenegro*

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, signed on 15 October 2007, and in particular to Protocol 8 on the general principles for the participation of Montenegro in Community programmes.

Pending the entry into force of the said Stabilisation and Association Agreement, I have the honour to propose to you that the European Community and the Republic of Montenegro apply provisionally as from today Protocol 8 on the general principles for the participation of Montenegro in Community programmes.

Pending the entry into force of the Stabilisation and Association Agreement, I have the honour to propose to you that the review of the implementation of Protocol 8, by derogation from the modalities set out in Article 7 of that Protocol, be executed by the Contracting Parties.

If the above is acceptable to the Republic of Montenegro, this letter and your confirmation shall together constitute an agreement between the European Community and the Republic of Montenegro.'

I am able to confirm that the Republic of Montenegro is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest appreciation.

On behalf of the Republic of Montenegro

Sačinjeno u Briselu
Съставено в Брюксел на
Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselē,
Priimta Briuselyje
Kelt Brüsszelben,
Magħmula fi Brussell,
Gedaan te Brussel,
Sporzýdzono w Brukseli, dnia
Feito em Bruxelas,
Încheiat la Bruxelles,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den

15 -11- 2007

Za Republiku Crnu Goru
За Република Черна гора
Por la República de Montenegro
Za Republiku Černá Hora
For Republikken Montenegro
Für die Republik Montenegro
Montenegro Vabariigi nimel
Για τη Δημοκρατία του Μαυροβουνίου
For the Republic of Montenegro
Pour la République du Monténégro
Per la Repubblica del Montenegro
Melnkalnes Republikas vārdā
Juodkalnijos Respublikos vardu
A Montegrói Köztársaság részéről
Ghar-Repubblika tal-Montenegro
Voor de Republiek Montenegro
W imieniu Republiki Czarnogóry
Pela República do Montenegro
Pentru Republica Muntenegru
Za Čiernohorskú republiku
Za Republika Črna gora
Montenegron tasavallan puolesta
För Republiken Montenegro

S. Leila J. C.

DECISION No 1/2008 OF THE EC-MONTENEGRO INTERIM COMMITTEE
of 22 January 2008
on its Rules of Procedure including the terms of reference and structure of the EC-Montenegro
subcommittees
(2008/128/EC)

THE EC-MONTENEGRO INTERIM COMMITTEE,

The Interim Committee may invite non-members to attend its meetings in order to provide information on particular subjects.

Having regard to the Interim Agreement on trade and trade related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part ⁽¹⁾ (hereinafter referred to as the Interim Agreement), signed on 15 October 2007, and in particular Article 44 thereof,

The Member States of the Community shall be informed about the meetings of the Interim Committee.

HAS DECIDED AS FOLLOWS:

Article 4

Secretariat

An official of the European Commission and an official of Montenegro shall act jointly as Secretaries of the Interim Committee.

Article 1

Chairmanship

The Interim Committee shall be chaired alternately, for periods of 12 months, by a representative of the Commission of the European Communities (hereinafter referred to as European Commission) on behalf of the European Community (hereinafter referred to as the Community), and a representative of the Government of Montenegro. However, the first period shall begin on the date of the first Interim Committee meeting and end on 31 December of the same year.

Article 5

Correspondence

All correspondence to and from the Chairman of the Interim Committee shall be forwarded to both Secretaries. The two Secretaries shall ensure that correspondence is circulated, where appropriate, to their respective representatives in the Interim Committee.

Article 2

Meetings

The Interim Committee shall meet regularly once a year in Brussels or Podgorica as agreed by both Parties. Special meetings of the Interim Committee may be convened by mutual agreement at the request of either Party.

Article 6

Agenda of the meetings

1. The Chairman and the Secretaries shall draw up a provisional agenda for each meeting not later than 15 working days before the beginning of the meeting.

The meetings shall be convened by the Chairman.

The provisional agenda shall include the items in respect of which a request for inclusion has been received by the Secretaries not later than 21 working days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

Unless otherwise agreed, the meetings of the Interim Committee shall not be public.

Article 3

Delegations

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

The agenda shall be adopted by the Interim Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be included in the agenda if the two Parties so agree.

