Council Decision (CFSP) 2019/2110 of 9 December 2019 on the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA)

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 42(4) and Article 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 15 October 2018, in conclusions on the Central African Republic, the Council emphasised the need for the European Union to continue working, through its various instruments, to help this country get back on the road to stability, peace and development and to meet the aspiration of the Central African people as a whole for lasting peace and reconciliation.

(2) On 6 February 2019, an inclusive Agreement for Peace and Reconciliation was signed between the government of the Central African Republic and armed groups.

(3) On 12 July 2019, the President of the Central African Republic, in a letter to the High Representative of the Union for Foreign Affairs and Security Policy, requested the deployment of a civilian Mission in the Central African Republic to support progress in the ongoing Security Sector Reform and to contribute to the reorganisation and deployment of the country's Internal Security Forces.

(4) On 21 November 2019, the Council approved a Crisis Management Concept for a possible civilian Advisory Mission in the Central African Republic under the Common Security and Defence Policy (CSDP).

(5) The Mission should be established in accordance with the approved Crisis Management Concept. A core team should make the necessary preparations to allow the Mission to reach its initial operating capability. The Mission should be launched by the Council no later than in the spring of 2020, if conditions are met.

(6) The Political and Security Committee (PSC) should exercise, under the responsibility of the Council and of the High Representative, political control over the Mission, provide it with strategic direction and take the relevant decisions in accordance with the third paragraph of Article 38 of the Treaty on European Union (TEU).

(7) The Watch#Keeping Capability should be activated for this Mission.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/2110. (See end of Document for details)*

(8) This Mission will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action set out in Article 21 of the TEU.

HAS ADOPTED THIS DECISION:

Article 1

Mission

The Union hereby establishes a European Union CSDP civilian Advisory Mission in support of Security Sector Reform in the Central African Republic (EUAM RCA).

Article 2

Mandate

1 The strategic objectives of EUAM RCA shall be to:

a Support the build#up of rule#based governance and management capacities within the Ministry for Interior and Public Security of the Central African Republic, in the design, implementation, build#up and monitoring of all relevant planning categories;

b Support the sustainable transformation of the Central African Republic's Internal Security Forces and their operational effective functioning and deployment;

c To assist in developing an integrated support to the Internal Security Forces of the Central African Republic through close coordination, ensuring unity of action and complementarity of efforts with the relevant actors;

d To establish a comprehensive situational picture through a dedicated Analytical Capacity, including in domains such as strategic communications and political#security developments.

2 To achieve those objectives, EUAM RCA shall operate in accordance with the Crisis Management Concept (CMC) approved by the Council on 21 November 2019 and the operational planning documents. In a phased, scalable and modular approach, EUAM RCA shall provide advice at strategic level to the Ministry for Interior and Public Security and to the Internal Security Forces of the Central African Republic in order to support their sustainable transformation into a more coherent security provider, under national ownership and in close coordination with the EU Delegation to Central African Republic, EUTM RCA[1], MINUSCA, UNPOL, the African Union and other international stakeholders.

3 EUAM RCA shall promote the implementation of international humanitarian law and human rights, as well as the protection of civilians, gender equality and the prohibition of discrimination by the Internal Security Forces of the Central African Republic, in particular discrimination on the basis of ethnic origin or religious belief.

Article 3

Chain of command and structure

1 EUAM RCA shall have a unified chain of command as a crisis management operation.

2 EUAM RCA shall have its Headquarters in Bangui.

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2019/2110. (See end of Document for details)*

3 EUAM RCA shall be structured in accordance with its planning documents.

Article 4

Civilian Operation Commander

1 The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUAM RCA. The CPCC shall be at the disposal of the Civilian Operation Commander for the planning and conduct of EUAM RCA.

2 The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and overall authority of the High Representative for Foreign Affairs and Security Policy (HR), shall exercise command and control of EUAM RCA at the strategic level.

3 The Civilian Operation Commander shall ensure the proper and effective implementation of the decisions of the Council and the PSC with regard to the conduct of operations, including by issuing instructions at the strategic level as required to the Head of Mission and providing him with advice and technical support.

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

5 All seconded staff shall remain under the full command of the national authorities of the seconding State in accordance with national rules, of the Union institution concerned or of the European External Action Service (EEAS), respectively. Those authorities shall transfer Operational Control (OPCON) of their staff to the Civilian Operation Commander.

