(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL JOINT ACTION
of 11 March 2002
on the European Union Police Mission

(2002/210/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) On 18 February 2002, the Council announced the readiness of the European Union to ensure, by 1 January 2003, the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH).

(2) In line with the general objectives of Annex 11 of the Dayton/Paris Agreement, the European Union Police Mission (EUPM) should establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, should achieve its goals by the end of 2005.

(3) In its conclusions of 18 February 2002 the Council also decided that in order to ensure a successful follow-up to the UN IPTF, the Union's aim should be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The EUPM, supported by the Community's institution building programmes under the CARDS Regulation, should contribute to the overall peace implementation in Bosnia and Herzegovina as well as to the achievements of the Union's overall policy in the region, notably the Stabilisation and Association Process.

(4) The Union should continue to coordinate with the UN and to consult with relevant organisations, in particular NATO and the OSCE.

(5) Following the Peace Implementation Council Steering Board acceptance on 28 February 2002 of the Union offer concerning EUPM, the UN Security Council Resolution 1396 (2002) on 5 March 2002 welcoming the Union's readiness to ensure the follow-on to the IPTF.

(6) On 4 March 2002, the authorities of Bosnia and Herzegovina invited the Union to assume responsibility for the follow-on to the United Nations police mission. An agreement will need to be concluded to this end between the authorities of Bosnia and Herzegovina and the Union.

(7) In order to prepare the EUPM a Planning Team should be established.

(8) On 18 February 2002, the Council expressed its willingness to appoint the next High Representative in BiH as the EU Special Representative in BiH (EUSR).

(9) The Political and Security Committee should exercise political control of and provide strategic direction to the EUPM and should be informed on a regular basis on all aspects of the mission, including through briefings by the EUSR and the Head of Mission/Police Commissioner as necessary.

(10) Acknowledging the valuable contributions other States have made to IPTF, non-EU States are invited to contribute to an EUPM in BiH. In the first instance non-EU European NATO members and other States which are candidates for accession to the Union as well as other non-EU OSCE Member States, currently providing staff to IPTF are invited to contribute to the EUPM.

(11) On 18 February 2002, the Council agreed the financing of the EUPM as set out in Annex IV of its Conclusions.

(12) Article 14(1) of the Treaty on European Union 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 a European Union Police Mission (EUPM) in order to ensure the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH) as from 1 January 2003. Before that date and in order to prepare the EUPM a Planning Team shall be established not later than 1 April 2002 and shall be operational until 31 December 2002.

2. The EUPM shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in the Annex hereto.

Article 2

Planning

1. The Planning Team shall comprise a Police Head of Mission/Head of the Planning Team and the necessary staff to deal with functions ensuing from the needs of the mission.

2. The General Secretariat of the Council shall draw up the Concept of Operations (CONOPS) with the assistance of the Police Head of Mission/Head of the Planning Team. The Planning Team shall subsequently draw up the Operation Plan (OPLAN) and develop all technical instruments necessary to execute the EUPM. The Council shall approve the CONOPS and the OPLAN.

3. The Planning Team shall work in close cooperation with the IPTF.

4. As from 1 January 2003, the Police Head of Mission/Head of the Planning Team will become Head of Mission/Police Commissioner as set out in Article 4.

Article 3

Structures

The EUPM shall in principle be structured as follows:

(a) main headquarters in Sarajevo, composed of the Head of the Mission/Police Commissioner and staff as defined in the OPLAN. Part of this staff shall consist of a variable number of Liaison Officers to work with other international organisations on the ground. Such officers shall be deployed by the Head of the EUPM as necessary;

(b) an initial total of 24 monitoring units co-located within the various Bosnia and Herzegovina Police structures at medium-high level, including within Entities, Public Security Centres, Cantons, State Intelligence Protection Agency, State Border Services and within the Brcko district.

Article 4

Head of Mission/Police Commissioner

1. The Council, upon a proposal by the Secretary-General, High Representative for the Common Foreign and Security Policy (SG/HR), shall appoint a Head of Mission/Police Commissioner. The Head of Mission/Police Commissioner shall exercise operational command over the EUPM and assume the day-to-day management of the EUPM operations.