A representative of the European Investment Bank (EIB) may attend the meetings of the Interim Committee, as an observer, when matters which concern the EIB appear on the agenda.

2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

⁽¹⁾ OJ L 345, 28.12.2007, p. 2.

*Article 7***Minutes**

Draft minutes of each Interim Committee meeting shall be drawn up by the Party hosting the meeting. They shall indicate the decisions and recommendations taken and the conclusions adopted. Within the two months following the meeting, the draft minutes shall be submitted to the Interim Committee for approval. When approved, the minutes shall be signed by the Chairman and the two Secretaries and one original copy shall be filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 5.

*Article 8***Deliberations**

The Interim Committee shall take its decisions and formulate its recommendations by mutual agreement between the Parties.

During the inter-session period, the Interim Committee may take decisions or make recommendations by written procedure if both Parties so agree.

The decisions and recommendations of the Interim Committee within the meaning of Article 45 of the Interim Agreement shall be entitled respectively 'Decision' and 'Recommendation' and followed by a serial number, by the date of their adoption and by a description of their subject.

The decisions and recommendations of the Interim Committee shall be signed by the Chairman and authenticated by the two Secretaries.

The decisions taken by the Interim Committee shall be published by the Parties in their respective official publications. Each Party may decide on the publication of any other act adopted by the Interim Committee.

*Article 9***Languages**

The official languages of the Interim Committee shall be the official languages of the two Parties.

Unless otherwise decided, the Interim Committee shall base its deliberations on documentation prepared in those languages.

*Article 10***Expenses**

The Community and Montenegro shall each defray the expenses they incur by reason of their participation in the meetings of the Interim Committee and of subcommittees, both in respect of staff, travelling and subsistence expenditure and of postal and telecommunications costs.

Expenditure in connection with interpretation, translation and reproduction of documents at meetings as well as any other expenditure relating to the material organisation of meetings shall be borne by the Party hosting the meetings.

*Article 11***Subcommittees**

The terms of reference and the structure of the sub-committees set up to assist the Interim Committee in carrying out its duties are set out in the Annex.

The subcommittees shall be composed of representatives of both Parties. They shall be chaired alternately by the two Parties, in accordance with Article 1.

The subcommittees shall work under the authority of the Interim Committee, to which they shall report after each of their meetings. They shall not take decisions but may make recommendations to the Interim Committee.

The Interim Committee may decide to abolish any existing subcommittee, modify its terms of reference or establish new subcommittees to assist it in carrying out its duties.

Done at Brussels, 22 January 2008.

For the Interim Committee

The Chairman

P. MIREL

ANNEX

TERMS OF REFERENCE AND STRUCTURE OF THE EC-MONTENEGRO SUBCOMMITTEES

1. Composition and chairmanship

In accordance with the second paragraph of Article 11, of the Rules of Procedure, the subcommittees shall be composed of representatives of the European Commission and representatives of the Government of Montenegro. They shall be chaired alternately by the two Parties, in accordance with Article 1 of the Rules of Procedure. The Member States shall be informed about the subcommittees meetings.

2. Secretariat

An official of the European Commission and an official of the Government of Montenegro shall act jointly as secretaries of each of the subcommittees.

All communications concerning the subcommittees shall be forwarded to the secretaries of the relevant subcommittees.

3. Meetings

The subcommittees shall meet regularly once a year, and whenever circumstances require, with the agreement of both Parties. Each meeting of a subcommittee shall be held at a time and place agreed by both Parties.

If both Parties agree, the subcommittees may invite experts to their meetings to provide the specific information requested.

4. Subject matters

The subcommittees shall discuss issues in accordance with the multidisciplinary subcommittee structure described in point 7. Implementation of the Interim Agreement and the European Partnership, preparation for implementation of the Stabilisation and Association Agreement, and progress regarding the approximation, implementation and enforcement of legislation shall be assessed in all relevant fields. The subcommittees shall examine any problems that may arise in their relevant sectors and suggest possible steps to be taken.

The subcommittees shall also serve as fora for the further clarification of the *acquis communautaire*, and shall review progress made by Montenegro in conforming to the *acquis* in line with commitments made in the Interim Agreement.