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

7 The Civilian Operation Commander and the Head of EU Delegation to Central African Republic shall consult each other as required.

Article 5

Head of Mission

1 The Head of Mission shall assume responsibility for EUAM RCA and shall exercise command and control thereof, at theatre level. The Head of Mission shall be directly responsible to the Civilian Operation Commander and shall act in accordance with his or her instructions.

2 The Head of Mission shall be the representative of EUAM RCA in its area of responsibility.

3 The Head of Mission shall exercise administrative and logistic responsibility for EUAM RCA, including responsibility for the assets, resources and information which have been placed at the disposal of EUAM RCA. The Head of Mission may delegate management tasks in staff and financial matters to staff members of EUAM RCA, under his or her overall responsibility.

4 The Head of Mission shall be responsible for disciplinary control over the staff of EUAM RCA. For seconded staff, disciplinary action shall be exercised by the national authorities of the seconding State in accordance with national rules, by the Union institution concerned or by the EEAS respectively.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/2110. (See end of Document for details)*

5 The Head of Mission shall ensure appropriate visibility of EUAM RCA.

6 The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the Head of the Union Delegation to Central African Republic.

Article 6

Staff

1 EUAM RCA shall consist primarily of staff seconded by Member States, Union institutions or the EEAS. Each Member State, each Union institution, and the EEAS shall bear the costs related to any of the staff seconded by it, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances other than applicable daily allowances.

2 The Member State, the Union institution, or the EEAS respectively shall be responsible for answering any claims linked to the secondment from or concerning the members of staff whom they have seconded, and for bringing any action against such persons.

3 International and local staff may be recruited on a contractual basis by EUAM RCA if the functions required cannot be provided by personnel seconded by Member States. Exceptionally, in duly justified cases, where no qualified applicants from Member States are available, nationals from participating third States may be recruited on a contractual basis, as appropriate.

4 The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts between EUAM RCA and the staff member concerned.

Article 7

Status of EUAM RCA and of its staff

The status of EUAM RCA and its staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUAM RCA, shall be the subject of an agreement concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 TFUE.

Article 8

Political control and strategic direction

1 The PSC shall exercise, under the responsibility of the Council and of the HR, political control and strategic direction of EUAM RCA. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with the third paragraph of Article 38 TEU. This authorisation shall include the powers to appoint a Head of Mission, upon a proposal from the HR, and to amend the Operation Plan (OPLAN). The powers of decision with respect to the objectives and termination of the EUAM RCA shall remain vested in the Council. The decisions of the PSC regarding the appointment of the Head of Mission shall be published in the *Official Journal of the European Union*.

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.

Article 9

Participation of third States

1 Without prejudice to the decision#making autonomy of the Union and its single institutional framework, third States may be invited to contribute to EUAM RCA, provided that they bear the cost of the staff seconded by them, including salaries, all risk insurance cover, daily subsistence allowances and travel expenses to and from the Central African Republic, and that they contribute to the running costs of EUAM RCA, as appropriate.

2 Third States contributing to EUAM RCA shall have the same rights and obligations as Member States in terms of the day#to#day management of EUAM RCA.

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 covered by agreements concluded in accordance with Article 37 TEU and additional technical arrangements as necessary. Where the Union and a third State conclude or have concluded an agreement establishing a framework for the participation of that third State in Union crisis#management operations, the provisions of that agreement shall apply in the context of EUAM RCA.

Article 10

Security

1 The Civilian Operation Commander shall direct the Head of Mission’s planning of security measures and ensure their proper and effective implementation by EUAM RCA in accordance with Article 4.

2 The Head of Mission shall be responsible for the security of EUAM RCA and for ensuring compliance with minimum security requirements applicable to EUAM RCA, in line with the policy of the Union on the security of personnel deployed outside the Union in an operational capacity under Title V TEU, and its supporting instruments.

3 The Head of Mission shall be assisted by a Mission Security Officer, who shall report to the Head of Mission and also maintain a close functional relationship with the EEAS.

4 EUAM RCA staff shall undergo mandatory security training before taking up their duties, in accordance with the OPLAN. They shall also receive regular in#theatre refresher training organised by the Mission Security Officer.

5 The Head of Mission shall ensure the protection of EU classified information in accordance with Council Decision 2013/488/EU[(2)].

Article 11

Watch#Keeping Capability

The Watch#Keeping Capability shall be activated for EUAM RCA.