



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From : External Relations Counsellors
To : Coreper/Council

Subject : Draft COUNCIL JOINT ACTION 2005/.../CFSP of ... on the European Union on
the Integrated Rule of Law Mission for Iraq, EUJUST LEX

COUNCIL JOINT ACTION 2005/.../CFSP

of

on the

European Union Integrated

Rule of Law

Mission for Iraq, EUJUST LEX

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

Having regard to the Treaty on European Union and in particular Articles 14, article 25, third paragraph, article 26 and article 28 (3) thereof,

- (1) The European Union is committed to a secure, stable, unified, prosperous and democratic Iraq that will make a positive contribution to the stability of the region. The EU supports the people of Iraq and the Iraqi Interim Government in their efforts towards the economic, social and political reconstruction of Iraq in the framework of the implementation of United Nations Security Council Resolution 1546 of 8 June 2004.
- (2) The European Council on 5 November 2004 welcomed the joint Fact Finding Mission for a possible integrated police, rule of law and civilian administration mission for Iraq and considered its report. The European Council recognised the importance of strengthening the criminal justice system, consistent with the respect for the rule of law, human rights and fundamental freedoms. It noted the wish of the Iraqi authorities for the EU to become more actively involved in Iraq and that strengthening the criminal justice sector would respond to Iraqi needs and priorities.

- (3) The European Council agreed that the EU could usefully contribute to the reconstruction and the emergence of a stable, secure and democratic Iraq through an integrated mission, which could inter alia promote closer collaboration between the different actors across the criminal justice system and strengthen the management capacity of senior and high-potential officials from the police, judiciary and penitentiary and improve skills and procedures in criminal investigation in full respect for the rule of law and human rights.
- (4) As agreed by the European Council, the Council decided on 26 November¹ to send an expert team to continue the dialogue with the Iraqi authorities, to start initial planning for a possible integrated police, rule of law and civilian administration mission to be launched after the elections, and in particular assess the urgent security needs for such a mission.
- (5) The GAERC on 21 February 2005 took the decision to launch an integrated rule of law mission for Iraq, which would become operational as soon as possible, subject to an official invitation from the Iraqi authorities.
- (6) The success of the mission will depend on an effective strategic and technical partnership with the Iraqis throughout the operation, in the framework of ESDP and in complementarity with the United Nations.
- (7) The EU will use its dialogue with Iraq and its neighbours to encourage continuous regional engagement and support for improved security and for the political and reconstruction process in Iraq based on inclusiveness, democratic principles, respect for human rights and the rule of law, as well as support for security and cooperation in the region.
- (8) The mission will implement its mandate in the context of a situation posing a threat to law and order, the security and safety of individuals, and to the stability of Iraq and which could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty on European Union.

¹ Joint Action 2004/909/CFSP

- (9) In conformity with the guidelines of the European Council meeting in Nice on 7 – 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative, hereafter referred to as "SG/HR", in accordance with Articles 18 and 26 of the Treaty on European Union,
- (11) Article 14(1) of the TEU calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action; the indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year. The Mission will also receive contributions in kind from Member States.

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union hereby establishes an Integrated Rule of Law Mission for Iraq, EUJUST LEX comprising a planning phase beginning no later than 9 March 2005 and an operational phase beginning no later than 1 July 2005.
2. EUJUST LEX shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 2.

Article 2

Mission Statement

1. The EU Integrated Rule of Law Mission, EUJUST LEX, shall address the urgent needs in the Iraqi criminal justice system through providing training for high and mid level officials in senior management and criminal investigation. This training shall aim to improve the capacity, coordination and collaboration of the different components of the Iraqi criminal justice system.