5. Minutes

Draft minutes of each subcommittee meeting shall be established within the two months following the meeting. Once agreed by both Parties, a copy of the minutes shall be forwarded by the secretaries of the subcommittee to the secretaries of the Interim Committee.

6. Publicity

Unless otherwise decided, the meetings of the subcommittees shall not be public.

7. Subcommittees structure

- (1) Subcommittee on Trade, Industry, Customs, Taxation and Cooperation with other candidate countries (Articles 3, 4 to 8, 19 to 33, 42 and 53 of the Interim Agreement),
 - (2) Subcommittee on Agriculture and Fisheries (Articles 9, 11(2)(3), 10, 13, 12(2), 14, 15 and 18 of the Interim Agreement),
 - (3) Subcommittee on Internal Market and Competition (Articles 36, 37, 38 with Protocol 4, 39, 40 and 41 of the Interim Agreement),
 - (4) Subcommittee on Economic and Financial Issues and Statistics (Articles 35 and 38(7)(b) of the Interim Agreement),
 - (5) Subcommittee on Transport (Article 34 of the Interim Agreement).
-

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2008/129/CFSP

of 18 February 2008

extending the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia (FYROM)

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,

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

Whereas:

- (1) On 15 February 2007, the Council adopted Joint Action 2007/109/CFSP⁽¹⁾ amending and extending, until 29 February 2008, the mandate of the European Union Special Representative (EUSR) in the former Yugoslav Republic of Macedonia (FYROM).
- (2) On the basis of a review of Joint Action 2007/109/CFSP, the mandate of the EUSR should be extended for another 12-month period,

- (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 28 February 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.

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

⁽¹⁾ OJ L 46, 16.2.2007, p. 68.

*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 2008 to 28 February 2009 shall be EUR 645 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2008. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities with the exception that any pre-financing shall not remain the property of the Community.

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;
- (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. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).

*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 Commission's delegations with regular briefings.

In the field, close liaison shall be maintained with the Presidency, Commission and Member States' Heads of Mission who 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 2008 and a comprehensive mandate implementation report by mid-November 2008. 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, 18 February 2008.

For the Council

The President

D. RUPEL

COUNCIL JOINT ACTION 2008/130/CFSP**of 18 February 2008****extending the mandate of the European Union Special Representative in Bosnia and Herzegovina**

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 7 February 2007, the Council adopted Joint Action 2007/87/CFSP ⁽¹⁾ amending and extending the mandate of the European Union Special Representative (EUSR) in Bosnia and Herzegovina.
- (2) On 18 June 2007, the Council adopted Decision 2007/427/CFSP ⁽²⁾ appointing Mr Miroslav Lajčák as the EUSR in Bosnia and Herzegovina.
- (3) On the basis of a review of Joint Action 2007/87/CFSP, the mandate of the EUSR should be extended for a 12-month period.
- (4) 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.
- (5) 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 Miroslav Lajčák as the European Union Special Representative (EUSR) in Bosnia and Herzegovina (BiH) is hereby extended until 28 February 2009.

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the EU in BiH. These centre around continued

progress in the implementation of the General Framework Agreement for Peace (GFAP) in BiH, in accordance with the Office of the High Representative's Mission Implementation Plan, and in the Stabilisation and Association Process, with the aim of a stable, viable, peaceful and multiethnic BiH, co-operating peacefully with its neighbours and irreversibly on track towards EU membership.

*Article 3***Mandate**

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

- (a) offer the EU's advice and facilitation in the political process;
- (b) promote overall EU political coordination and contribute to reinforcement of internal EU coordination and coherence in BiH, including through briefings to EU Heads of Mission and through participation in, or representation at, their regular meetings, through chairing a coordination group composed of all EU actors present in the field with a view to coordinating the implementation aspects of the EU's action, and through providing them with guidance on relations with the BiH authorities;
- (c) promote overall EU coordination of, and give local political direction to, EU efforts in tackling organised crime, without prejudice to the European Union Police Mission (EUPM)'s leading role in the coordination of policing aspects of these efforts and to the ALTHEA (EUFOR) military chain of command;
- (d) without prejudice to the military chain of command, offer the EU Force Commander political guidance on military issues with a local political dimension, in particular concerning sensitive operations, relations with local authorities and relations with the local media;
- (e) consult with the EU Force Commander before taking political action that may have an impact on the security situation;

⁽¹⁾ OJ L 35, 8.2.2007, p. 35. Joint Action as amended by Joint Action 2007/748/CFSP of 19 November 2007 (OJ L 303, 21.11.2007, p. 38).