2. The Head of Mission/Police Commissioner shall be recruited on a contractual basis.

3. All police officers remain under full command of the appropriate national authority. National authorities will transfer Operational Command (OPCOM) to the Head of the EUPM.

4. The Head of Mission/Police Commissioner shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national or Union authority concerned.

Article 5

Staff

1. The numbers and competence of the EUPM staff shall be consistent with the objectives and structure set out in Article 3 and in the mission statement set out at Annex.

2. Police officers shall be seconded by Member States. The minimum period of secondment should be one year. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, allowances and travel expenses to and from BiH.

3. International civilian staff and local staff shall be recruited on a contractual basis by the EUPM as required.

4. Member States or Community institutions may also second international civilian staff if required for a minimum period of one year. Each Member State or Community institution shall bear the costs related to any of the staff seconded by it, including salaries, allowances and travel expenses to and from BiH.

Article 6

Position of the Special Representative in the unified chain of command

The position in the unified chain of command of the European Union Special Representative (EUSR), appointed by a separate Council Joint Action, is set out in Article 7.

Article 7

Chain of command

The structure of the EUPM as part of the broader Union Rule of Law follow-up in BiH shall have a unified chain of command, as a crisis management operation.

Without prejudice to the relevant provisions of the Dayton/Paris Agreement and its annexes:

— the EUSR shall report to the Council through the SG/HR,

— the Political and Security Committee shall provide the political control and strategic direction,

— the Head of Mission/Police Commissioner shall lead the EUPM and assume its day-to-day management,

— the Head of Mission/Police Commissioner shall report to the SG/HR through the EUSR,

— the SG/HR shall give guidance to the Head of Mission/Police Commissioner through the EUSR.

Article 8

Participation of Third States

1. Without prejudice to the decision-making autonomy of the Union and the single institutional framework of the Union, non-EU European NATO members and other States which are candidates for accession to the European Union as well as other non-EU OSCE Member States, currently providing staff to IPTF, are invited to contribute to the EUPM on the basis that they bear the cost of sending the police officers and/or the international civilian staff seconded by them, including salaries, allowances and travel expenses to and from BiH, and contribute to the running costs of the EUPM as appropriate.

2. Third States making significant contributions to the EUPM shall have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

3. Detailed arrangements regarding the participation of Third States shall be subject to agreements pursuant to Article 24 of the Treaty on European Union.

Article 9

Financial arrangements

1. The costs for the implementation of this Joint Action shall be:

(a) EUR 14 million for start-up costs (including equipment and the Planning Team) for 2002, to be financed out of the Community budget;

(b) up to EUR 38 million for yearly running costs for the years 2003 to 2005, divided as follows:

(i) up to EUR 17 million for per diem depending on the daily rate set and EUR 1 million for travel costs, which pursuant to Article 5(2) shall be charged on a costs 'lie where they fall' basis;

(ii) the remainder of EUR 20 million (EUR 11 million for operational running costs, EUR 4 million for local staff, EUR 5 million for international civilian staff) to be financed in common out of the Community budget.

The final budget for the years 2003 to 2005 shall be decided by the Council on an annual basis.

2. In the event that financing of the costs referred to in paragraph 1(b)(ii) on the basis of the Community budget is not sufficient, the Council shall decide, in accordance with the provisions of the Treaty on European Union, how to cover any remaining gap, which shall consist of common costs.

3. As regards expenditure financed out of the Community budget, the following shall apply:

(a) expenditure shall be managed in accordance with the Community rules and procedures applicable to the budget. Procurement shall be undertaken in accordance with appropriate procedures necessary to execute the EUPM, notably with regard to time constraints and to allow nationals of third States to tender for contracts;

(b) the Head of the Planning Team/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

4. The financial arrangements shall respect the operational requirements of EUPM, including compatibility of equipment and interoperability of its teams.

Article 10

Community action

1. The Council notes the intention of the Commission to direct its action towards achieving the objectives of this Joint Action, where appropriate, by relevant Community measures.