2. EUJUST LEX shall promote closer collaboration between the different actors across the Iraqi criminal justice system and strengthen the management capacity of senior and high-potential officials primarily from the police, judiciary and penitentiary and improve skills and procedures in criminal investigation in full respect for the rule of law and human rights.
3. The training activities will take place in the EU or in the region and the mission shall have a liaison office in Baghdad. Depending on developments in the security conditions in Iraq and on the availability of appropriate infrastructure, the Council will be called upon to examine the possibility of training within Iraq and, if necessary, will amend the joint action accordingly.
4. An effective strategic and technical partnership with the Iraqi counterparts shall be developed throughout the Mission, particularly in relation to the design of the curricula during the planning phase. Co-ordination will also be needed for the selection, vetting, evaluation, follow-up and co-ordination of personnel attending the training with the aim of rapid appropriation by the Iraqis. There will also be a need for close co-ordination during the planning and operational phases between the Mission and the Member States providing training. This should include the involvement of the relevant Member States diplomatic missions in Iraq and liaison with those Member States with current experience in providing training relevant for the Mission.
5. The Mission will be secure, independent and distinct but will be complementary and bring added value to ongoing international efforts, in particular of the United Nations, as well as develop synergies with ongoing Community and Member States efforts. In this context, the Mission should liaise with Member States who presently conduct training projects.

Article 3

Structure

The EU Integrated Rule of Law Mission, EUJUST LEX shall, in principle, be structured as follows.

- a) the Head of Mission;
- b) a Co-ordinating Office based in Brussels;
- c) a Liaison Office in Baghdad;
- d) Training Facilities and trainers provided by the Member States and co-ordinated by the Mission.

These elements shall be developed in the Concept of Operations (CONOPS) and the Operation Plan (OPLAN).

Article 4

Head of Mission

1. The Head of Mission shall assume the day-to-day management and co-ordination of Mission activities and shall be responsible for staff and disciplinary matters.
2. The Head of Mission shall sign a contract with the Commission.

Article 5

Planning Phase

1. During the preparatory phase of the Mission, a planning team shall be established and shall comprise the Head of Mission, who shall lead the planning team, and the necessary staff to deal with functions ensuing from established needs of the Mission.
2. A comprehensive risk assessment will be carried out as a priority in the planning process and will be updated as necessary.
3. The planning team shall draw up an OPLAN and develop all technical instruments necessary to execute the Mission including the common curricula taking account current training projects of Member States. The CONOPS and the OPLAN will take into account the comprehensive risk assessment. The OPLAN will contain the common EU curricula for the courses, which will be designed by the planning team in consultation with the Iraqis and Member States, including those providing training relevant for the Mission. The Council shall approve the CONOPS and the OPLAN.
4. The planning team shall work in close coordination with relevant international actors, in particular the United Nations.

Article 6

Staff

1. The numbers and competence of EUJUST LEX staff shall be consistent with the Mission statement set out in Article 2 and the structure set out in Article 3.
2. Mission staff shall be seconded by EU Member States or institutions. Each Member State shall bear the costs related to the Mission staff seconded by it, including salaries, medical coverage, allowances other than per diems and travel expenses as defined in the financial statement.
3. International staff and local staff shall be recruited on a contractual basis by the Mission as required.
4. All staff shall remain under the authority of the appropriate EU Member State or institution and shall carry out their duties and act in the interest of the Mission. Both during and after the Mission, they shall exercise the greatest discretion with regard to all facts and information relating to the Mission. The staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's Security Regulation.

Article 7

Status of staff

1. Where required, the status of EUJUST LEX staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of the Mission shall be agreed in accordance with the procedure laid down in Article 24 of the TEU. The SG/HR, assisting the Presidency, may negotiate such an agreement on its behalf.
2. The EU Member State or institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The EU Member State or institution in question shall be responsible for bringing any action against the secondee.

Article 8

Chain of Command

1. The structure of EUJUST LEX shall have a unified chain of command as a crisis management operation,
2. The PSC shall provide the political control and strategic direction,
3. The Head of Mission shall lead the Mission and assume its co-ordination and day-to-day management,
4. The Head of Mission shall report to the SG/HR,
5. The SG/HR shall give guidance to the Head of Mission.

