

COUNCIL JOINT ACTION 2008/612/CFSP**of 24 July 2008****concerning the appointment of the European Union Special Representative for Afghanistan**

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 23 June 2008, the Council adopted Joint Action 2008/481/CFSP⁽¹⁾ amending Joint Action 2008/131/CFSP extending until 31 August 2008 the mandate of Mr Francesc Vendrell as the European Union Special Representative for Afghanistan.
- (2) Mr Francesc Vendrell has informed the Secretary General/High Representative (SG/HR) that he is not available to serve as the European Union Special Representative (EUSR) beyond 31 August 2008.
- (3) The SG/HR has recommended that Mr Ettore F. Sequi be appointed as the new EUSR for Afghanistan until 28 February 2009.
- (4) 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 set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Appointment**

Mr Ettore F. Sequi is hereby appointed as the European Union Special Representative (EUSR) for Afghanistan for the period from 1 September 2008 to 28 February 2009.

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the European Union in Afghanistan. More specifically, the EUSR shall:

1. contribute to the implementation of the EU-Afghanistan Joint Declaration and the Afghanistan Compact as well as the relevant United Nations (UN) Security Council Resolutions and other relevant UN Resolutions;

2. encourage positive contributions from regional actors in Afghanistan and from neighbouring countries to the peace process in Afghanistan and thereby contribute to the consolidation of the Afghan State;
3. support the pivotal role played by the UN, notably the Special Representative of the Secretary-General; and
4. support work of the SG/HR in the region.

*Article 3***Mandate**

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) convey the European Union's views on the political process while drawing on the key principles agreed between Afghanistan and the international community, in particular the EU-Afghanistan Joint Declaration and the Afghanistan Compact;
- (b) establish and maintain close contact with, and give support to, the Afghan representative institutions, in particular the government and Parliament. Contact should also be maintained with other Afghan political figures and other relevant actors inside as well as outside the country;
- (c) maintain close contact with relevant international and regional organisations, notably with the local representatives of the UN;
- (d) stay in close contact with neighbouring and other interested countries in the region, so that their views on the situation in Afghanistan and the development of cooperation between these countries and Afghanistan are taken into account in European Union policy;
- (e) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration and the Afghanistan Compact, in particular in the following areas:
 - good governance and the establishment of institutions of the rule of law,
 - security sector reforms, including establishment of judicial institutions, a national army and police force,
 - respect for human rights of all Afghan people, regardless of gender, ethnicity or religion,

⁽¹⁾ OJ L 163, 24.6.2008, p. 51.

- respect of democratic principles, the rule of law, the rights of persons belonging to minorities, the rights of women and children and the principles of international law,
 - fostering participation by women in public administration and civil society,
 - respect for Afghanistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking and trafficking in human beings,
 - facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons,
- (f) in consultation with representatives of Member States and of the Commission, assist in ensuring that the European Union's political approach is reflected in its action for the development of Afghanistan;
- (g) jointly with the Commission, actively participate in the Joint Coordination and Monitoring Board established under the Afghanistan Compact;
- (h) advise on the participation and the positions of the European Union in international conferences on Afghanistan.

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.
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 direction 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 September 2008 to 28 February 2009 shall be EUR 2 300 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 September 2008. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition 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 team must include the expertise on certain specific policy issues, as required by the mandate. The EUSR shall notify the SG/HR, 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 salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff must have the nationality of an EU Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

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 agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

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 EU classified information.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

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

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

Article 10

Security

The EUSR shall, in accordance with the policy of the EU 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:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the EU, 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 General Secretariat of the Council;
- (d) 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 mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide oral and written reports to the SG/HR and the PSC. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide reports to the General Affairs and External Relations Council (GAERC).

Article 12

Coordination

1. The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are

engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of the EUSR for Central Asia. The EUSR shall provide regular briefings to Member States' missions and Commission's delegations.

2. In the field, close liaison shall be maintained with Presidency, Commission and Member States' Heads of Mission, who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Head of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) with local political guidance. The EUSR and the Civilian Operation Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

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 the SG/HR, the Council and the Commission with a comprehensive mandate implementation report by mid-November 2008. That report shall form a basis for the evaluation of the mandate 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 14

Entry into force

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

Article 15

Publication

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

Done at Brussels, 24 July 2008.

For the Council

The President

B. HORTEFEUX