COUNCIL JOINT ACTION 2008/299/CFSP

of 7 April 2008

amending Joint Action 2004/551/CFSP on the establishment of the European Defence Agency

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular Article 14 thereof,

Whereas:

(1) On 12 July 2004, the Council adopted Joint Action 2004/551/CFSP on the establishment of the European Defence Agency [1] (hereinafter referred to as the Agency), providing, inter alia, that the Chief Executive of the Agency, and his/her Deputy, are to be appointed by the Steering Board of the Agency on a proposal from the Head of the Agency and that they are to act under the authority of the Head of the Agency and in accordance with the decisions of the Steering Board.

(2) The Steering Board agreed on 25 September 2007 to recommend, in line with the report presented by the Head of the Agency on the implementation of Joint Action 2004/551/CFSP, pursuant to Article 27 thereof, that Council amend the said Joint Action in respect of the creation of a second Deputy Chief Executive post and to mandate a further review in 2010.

(3) Therefore, Joint Action 2004/551/CFSP should be amended accordingly.

(4) In accordance with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. Denmark has therefore not participated in the elaboration and adoption of this Joint Action and shall not be bound by it,

[1] OJ L 245, 17.7.2004, p. 17.

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2004/551/CFSP is hereby amended as follows:

1. in Article 9(1), subparagraph 1.5 shall be replaced by the following:

'1.5. appoints the Chief Executive and his/her two Deputies;';

2. in Article 10, paragraphs 1 and 2 shall be replaced by the following:

'1. The Chief Executive, and his/her two Deputies, shall be appointed by the Steering Board on a proposal from the Head of the Agency for three years. The Steering Board may grant a two-year extension. The Chief Executive, and his/her two Deputies, shall act under the authority of the Head of the Agency and in accordance with the decisions of the Steering Board.

2. The Chief Executive, assisted by his/her two Deputies, shall take all necessary measures to ensure the efficiency and effectiveness of the Agency's work. He/she shall be responsible for the oversight and coordination of the functional units, in order to ensure the overall coherence of their work. He/she shall be the head of the Agency's staff.';

3. Article 27 shall be replaced by the following:

'*Article 27*

Review clause

The Head of the Agency shall present no later than 30 June 2010 a report to the Steering Board on the implementation of this Joint Action, with a view to its possible review by the Council.'

Article 2

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

Article 3

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

Done at Luxembourg, 7 April 2008.

For the Council
The President
R. ŽERJAV