⁽²⁾ OJ L 159, 20.6.2007, p. 63.

- (f) ensure consistency and coherence of EU action towards the public. The EUSR spokesperson shall be the main EU point of contact for BiH media on Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP) issues;
- (g) maintain an overview of the whole range of activities in the field of the rule of law and in this context provide the Secretary-General/High Representative (SG/HR) and the Commission with advice as necessary;
- (h) provide the Head of Mission of the EUPM with local political guidance. The EUSR and the Civilian Operation Commander shall consult each other as required;
- (i) as part of the international community's and the BiH authorities' broader approach to the rule of law, and drawing upon the EUPM's provision of technical policing expertise and assistance in this respect, support the preparation and implementation of police restructuring;
- (j) provide support for a reinforced and more effective BiH criminal justice/police interface, in close liaison with the EUPM;
- (k) consult with the Head of the EUPM before taking political action that may have an impact on the police and security situation;
- (l) as far as activities under Title VI of the Treaty, including Europol, and related Community activities are concerned, provide the SG/HR and the Commission with advice as necessary, and take part in the required local coordination;
- (m) with a view to coherence and possible synergies, continue to be consulted on priorities for Instrument of Pre-accession Assistance;
- (n) support planning for a reinforced EUSR office in the context of the closure of the Office of the High Representative (OHR), including advice on public information aspects of the transition, in close coordination with the Commission;
- (o) contribute to the development and consolidation of respect for human rights and fundamental freedoms in BiH, in accordance with EU human rights policy and EU Guidelines on Human Rights;
- (p) engage with relevant BiH authorities on their full co-operation with the International Criminal Tribunal for the Former Yugoslavia (ICTY);
- (q) provide political advice and facilitation in the process of constitutional reform;
- (r) without prejudice to the applicable chains of command, help to ensure that all EU instruments in theatre act coherently to attain the EU's policy objectives.

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

High Representative

The role of the EUSR shall not in any way prejudice the mandate of the High Representative in BiH, including his coordinating role with regard to all activities of all civilian organisations and agencies as set out in GFAP and subsequent Peace Implementation Council (PIC) conclusions and declarations.

Article 6

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March 2008 to 28 February 2009 shall be EUR 2 900 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2008. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities with the exception that any pre-financing shall not remain the property of the Community.

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 7***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 8***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 9***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 10***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.

⁽¹⁾ 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).

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

*Article 11***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 12***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 13***Coordination**

1. 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 Commission's delegations with regular briefings. In the field, close liaison shall be maintained with the Presidency, Commission and Member States' Heads of Mission who 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.

2. In support of EU crisis management operations, the EUSR, with other EU actors present in the field, shall improve the dissemination and sharing of information by EU actors in theatre with a view to achieving a high degree of common situation awareness and assessment.

*Article 14***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 2008 and a compre-

hensive mandate implementation report by mid-November 2008. 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 15***Entry into force**

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

*Article 16***Publication**

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

Done at Brussels, 18 February 2008.

For the Council

The President

D. RUPEL

COUNCIL JOINT ACTION 2008/131/CFSP**of 18 February 2008****extending the mandate of the European Union Special Representative for Afghanistan**

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 in Afghanistan. In particular the EUSR shall:

Whereas:

(1) On 15 February 2007, the Council adopted Joint Action 2007/106/CFSP extending the mandate of Mr Francesc Vendrell as the Special Representative of the European Union for Afghanistan ⁽¹⁾ until 29 February 2008.

1. 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;

(2) On the basis of a review of Joint Action 2007/106/CFSP, the mandate of the European Union Special Representative (EUSR) should, in principle, be extended for a 12-month period.

2. encourage positive contributions from regional actors in Afghanistan and from neighbouring countries to the peace process in Afghanistan and thereby contribute to the consolidation of the Afghan state;

(3) Mr Francesc Vendrell has informed the Secretary-General/High Representative (SG/HR) that he is not available to serve as EUSR beyond 31 May 2008. His mandate as the EUSR for Afghanistan should therefore be extended until 31 May 2008. The Council intends to appoint a new EUSR for the remaining period of the mandate until 28 February 2009.

