COUNCIL JOINT ACTION 2007/110/CFSP

of 15 February 2007

extending and amending the mandate of the European Union Special Representative for the Middle East peace process

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 20 February 2006, the Council adopted Joint Action 2006/119/CFSP extending the mandate of the European Union Special Representative (EUSR) for the Middle East peace process [1] until 28 February 2007.

(2) On 7 June 2006, the Council approved the policy of the European Union on the security of personnel deployed outside the European Union in an operational capacity under Title V of the Treaty on European Union.

(3) On 14 November 2005 the Council adopted Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian territories [2], EUPOL COPPS, which designates a specific role for the EUSR.

(4) On 25 November 2005 the Council adopted Joint Action 2005/889/CFSP establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) [3], which also designates a specific role for the EUSR.

(5) On the basis of a review of Joint Action 2006/119/CFSP, the mandate of the EUSR should be amended and extended for a 12-month period.

(6) 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 as set out in Article 11 of the Treaty,

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 29 February 2008.

Article 2

Policy objectives

1. The mandate of the EUSR shall be based on the policy objectives of the European Union regarding the Middle East peace process.

2. These objectives include:

(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) convening of a peace conference in due course, which should address political and economic aspects as well as matters relating to security, confirm the parameters of a political solution and establish a realistic and well-defined timescale;

(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) continue to provide a third party presence at the Rafah Crossing Point in order to contribute, in cooperation with the Community's institution-building efforts, to the opening of the Rafah Crossing Point and to build up confidence between the Government of Israel and the Palestinian Authority.

[1] OJ L 49, 21.2.2006, p. 8.
[2] OJ L 300, 17.11.2005, p. 65.
[3] OJ L 327, 14.12.2005, p. 28.

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) facilitate cooperation on security issues within the European Union-Palestinian Permanent Security Committee set up on 9 April 1998 as well as in other ways;

(l) contribute to a better understanding of the role of the European Union among opinion leaders in the region;

(m) develop and implement a European Union programme relating to security issues. To this end, the EUSR may be assisted by an expert charged with the practical implementation of operational projects related to security issues;

(n) give guidance, as necessary, to the Head of Mission/Police Commissioner of the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS);

(o) give guidance, as necessary, to the Head of Mission of the European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah).

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. The EUSR shall be accountable to the Commission for all expenditure.

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 input 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 2007 to 29 February 2008 shall be EUR 1 700 000.

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.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The expenditure shall be eligible as from 1 March 2007.

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

Article 6

Constitution 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 EUSR shall inform the Presidency and the Commission of the final 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 remuneration of personnel who are seconded by a Member State or an institution of the European Union to the EUSR shall be covered by the Member State or the institution of the European Union concerned respectively.

3. All A-type posts which are not covered by secondment shall be advertised, as appropriate, by the General Secretariat of the Council and also notified to Member States and institutions of the European Union in order to recruit the best qualified applicants.

4. 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 defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

Security

1. 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 European Union classified information.

2. The EUSR shall, in accordance with the policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, 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:

(i) establishing a mission-specific security plan based on Council Secretariat guidance, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, the management of security incidents and a mission contingency and evacuation plan;

(ii) ensuring that all personnel deployed outside the European Union are covered by high risk insurance as required by the conditions in the mission area;

(iii) ensuring that all members of his team to be deployed outside the European Union, 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 Council Secretariat;

[1] OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/952/EC (OJ L 346, 29.12.2005, p. 18).

(iv) 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;

(v) ensuring, as necessary and within his responsibilities as part of the chain of command, that a coherent approach is taken with regard to the security of personnel across all EU elements present in a crisis management operation or operations in his geographical area of responsibility.

Article 8

Reporting

As a rule, the EUSR shall report in person to the SG/HR and to the PSC and may report also to the relevant working group. Regular written reports shall be circulated to the SG/HR, the Council and the Commission. On the recommendation of the SG/HR and the PSC, the EUSR may report to the General Affairs and External Relations Council.

Article 9

Coordination

To ensure the consistency of the external action of the European Union, the activities of the EUSR shall be coordinated with those of the SG/HR, the Presidency and the Commission. The EUSR shall provide Member States' missions and Commission delegations with regular briefings. In the field, close liaison shall be maintained with the Presidency, the Commission and 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 10

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 to the SG/HR, the Council and the Commission a progress report before the end of June 2007 and a comprehensive mandate implementation report by mid-November 2007. 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 11

Entry into force

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

Article 12

Publication

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

Done at Brussels, 15 February 2007.

For the Council
The President
W. SCHÄUBLE