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COUNCIL JOINT ACTION 2005/797/CFSP

of 14 November 2005

on the European Union Police Mission for the Palestinian Territories

(OJ L 300, 17.11.2005, p. 65)

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COUNCIL JOINT ACTION 2005/797/CFSP

of 14 November 2005

on the European Union Police Mission for the Palestinian Territories

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 and the third subparagraph of Article 25 thereof,

Whereas:

(1) The European Union, as part of the Quartet, is committed to assisting and facilitating the implementation of the Roadmap, which lays out reciprocal steps by the Israeli Government and the Palestinian Authority in the political, security, economic, humanitarian, and institution building fields, that will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbours.

(2) The European Council of 17 and 18 June 2004 reaffirmed the readiness of the EU to support the Palestinian Authority in taking responsibility for law and order, and in particular, in improving its civil police and law enforcement capacity.

(3) The European Union Coordinating Office for Palestinian Police Support was formally established by an Exchange of Letters on 20 April 2005 between the Palestinian Prime Minister Ahmed Qurei and the EU Special Representative to the Middle-East Peace Process Marc Otte.

(4) The General Affairs and External Relations Council of 18 July 2005 reiterated the EU commitment to contributing to the development of Palestinian security capacity through the Palestinian Civil Police, in coordination with the US Security Coordinator. It also agreed in principle that EU support to the Palestinian Civil Police should take the form of an European Security and Defence Policy mission building on the work of the EU Coordinating Office for Palestinian Police Support in cooperation with all the parties concerned.

(5) The follow-on to the EU Coordinating Office for Palestinian Police Support is an expression of the EU continued readiness to support the Palestinian Authority in complying with its Roadmap obligations, in particular with regard to ‘security’ and ‘institution-building’, including the process of consolidating the Palestinian security organisations into three services reporting to an empowered Palestinian Minister of Interior. Furthermore, the support of the EU to the Palestinian Civil Police aims at increasing the ‘safety and security’ of the Palestinian population and at serving the domestic agenda of the Palestinian Authority in reinforcing the rule of law.

(6) In a letter of invitation of 25 October 2005 the Palestinian Authority invited the EU to launch an European Union Police Mission for the Palestinian Territories (EUPOL COPPS).

(7) EUPOL COPPS will be complementary and will bring added value to current international efforts, as well as develop synergies with ongoing European Community and Member States efforts. EUPOL COPPS will seek coherence and coordination with the capacity-building actions of the Community, notably in the domain of criminal justice.

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(8) EU assistance will be conditional on the extent of the Palestinian Authority's commitment and support for police reorganisation and reform. An adequate mechanism for coordination and cooperation with the relevant Palestinian authorities will be established during the planning phase to ensure their involvement in the development and follow-up of EUPOL COPPS. An adequate mechanism for coordination and cooperation with the relevant Israeli authorities will be established to ensure their facilitation of the EUPOL COPPS activities.

(9) EUPOL COPPS will be set in the wider context of the international community's effort to support the Palestinian Authority in taking responsibility for law and order, and in particular, in improving its civil police and law enforcement capacity. Close coordination between EUPOL COPPS and other international actors involved in security assistance, including the US Security Coordinator, as well as those providing support to the Palestinian Ministry of Interior, will be ensured.

(10) EUPOL COPPS will implement its mandate in the context of a situation which poses a threat to law and order, the security and safety of individuals, and to the stability of the area and which could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty.

(11) In conformity with the guidelines of the European Council meeting in Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative, in accordance with Articles 18 and 26 of the Treaty.

(12) Article 14(1) of the Treaty 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,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union hereby establishes the European Union Police Mission for the Palestinian Territories, hereinafter referred to as the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS), with an operational phase beginning no later than on 1 January 2006.

2. EUPOL COPPS shall operate in accordance with the mission statement as set out in Article 2.

Article 2

Mission statement

1. The aim of EUPOL COPPS is to contribute to the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in cooperation with the Community's institution building programmes as well as other international efforts in the wider context of Security Sector including Criminal Justice Reform.