3. support the pivotal role played by the UN, notably the Special Representative of the Secretary-General; and

(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,

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

*Article 3***Mandate**

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

HAS ADOPTED THIS JOINT ACTION:

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

The mandate of Mr Francesc Vendrell as the European Union Special Representative (EUSR) for Afghanistan is hereby extended until 31 May 2008.

(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;

(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;

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

⁽¹⁾ OJ L 46, 16.2.2007, p. 55. Joint Action as amended by Joint Action 2007/732/CFSP of 13 November 2007 (OJ L 295, 14.11.2007, p. 30).

(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;

(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 rule of law institutions,

— 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 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 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 2008 to 31 May 2008 shall be EUR 975 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2008. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities with the exception that any pre-financing shall not remain the property of the Community.

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 the EUSR for Central Asia. The EUSR shall provide Member States' missions and Commission's delegations with regular briefings.

⁽¹⁾ 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).

2. In the field, close liaison shall be maintained with Presidency, Commission and Member States' Heads of Mission who 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 comprehensive mandate implementation report before the end of April 2008.

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, 18 February 2008.

For the Council

The President

D. RUPEL

COUNCIL JOINT ACTION 2008/132/CFSP**of 18 February 2008****amending and extending the mandate of the European Union Special Representative for the South Caucasus**

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 2007/111/CFSP⁽¹⁾ amending and extending the mandate of the European Union Special Representative (EUSR) for the South Caucasus.

(2) On the basis of a review of Joint Action 2007/111/CFSP, the mandate of the EUSR should be amended and extended for a 12-month period.

(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 as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

*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 2009.

*Article 2***Policy objectives**

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

- (a) to assist Armenia, Azerbaijan and Georgia in carrying out political and economic reforms, notably in the fields of rule of law, democratisation, human rights, good governance, development and poverty reduction;
- (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;

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

(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;

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

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

*Article 3***Mandate**

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

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

⁽¹⁾ OJ L 46, 16.2.2007, p. 75.

- (e) intensify the European Union's dialogue with the main interested actors concerning the region;
- (f) assist the Council in further developing a comprehensive policy towards the South Caucasus;

- (g) through a support team:

- to provide the European Union with reporting and a continued assessment of the border situation,
- to facilitate confidence-building between Georgia and the Russian Federation, thereby ensuring efficient co-operation and liaison with all relevant actors,
- to 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),
- to assist the Georgian Border Police and other relevant government institutions in Tbilisi in the implementation of the comprehensive integrated border management strategy,
- to 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);

- (h) 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 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 2008 to 28 February 2009 shall be EUR 2 800 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2008. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities with the exception that any pre-financing shall not remain the property of the Community.
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 other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and Commission's delegations with regular briefings.

In the field, close liaison shall be maintained with the Presidency, Commission and Member States' Heads of Mission who 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 2008 and a comprehensive mandate implementation report by mid-November 2008. 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⁾ 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 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, 18 February 2008.

For the Council

The President

D. RUPEL

COUNCIL JOINT ACTION 2008/133/CFSP**of 18 February 2008****amending and 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 15 February 2007, the Council adopted Joint Action 2007/110/CFSP extending and amending the mandate of the European Union Special Representative (EUSR) for the Middle East peace process ⁽¹⁾ until 29 February 2008.

(2) On 6 December 2007, the Council adopted Joint Action 2007/806/CFSP amending Joint Action 2005/797/CFSP on the European Union Police Mission in the Palestinian Territories (EUPOL COPPS) ⁽²⁾, and Joint Action 2007/807/CFSP amending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) ⁽³⁾, to reflect the new command and control structure for EU civilian crisis management operations as approved by the Council on 18 June 2007.

(3) On the basis of a review of Joint Action 2007/110/CFSP, the mandate of the EUSR should be amended and extended for a 12-month period. The mandate of the EUSR should also be adjusted to the role he has been assigned in relation to EUPOL COPPS and EU BAM Rafah in line with the new command and control structure for EU civilian crisis management operations.