Article 9

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the TEU. This authorisation shall include the powers to appoint, upon a proposal by the SG/HR, a Head of Mission, and to amend the CONOPS and the OPLAN and the Chain of Command. The powers of decision with respect to the objectives and termination of the operation shall remain vested in the Council, assisted by the SG/HR.
2. The PSC shall report to the Council at regular intervals.
3. The PSC shall receive reports by the Head of Mission regarding contributions to and the conduct of the mission, at regular intervals. The PSC may invite the Head of Mission to its meetings as appropriate.

Article 10

Security

1. The Head of Mission is responsible for the security of EUJUST LEX and shall, in consultation with the Council Security Office, be responsible for ensuring compliance with minimum security requirements applicable to the Mission.
2. For the elements of the Mission which will be carried out in Member States, the Host State will take all necessary and appropriate measures to ensure the security of the participants and the trainers on its territory.
3. For the Co-ordinating Office in Brussels, the necessary and appropriate measure will be organised by the Security Office of the Council in collaboration with the host country authorities.
4. Should the training take place in a Third State, the EU, with the involvement of the Member States concerned, will ask Third States authorities to take appropriate arrangements regarding the security of the participants and the trainers on its territory.
5. The Mission will have a dedicated Mission Security Officer reporting to the Head of Mission.
6. The Head of Mission shall consult with the PSC on security issues affecting the deployment of the Mission as directed by the SG/HR.
7. Mission members will undergo mandatory security training organised by the Council Security Office and medical checks prior to any deployment or travel to Iraq.
8. Member States shall endeavour to provide the Mission, in particular the Liaison Office, secure accommodation, body armour and close protection within Iraq.

Article 11

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the mission shall be EUR 10.000.000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community. Should a part of the training be conducted in states outside the European Union, nationals of Third States shall be allowed to tender for contracts. In this case, goods and services procured for the Mission may also have their origin in Third States.
3. Given the particular security situation in Iraq, services in Baghdad will be provided through the existing agreements entered into by the United Kingdom with the companies listed in the annex to this Joint Action. The budget of the Mission will cover these expenses up to a maximum of 2.34 Million Euro. The United Kingdom will, in consultation with the Head of Mission, report regularly with adequate information to the Council on these expenses.
4. The Head of Mission shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.
5. The financial arrangements shall respect the operational requirements of the Mission, including compatibility of equipment.
6. Expenditure shall be eligible as of the date of entry into force of this Joint Action.
7. The equipment and supplies for the Co-ordination Office in Brussels shall be purchased and rented on behalf of the EU.

Article 12

Community action

1. The Council notes the intention of the Commission to direct its action towards achieving the objectives of this Joint Action in all phases of the proposed operation, including in view of the elaboration by the Commission of potential follow-on actions to the ESDP operation under Community programs.
2. The Council also notes that co-ordination arrangements are required in Brussels as well as, as appropriate, in Baghdad.

Article 13

Release of classified information

The SG/HR is authorised to release to the host state and the UN, as appropriate, and in accordance with the operational needs of the Mission, EU classified information and documents up to the level "RESTREINT UE" generated for the purposes of the operation, in accordance with the Council's security regulations. Local arrangements will be drawn up for this purpose.

Article 14

Entry into force

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

It shall expire on 30 June 2006.

Article 15

Publication

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

Done at Brussels,

For the Council
The President

List of companies referred to in Article 11 paragraph 3

- Control Risks Group: mobile security

Cottons Centre

Cottons Lane

London SE1 2QG

(Limited company)

- Frontier Medical: basic medical services

Mitcheldean

Gloucestershire

GL17 ODD

(a division of Exploration Logistics Group plc)

- Crown Agents for Oversea Governments & Administrations Limited: life support including food, water, laundry and cleaning

St Nicholas House

St Nicholas Road

Sutton

Surrey SM1 1EL

- Armorgroup Services Limited: perimeter security

25 Buckingham Gate

London

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