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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (CFSP) 2020/965

of 27 March 2020

on the signing and conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Central African Republic on the status of the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 thereof, in conjunction with Article 218(5) and (6) of the Treaty on the Functioning of the European Union,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 9 December 2019 the Council adopted Decision (CFSP) 2019/2110 ⁽¹⁾, establishing a European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA).
- (2) Decision (CFSP) 2019/2110 provides that the status of EUAM RCA and its staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUAM RCA, is to be the subject of an agreement concluded pursuant to Article 37 of the Treaty on European Union (TEU) and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.
- (3) On 6 February 2020 the Council authorised the opening of negotiations with the Central African Republic for the conclusion of an agreement on the status of EUAM RCA in the form of an Exchange of Letters.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy has, in accordance with Article 37 of the TEU, negotiated the Agreement in the form of an Exchange of Letters between the European Union and the Central African Republic on the status of the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA) ('the Agreement').
- (5) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Union and the Central African Republic on the status of the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA) ⁽²⁾ is hereby approved on behalf of the Union.

⁽¹⁾ Council Decision (CFSP) 2019/2110 of 9 December 2019 on the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA) (OJ L 318, 10.12.2019, p. 141).

⁽²⁾ See page 3 of this Official journal.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Union.

Article 3

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

Done at Brussels, 27 March 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

TRANSLATION**AGREEMENT****in the form of an Exchange of Letters between the European Union and the Central African Republic on the status of the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA)****A. Letter from the European Union**

Brussels, 27 May 2020

H.E. Professor Faustin-Archange Touadéra

President of the Central African Republic

Sir,

In your letter of 18 December 2019, you were so kind as to agree to the deployment of the European Union Advisory Mission in the Central African Republic (EUAM RCA) established by the Council of the European Union by means of Decision (CFSP) 2019/2110 of 9 December 2019. It is now necessary to determine the status of EUAM RCA and its personnel by way of an international agreement between your country and the European Union.

In the same letter, you were also so kind as unilaterally to grant to EUAM RCA the privileges and immunities which had been granted, in connection with the EUFOR Tchad/RCA operation, to the European Union force and its personnel under the international agreement concluded between the European Union and the Central African Republic on 16 April 2008.

In accordance with your wishes and as we agreed for EUFOR RCA, EUMAM RCA and EUTM RCA, I should like to propose that all the provisions of that agreement (Articles 1 to 19) be made applicable to EUAM RCA, on the basis that:

- each reference to EUFOR in the abovementioned articles shall be considered to refer to EUAM RCA;
- each reference to the EU Force Commander shall be considered to refer to the Head of Mission of EUAM RCA;
- the means of transport referred to in point (a) of Article 1(3), Article 3(2) and Article 4(3) shall be considered to include not only the means of transport belonging to the national contingents making up EUAM RCA, but also those owned, hired or chartered by EUAM RCA;
- the reference to United Nations Security Council Resolution 1778 (2007) of 25 September 2007 in point (b) of Article 1(3) shall be considered to be a reference both to our Exchange of Letters of 17 and 18 December 2019 and to Council Decision (CFSP) 2019/2110 of 9 December 2019 establishing EUAM RCA.

In addition, if you agree, the following provisions shall apply:

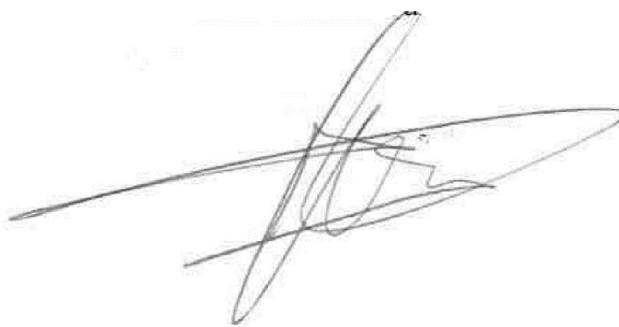
- The Central African Republic shall, within its means, ensure the security of EUAM RCA and EUAM RCA staff.
- To that end, the Central African Republic shall take the measures necessary for the protection and security of EUAM RCA and EUAM RCA staff. Any specific provisions proposed by the Host State shall be agreed with the Head of Mission before implementation. The Central African Republic shall permit and support, free of charge, activities relating to the medical evacuation of members of EUAM RCA staff. If required, supplementary arrangements on these matters shall be concluded.

- EUAM RCA staff shall have the right to carry light arms and munitions, subject to the authorisation of the Head of Mission.
- In this context, EUAM RCA shall be authorised to take necessary measures within the territory of the Central African Republic, including the use of necessary and proportionate force, to protect EUAM RCA staff and EUAM RCA premises, vehicles and assets against acts which might endanger the life of EUAM RCA staff or cause them bodily harm and, where necessary, to simultaneously protect other persons facing the same threat in close proximity to the Mission against acts which might endanger the life of such persons or cause them grievous bodily harm.
- A list of members of EUAM RCA staff authorised by the Head of Mission to carry and transport arms and munitions shall be communicated to the competent authorities of the Central African Republic. This communication shall be purely declaratory. The competent authorities of the Central African Republic shall provide such EUAM RCA staff with a licence to carry and transport arms.

