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

COUNCIL DECISION 2003/252/CFSP

of 24 February 2003

concerning the conclusion of the Agreement between the European Union and the Republic of Albania on the activities of the European Union Monitoring Mission (EUMM) in the Republic of Albania

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

(1) On 22 December 2000, the Council adopted Joint Action 2000/811/CFSP on the European Union Monitoring Mission ([1]).

(2) Article 6 of that Joint Action provides that the detailed rules governing the EUMM operations in the areas of its responsibilities are to be laid down in arrangements to be concluded in accordance with the procedure laid down in Article 24 of the Treaty.

(3) Following the Council Decision of 13 May 2002 authorising the Presidency to open negotiations, the Presidency negotiated an agreement with the Republic of Albania on the activities of the EUMM.

(4) That agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and the Republic of Albania on the activities of the European Union Monitoring Mission (EUMM) in the Republic of Albania is hereby approved on behalf of the European Union.

The text of the agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the agreement in order to bind the European Union.

Article 3

This Decision shall take effect on the day of its adoption.

Article 4

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

Done at Brussels, 24 February 2003.

For the Council

The President

G. PAPANDREOU

([1]) OJ L 328, 23.12.2000, p. 53.

AGREEMENT

between the European Union and the Republic of Albania on the activities of the European Union Monitoring Mission (EUMM) in the Republic of Albania

THE EUROPEAN UNION,

on the one hand, and

THE REPUBLIC OF ALBANIA,

hereinafter called the Host Party, on the other hand,

together hereinafter called the Participating Parties,

TAKING INTO ACCOUNT:

— the presence of the European Community Monitor Mission (ECMM) in the Western Balkans since 1991,

— the Agreement on Prolongation and Extension of Activities of the Monitor Mission to Yugoslavia, signed at The Hague on 14 October 1991,

— the Memorandum of Understanding on the European Community Monitor Mission in the area of the Border of Albania with the Former Yugoslavia signed at Tirana on 21 December 1992,

— the presence of European Community/European Union monitors in the Republic of Albania since 1992,

— the adoption by the Council of the European Union on 22 December 2000 of Joint Action 2000/811/CFSP on the European Union Monitoring Mission, transforming ECMM into EUMM, as an instrument of the European Union's common foreign and security policy (CFSP), building on previous initiatives, to contribute to the effective formulation of European Union policy towards the Western Balkans,

— the extension of the mandate of the EUMM by Council Joint Action 2002/921/CFSP of 26 November 2002,

HAVE REACHED THE FOLLOWING UNDERSTANDINGS:

Article 1

Mandate

1. The European Union Monitoring Mission, hereinafter referred to as 'EUMM', formerly established in the region as the European Community Monitor Mission (ECMM), with its Headquarters at present in Sarajevo, shall establish a Mission Office in Tirana and such other Offices in the Republic of Albania as may be decided by the Head of Mission, in consultation and agreement with the Host Party, in order to contribute to the effective formulation of the European Union's policy towards the Western Balkans.

2. The EUMM shall operate in accordance with its mandate as contained in the Joint Action governing EUMM.

3. The Host Party shall provide the EUMM with all information and shall extend full cooperation as necessary for the accomplishment of the EUMM's objectives. The Host Party may appoint a liaison officer to the EUMM.

Article 2

Status

1. The Host Party shall take all necessary measures for the protection, safety and security of the EUMM and its members. Any specific provisions, proposed by the Host Party, shall be agreed with the Head of Mission before implementation.

2. For the purpose of conducting its activities, the EUMM and its personnel shall enjoy, together with its means of transport and equipment, freedom of movement, necessary for carrying out the mandate of the Mission.

3. When conducting its activities, the personnel of the EUMM may be accompanied by an interpreter and, at the request of the EUMM, by an escort officer appointed by the Host Party.

4. The EUMM may display the flag of the European Union on its Mission Office in Tirana, and otherwise as decided by the Head of Mission.

5. Vehicles, and other means of transport of the EUMM, shall carry a distinctive Mission identification, which shall be notified to the relevant authorities.

Article 3

Composition

1. The Head of Mission of the EUMM is appointed by the Council of the European Union.

2. Other EUMM personnel shall be seconded by the Member States of the European Union. They shall be assigned to specific appointments by the Head of Mission under the authority of the Secretary General/High Representative. Norway and Slovakia, which participate in the EUMM at the time of this Agreement, may also appoint personnel to the EUMM, and thereby be, together with the European Union and its Member States, Sending Parties.