To this end EUPOL COPPS shall:

(a) assist the Palestinian Civil Police (PCP) in implementation of the Police Development Programme by advising and closely mentoring

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PCP, and specifically senior officials at District, Headquarters and Ministerial level;

(b) coordinate and facilitate EU and Member State assistance, and where requested, international assistance to PCP;

(c) advise on police-related Criminal Justice elements.

Article 3

Duration

The mission will have a duration of three years.

Article 4

Review

A six-monthly review process, in accordance with the assessment criteria set out in the Concept of Operations (CONOPS) and the Operation Plan (OPLAN) and taking into account developments on the ground, will enable adjustments to be made to the EUPOL COPPS size and scope as necessary.

Article 5

Structure

In achieving its mission, EUPOL COPPS shall consist of the following elements:

1. Head of Mission/Police Commissioner,

2. Advisory Section,

3. Programme Coordination Section,

4. Administration Section.

These elements shall be developed in CONOPS and OPLAN. The Council shall approve the CONOPS and the OPLAN.

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Article 5a

Civilian Operation Commander

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

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

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at the strategic level as required to the Head of Mission.

4. All seconded staff shall remain under the full command of the national authorities of the sending State or EU institution. National authorities shall transfer Operational Control of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander shall have overall responsibility for ensuring that the EU's duty of care is properly discharged.

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6. The Civilian Operation Commander and the European Union Special Representative (EUSR) shall consult each other as required.

Article 6

Head of Mission

1. The Head of Mission shall assume responsibility and exercise command and control of the mission at theatre level.

2. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the mission.

3. The Head of Mission shall issue instructions to all mission staff, for the effective conduct of EUPOL COPPS in theatre, assuming its coordination and day-to-day management, following the instructions at the strategic level of the Civilian Operation Commander.

4. The Head of Mission shall be responsible for the implementation of the Mission's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.

5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national authorities or EU institution concerned.

6. The Head of Mission shall represent EUPOL COPPS in the operations area and shall ensure appropriate visibility of the Mission.

7. The Head of Mission shall coordinate, as appropriate, with other EU actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the EUSR.

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Article 7

Planning phase

1. During the planning phase of the mission, a planning team shall be established and shall comprise the Head of Mission/Police Commissioner, 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 shall be carried out as a priority in the planning process and shall be updated as necessary.

3. The planning team shall draw up an OPLAN and develop all technical instruments necessary to execute the mission. The OPLAN shall take into account the comprehensive risk assessment and shall include a security plan.

Article 8

EUPOL COPPS staff

1. The numbers and competence of EUPOL COPPS staff shall be consistent with the mission statement set out in Article 2 and the structure set out in Article 5.

2. EUPOL COPPS staff shall be seconded by Member States or EU institutions. Each Member State shall bear the costs related to EUPOL COPPS staff seconded by it, including salaries, medical coverage, travel expenses to and from the mission area, and allowances other than per diems.

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3. International staff and local staff shall be recruited on a contractual basis by EUPOL COPPS as required.

4. Third States may also, as appropriate, second mission staff. Each seconding third State shall bear the costs related to any of the staff seconded by it, including salaries, medical coverage, allowances, high-risk insurance and travel expenses to and from the mission area.

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5. All staff shall carry out their duties and act in the interest of the Mission. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ([1]).

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Article 9

Status of EUPOL COPPS staff

1. Where required, the status of EUPOL COPPS staff, including, where appropriate, the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUPOL COPPS shall be subject of an agreement to be concluded in accordance with the procedure laid down in Article 24 of the Treaty. The Secretary-General/High Representative, assisting the Presidency, may negotiate such arrangements on its behalf.

2. Member State or EU institution having seconded a staff member shall be responsible for answering any claims, from or concerning the staff member, linked to the secondment. Member State or EU institution in question shall be responsible for bringing any action against the secondee.

3. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts between the Head of Mission/Police Commissioner and the staff member.