I should be grateful if you would let me know whether you accept these suggestions. If you do accept, this letter, together with your reply, will constitute a legally binding international agreement between the Central African Republic and the European Union on the status of EUAM RCA, which will enter into force on the date on which your letter of reply is received.

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

For the European Union



B. Letter from the Central African Republic

Bangui, 25 June 2020

Mr Josep BORRELL FONTELLES
High Representative of the European Union
for Foreign Affairs and Security Policy

Sir,

Thank you for your letter dated 27 May 2020 regarding EUAM RCA, which reads as follows:

"In your letter of 18 December 2019, you were so kind as to agree to the deployment of the European Union Advisory Mission in the Central African Republic (EUAM RCA) established by the Council of the European Union by means of Decision (CFSP) 2019/2110 of 9 December 2019. It is now necessary to determine the status of EUAM RCA and its personnel by way of an international agreement between your country and the European Union.

In the same letter, you were also so kind as unilaterally to grant to EUAM RCA the privileges and immunities which had been granted, in connection with the EUFOR Tchad/RCA operation, to the European Union force and its personnel under the international agreement concluded between the European Union and the Central African Republic on 16 April 2008.

In accordance with your wishes and as we agreed for EUFOR RCA, EUMAM RCA and EUTM RCA, I should like to propose that all the provisions of that agreement (Articles 1 to 19) be made applicable to EUAM RCA, on the basis that:

- each reference to EUFOR in the abovementioned articles shall be considered to refer to EUAM RCA;
- each reference to the EU Force Commander shall be considered to refer to the Head of Mission of EUAM RCA;
- the means of transport referred to in point (a) of Article 1(3), Article 3(2) and Article 4(3) shall be considered to include not only the means of transport belonging to the national contingents making up EUAM RCA, but also those owned, hired or chartered by EUAM RCA;
- the reference to United Nations Security Council Resolution 1778 (2007) of 25 September 2007 in point (b) of Article 1(3) shall be considered to be a reference both to our Exchange of Letters of 17 and 18 December 2019 and to Council Decision (CFSP) 2019/2110 of 9 December 2019 establishing EUAM RCA.

In addition, if you agree, the following provisions shall apply:

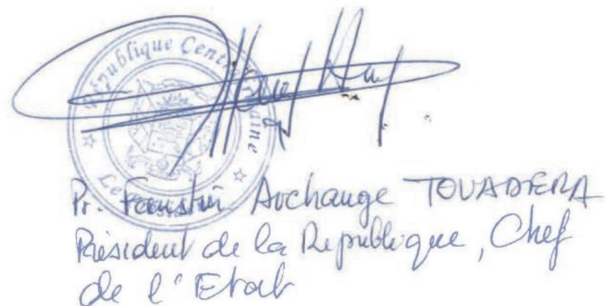
- The Central African Republic shall, within its means, ensure the security of EUAM RCA and EUAM RCA staff.
- To that end, the Central African Republic shall take the measures necessary for the protection and security of EUAM RCA and EUAM RCA staff. Any specific provisions proposed by the Host State shall be agreed with the Head of Mission before implementation. The Central African Republic shall permit and support, free of charge, activities relating to the medical evacuation of members of EUAM RCA staff. If required, supplementary arrangements on these matters shall be concluded.
- EUAM RCA staff shall have the right to carry light arms and munitions, subject to the authorisation of the Head of Mission.
- In this context, EUAM RCA shall be authorised to take necessary measures within the territory of the Central African Republic, including the use of necessary and proportionate force, to protect EUAM RCA staff and EUAM RCA premises, vehicles and assets against acts which might endanger the life of EUAM RCA staff or cause them bodily harm and, where necessary, to simultaneously protect other persons facing the same threat in close proximity to the Mission against acts which might endanger the life of such persons or cause them grievous bodily harm.
- A list of members of EUAM RCA staff authorised by the Head of Mission to carry and transport arms and munitions shall be communicated to the competent authorities of the Central African Republic. This communication shall be purely declaratory. The competent authorities of the Central African Republic shall provide such EUAM RCA staff with a licence to carry and transport arms.

I should be grateful if you would let me know whether you accept these suggestions. If you do accept, this letter, together with your reply, will constitute a legally binding international agreement between the Central African Republic and the European Union on the status of EUAM RCA, which will enter into force on the date on which your letter of reply is received.”

I am pleased to inform you that I accept the terms suggested in your letter.

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

For the Central African Republic



Pr. Faustin Archange TOUADERA
Président de la République, Chef
de l'Etat

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