3. Personnel of the EUMM shall be called Monitors.

4. The Governments of the Sending Parties shall appoint Monitors to the EUMM.

5. The Head of Mission shall determine the number of Monitors under this Agreement, in consultation and agreement with the Host Party.

6. Monitors shall not undertake any action or activity incompatible with the impartial nature of their duties.

7. The EUMM may avail itself of the assistance of administrative and technical staff from the Sending Parties. The members of the EUMM's administrative and technical staff shall enjoy a status equivalent to that enjoyed, in accordance with the Vienna Convention on Diplomatic Relations, by administrative and technical staff from Sending Parties employed in embassies.

8. The EUMM may recruit locally such auxiliary personnel, as it requires. Upon request of the Head of Mission, the Host Party shall facilitate the recruitment of qualified local staff by the EUMM. The EUMM's auxiliary personnel shall enjoy a status equivalent to that enjoyed, in accordance with the Vienna Convention on Diplomatic Relations, by locally employed staff in embassies.

Article 4

Arms and dress

1. Monitors may not carry arms.

2. Monitors shall wear white civilian dress, with distinctive EUMM identification.

Article 5

Chain of responsibilities

1. The EUMM in the Republic of Albania shall operate under the responsibility of the Head of Mission.

2. The Head of Mission shall report regularly through the Secretary General/High Representative to the Council of the European Union on the activities and findings of the EUMM.

3. The tasks of the EUMM shall be defined by the Secretary General/High Representative in close cooperation with the Presidency, in accordance with the policy adopted by the Council regarding the Western Balkans.

4. The Head of Mission shall inform the Host Party regularly on the activities of the EUMM.

Article 6

Travel and transport

1. Vehicles and other means of transport of the EUMM shall not be subject to compulsory registration or licensing, and all vehicles shall carry third party insurance.

2. The EUMM may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or other charges.

3. The Host Party shall facilitate the EUMM in operating its own vehicles and other means of transport.

Article 7

Communications

1. The personnel of the EUMM shall have access, at the lowest cost, to appropriate telecommunications equipment of the Host Party for the purpose of its activities, including for communicating with diplomatic and consular representatives of the Sending Parties.

2. The EUMM shall enjoy the right to unrestricted communication by its own radios (including satellite, mobile and handheld radios), telephones, telegraphs, facsimiles or any other means. The Host Party shall provide, after signature of this Agreement, the frequencies on which radios can operate.

Article 8

Privileges and immunities

1. The EUMM shall be granted the status of a diplomatic mission.

2. Monitors shall be granted, during their mission, the privileges and immunities of Diplomatic Agents, in accordance with the Vienna Convention on Diplomatic Relations.

3. The Mission Office in Tirana, other Offices, and all means of transport of the EUMM shall be inviolable.

4. The privileges and immunities provided for in this Article shall be granted to Monitors during their mission, and thereafter, with respect to acts previously performed during their mission.

5. The Host Party shall facilitate all movements of the Head of Mission and personnel of the EUMM. The EUMM shall provide the Host Party with a list of members of the EUMM and inform the Host Party in advance of the arrival and departure of personnel belonging to the EUMM. Personnel belonging to the EUMM shall carry their national passport, as well as an EUMM identity card.

6. The Host Party recognises the right of the Sending Parties and of the EUMM to import, free of duty or other restrictions, equipment, provisions, supplies and other goods required for the exclusive and official use of the EUMM. The Host Party also recognises their right to purchase such items on the territory of the Host Party as well as to export or otherwise dispose of such equipment, provisions, supplies and other goods so purchased or imported. The Host Party also recognises the right of the Monitors to purchase and/or import free of duty or other restrictions items required for their own personal use, and to export such items.

Article 9

Accommodation and practical arrangements

The Government of the Republic of Albania agrees, if requested, to assist the EUMM in finding suitable offices and accommodation. The Participating Parties will decide on other provisions concerning privileges and immunities as well as on practical arrangements, including urgent medical assistance and emergency evacuation, as well as travel documentation requirements.

Article 10

Entry into force

This agreement shall be provisionally applied from the date of its signature and shall be fully effective upon receipt by the EUMM of written notification from the Host Country that internal approval procedures have been completed to bring the agreement into definitive application. It shall remain in force until such time as one of the Participating Parties notifies the other, two months in advance, that it intends to request an end to the activities mentioned herein.

Done at Tirana, on 28 March 2003, in the English and Albanian languages, both texts being equally authentic. In case of difference in interpretation, the English text shall prevail.

For the European Union

For the Republic of Albania