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Article 10

Chain of Command

1. EUPOL COPPS shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EUPOL COPPS.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall be the commander of EUPOL COPPS at strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

4. The Civilian Operation Commander shall report to the Council through the SG/HR.

([1]) OJ L 101, 11.4.2001, p. 1. Decision as amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).

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5. The Head of Mission shall exercise command and control of EUPOL COPPS at theatre level and shall be directly responsible to the Civilian Operation Commander.

Article 11

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with Article 25 of the Treaty. This authorisation shall include the powers to appoint a Head of Mission, upon proposal of the SG/HR, and to amend the OPLAN. It shall also include powers to take subsequent decisions regarding the appointment of the Head of Mission. The powers of decision with respect to the objectives and termination of the mission shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive on a regular basis and as required reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

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Article 12

Participation of third States

1. Without prejudice to the decision-making autonomy of the EU and its single institutional framework, acceding States shall be invited and third States may be invited to contribute to EUPOL COPPS provided that they bear the cost of the staff seconded by them, including salaries, medical coverage, allowances, high-risk insurance and travel expenses to and from the mission area, and contribute to the running costs of EUPOL COPPS, as appropriate.

2. Third States making contributions to EUPOL COPPS shall have the same rights and obligations in terms of day-to-day management of the mission as Member States taking part in the mission.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be subject of an agreement to be concluded in accordance with the procedures laid down in Article 24 of the Treaty. The Secretary-General/High Representative, assisting the Presidency, may negotiate such arrangements on its behalf. Where the EU and a third State have concluded an agreement establishing a framework for the participation of this third State in the EU crisis management operations, the provisions of such an agreement shall apply in the context of EUPOL COPPS.

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Article 13

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EUPOL COPPS in accordance with Articles 5a and 10, in coordination with the Council Security Office.

2. The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation, in line with the policy of the

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European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty and its supporting documents.

3. The Head of Mission shall be assisted by a Mission Security Officer (MSO), who will report to the Head of Mission and also maintain a close functional relationship with the Council Security Office.

4. EUPOL COPPS staff shall undergo mandatory security training before their entry into function, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the MSO.

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Article 14

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the mission shall be EUR 2,5 million for 2005 and EUR 3,6 million for 2006.

2. The final budget of EUPOL COPPS for the years 2006, 2007 and 2008 shall be decided by the Council on an annual basis.

3. The expenditure financed by the amount referred to in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the EU with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States participating financially in the mission, of host parties and, if required for the operational needs of the mission, of neighbouring countries shall be allowed to tender for contracts.

4. The Head of Mission/Police Commissioner 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 EUPOL COPPS, including compatibility of equipment and interoperability of its teams.

6. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

Article 15

Community action

1. The Council and the Commission shall, each in accordance with their respective powers, ensure consistency between the implementation of this Joint Action and the external activities of the Community in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.

2. The necessary coordination arrangements shall be put in place in the mission area, as appropriate, as well as in Brussels.

Article 16

Release of classified information

1. The Secretary-General/High Representative is authorised to release to third States associated with this Joint Action, as appropriate and in accordance with the operational needs of the mission, EU classified information and documents up to the level ‘RESTREINT UE’

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generated for the purposes of the mission, in accordance with the Council's security regulations.

2. In the event of a specific and immediate operational need, the Secretary-General/High Representative is also authorised to release to the local authorities EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the mission, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the local authorities in accordance with the procedures appropriate to their level of cooperation with the EU.

3. The Secretary-General/High Representative is authorised to release to third States associated with this Joint Action and to the local authorities EU non-classified documents related to the deliberations of the Council with regard to the mission covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ([1]).

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Article 16a

Watch-Keeping

The Watch-Keeping Capability shall be activated for EUPOL COPPS.

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Article 17

Entry into force

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

It shall expire on 31 December 2008.

Article 18

Publication

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

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The Decisions of the PSC pursuant to Article 11(1), regarding the appointment of the Head of Mission, shall also be published in the *Official Journal of the European Union*.

([1]) Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as amended by Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).