(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) 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;

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

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

(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;

(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;

(f) reopening of the Gaza crossing points including the Rafah crossing and providing a third party presence if agreed by both parties, in cooperation with the Community's institution building efforts.

HAS ADOPTED THIS JOINT ACTION:

*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 2009.

⁽¹⁾ OJ L 46, 16.2.2007, p. 71.

⁽²⁾ OJ L 323, 8.12.2007, p. 50.

⁽³⁾ OJ L 323, 8.12.2007, p. 53.

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 fora 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 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 2008 to 28 February 2009 shall be EUR 1 300 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2008. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities with the exception that any pre-financing shall not remain the property of the Community.

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. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).

- (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 Commission's delegations with regular briefings.

2. In the field, close liaison shall be maintained with Presidency, Commission and Member States' Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Heads of the missions EUPOL COPPS and 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 2008 and a comprehensive mandate implementation report by mid-November 2008. 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, 18 February 2008.

For the Council

The President

D. RUPEL

COUNCIL DECISION 2008/134/CFSP**of 18 February 2008****implementing Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Joint Action 2005/797/CFSP of 14 November 2005 on the European Union Police Mission for the Palestinian Territories ⁽¹⁾, and in particular Article 14(2) thereof, in conjunction with the second indent of Article 23(2) of the Treaty on European Union,

Whereas:

- (1) On 14 November 2005 the Council adopted Joint Action 2005/797/CFSP establishing a European Union Police Mission for the Palestinian Territories (EUPOL COPPS) for a period of three years. The operational phase of the EUPOL COPPS started on 1 January 2006.
- (2) On 20 November 2006 the Council adopted Decision 2006/807/CFSP ⁽²⁾ establishing the final budget for EUPOL COPPS for the year 2007.
- (3) On 6 December 2007 the Council adopted Decision 2007/808/CFSP, providing that the budget would also cover expenditure related to the Mission from 1 January 2007 to 29 February 2008.
- (4) In accordance with Article 1(2) of Decision 2007/808/CFSP, the final budget of EUPOL COPPS for

the period from 1 March 2008 to 31 December 2008 is to be decided by the Council before 29 February 2008,

HAS DECIDED AS FOLLOWS:

Article 1

The financial reference amount intended to cover the expenditure related to the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) from 1 March 2008 to 31 December 2008 shall be EUR 5 000 000.

Article 2

This Decision shall take effect on the date of its adoption.

Article 3

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

Done at Brussels, 18 February 2008.

For the Council

The President

D. RUPEL

⁽¹⁾ OJ L 300, 17.11.2005, p. 65.

⁽²⁾ OJ L 329, 25.11.2006, p. 76. Decision as amended by Decision 2007/808/CFSP (OJ L 323, 8.12.2007, p. 56).

COUNCIL COMMON POSITION 2008/135/CFSP
of 18 February 2008
renewing restrictive measures against Zimbabwe

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 2004/161/CFSP shall be extended until 20 February 2009.

Article 2

Whereas:

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

Article 3

(1) On 19 February 2004, the Council adopted Common Position 2004/161/CFSP renewing restrictive measures against Zimbabwe ⁽¹⁾.

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

(2) Council Common Position 2007/120/CFSP ⁽²⁾, adopted on 19 February 2007, extended Common Position 2004/161/CFSP until 20 February 2008.

Done at Brussels, 18 February 2008.

(3) In view of the situation in Zimbabwe, Common Position 2004/161/CFSP should be extended for a further period of 12 months,

For the Council
The President
D. RUPEL

⁽¹⁾ OJ L 50, 20.2.2004, p. 66. Common Position as last amended by Council Decision 2007/455/CFSP (OJ L 172, 30.6.2007, p. 89).

⁽²⁾ OJ L 51, 20.2.2007, p. 25.

CORRIGENDA

Corrigendum to Decision of the Representatives of the Governments of the Member States meeting within the Council of 26 November 2007 amending Decision No 2005/446/EC setting the deadline for the commitment of the funds of the Ninth European Development Fund (EDF)

(Official Journal of the European Union L 320 of 6 December 2007)

On page 32, in the Sole Article, last sentence of paragraph 1 of the quoted matter:

delete: 'This date could be reviewed if need be.'