2. The Council also notes that coordination arrangements in Brussels and Sarajevo are required.

Article 11

Status of staff of EUPM

1. The status of EUPM staff in BiH, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUPM shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty on European Union.

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

Article 12

Entry into force and duration

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

It shall apply until 31 December 2005.

Article 13

Publication

This Joint Action shall be published in the Official Journal.

Done at Brussels, 11 March 2002.

For the Council

The President

J. PIQUÉ I CAMPS

ANNEX

MISSION STATEMENT FOR EUPM

The following outlines the Mission Statement for the EUPM that will follow-on UN IPTF as a part of the Union overall support to the Rule of Law sector in BiH.

I. **Political/Strategic level**

1. The mission statement of the EUPM includes:

2. The EUPM, supported by the Commission's institution building programmes, should, as part of a broader rule of law approach, aim, in line with the general objectives of Annex 11 of the Dayton Agreement, to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. To do so, this three-year EUPM should be entrusted with the necessary authority and concentrate on the following goals:
   — to preserve, through continuity with the achievements of the IPTF mission, the existing levels of institutional and personal proficiency;
   — to enhance, through monitoring, mentoring and inspecting, police managerial and operational capacities; to this end, to focus on delegation of power and quality-oriented management principles as well as improving operational planning capacity based on analysis;
   — to strengthen professionalism at high level within the ministries as well as at senior police officers levels through advisory and inspection functions;
   — and to monitor the exercise of appropriate political control over the police.

3. The mission will not include executive powers or the deployment of an armed component.

II. **Objectives at operational level**

4. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, and working as an integral part of the broader rule of law approach, should achieve the goals set out above by the end of 2005, by ensuring that the BiH police services will:
   — act in a professional manner and in accordance with relevant legislation and regulations;
   — be free of political interference, and led by an apolitical, qualified and accountable personnel;
   — possess the integrity, knowledge and means to perform their duties in a transparent and objective manner;
   — at ministries and senior police officers level adopt a professional culture based on a fair, transparent and accountable internal management system including the exercise of internal controls and disciplinary procedures of the highest standard;
   — ensure management practices be carried out through fair and impartial personnel policies for recruitment, training, specialisation, promotion, and discipline;
   — be based on a transparent structure that takes into consideration the multiple ethnic composition of the society and that can deal satisfactorily with gender related issues;
   — effectively manage personnel and resources within an affordable and appropriate institutional framework;
   — standardise data recording and analysis systems to facilitate information sharing for operational planning and investigations, with a view to promoting a BiH-wide crime statistics system;
   — develop police cooperation among all BiH police forces, including at inter-entity, inter-canton levels (building up of structures for coordination, exchange of information and confidence building);
   — undertake criminal investigations of corruption cases regardless of political implications;
   — be capable of investigating and countering the full range of criminal activities, including organised crime and terrorism with a State level capability forming an effective part of the administration of justice, cooperating closely with the prosecution and operating within a reformed criminal justice system;
   — develop, in close cooperation with the Multinational Stabilisation Force (SFOR), specialised information sharing in support of the state level capability and other appropriate authorities;
   — possess capacity to respond to public disorder in accordance with modern police standards and without political or ethnic bias;
   — enter into constructive cooperation with police services of neighbouring States (SAP States) and EU Member States.

III. **Methodology**

5. It should be noted that the effectiveness of a EUPM pursuing a management approach will directly depend on the expertise of the personnel and ability to retain continuity and institutional memory. For this purpose, it is strongly recommended that qualified personnel is identified and each seconded for a minimum of one year.

6. In order to achieve the abovementioned objectives by the end of 2005, the EUPM should:
   — co-locate the international police alongside Commanders at the various Entities, Public Security Centres (PSCs), Cantons, Brcko district, State Intelligence Protection Agency (SIPA) and State Border Service (SBS) at medium and senior levels of the BiH Police;
   — be able to remove from offices non compliant officers, through a recommendation by the EU police Commissioner to the High Representative;
   — coordinate with the Office of the High Representative in the furtherance of the International Community overall objectives in the field of the rule of the law, as well as with other organisations within the international community, as appropriate;
   — liaise with SFOR on public security issues including for ensuring SFOR support *in extremis*.