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COUNCIL DECISION (CFSP) 2017/1869

of 16 October 2017

on the European Union Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq)

(OJ L 266, 17.10.2017, p. 12)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Decision (CFSP) 2018/654 of 26 April 2018	L 108	28	27.4.2018
►**M2**	Council Decision (CFSP) 2018/1545 of 15 October 2018	L 259	31	16.10.2018
►**M3**	Council Decision (CFSP) 2020/513 of 7 April 2020	L 113	38	8.4.2020

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COUNCIL DECISION (CFSP) 2017/1869

of 16 October 2017

on the European Union Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq)

Article 1

Mission

The Union hereby establishes and launches a European Union Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq).

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Article 2

Objectives

The strategic objectives of EUAM Iraq shall be:

(1) to provide advice and expertise to the Iraqi authorities at strategic level to identify and define the requirements for the coherent implementation of the Security Sector Reform civilian related aspects of the Iraqi National Security Strategy and associated plans;

(2) to analyse, assess and identify opportunities at national, regional and provincial levels for further Union engagement in support of the needs of the civilian Security Sector Reform;

(3) to inform and facilitate planning and implementation by the Union and Member States; and

(4) to assist the Union Delegation in the coordination of the Union's and Member States' support in the field of civilian Security Sector Reform, ensuring coherence of Union action.

Article 3

Tasks

In order to fulfil the objectives set out in Article 2, EUAM Iraq shall fulfil the necessary tasks in accordance with its planning documents.

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Article 4

Chain of command and structure

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

2. EUAM Iraq shall have its headquarters in Baghdad.

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

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Article 5

Civilian Operation Commander

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

2. The Civilian Operation Commander shall exercise command and control of EUAM Iraq at the strategic level, 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).

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 to the Head of Mission as required, and providing him with advice and technical support. The Civilian Operation Commander shall report to the Council through the HR.

4. 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.

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

6. The Civilian Operation Commander and the Head of Union Delegation to Iraq shall consult each other as required.

Article 6

Head of Mission

1. Mr Markus RITTER is hereby appointed Head of Mission.

2. The Head of Mission shall assume responsibility for EUAM Iraq 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 the his instructions.

3. The Head of Mission shall be the representative of EUAM Iraq in its area of responsibility.

4. The Head of Mission shall exercise administrative and logistic responsibility for EUAM Iraq, including responsibility for the assets, resources and information that have been placed at the disposal of EUAM Iraq. The Head of Mission may delegate management tasks regarding staff and financial matters to staff members of EUAM Iraq, under his overall responsibility.

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5. The Head of Mission shall be responsible for disciplinary control over the staff of EUAM Iraq. 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.

6. The Head of Mission shall ensure appropriate visibility of EUAM Iraq.

7. The Head of Mission shall coordinate with other Union actors on the ground, as appropriate. Without prejudice to the chain of command, the Head of Mission shall receive local political guidance from the Head of the Union Delegation to Iraq.

Article 7

Staff

1. EUAM Iraq 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 that 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 Iraq 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 Iraq and the staff member concerned.

Article 8

Status of EUAM Iraq and of its staff

The status of EUAM Iraq and its staff, including as appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUAM Iraq, shall be the subject of an agreement concluded pursuant to Article 37 TEU in accordance with the procedure laid down in Article 218 Treaty on the Functioning of the European Union.

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Article 9

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 Iraq. 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 power to appoint a Head of Mission, upon a proposal from the HR, and the power to amend the Operation Plan (OPLAN). The powers of decision with respect to the objectives and termination of the EUAM Iraq shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive, on a regular basis and as required, reports from the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

Article 10

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 Iraq, 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 Iraq, and that they contribute to the running costs of EUAM Iraq, as appropriate.

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

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and on the establishment of 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. 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 Iraq.

Article 11

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure that EUAM Iraq implements those measures properly and effectively in accordance with Article 5.

2. The Head of Mission shall be responsible for the security of EUAM Iraq and for ensuring compliance with minimum security requirements applicable to EUAM Iraq, 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.

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

4. The EUAM Iraq 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 ([1]).

Article 12

Watch-Keeping Capability

The Watch-Keeping Capability shall be activated for EUAM Iraq.

Article 13

Legal arrangements

EUAM Iraq shall have the capacity to procure services and supplies, to enter into contracts and administrative arrangements, to employ staff, to hold bank accounts, to acquire and dispose of assets and to discharge its liabilities, and to be a party to legal proceedings, as required in order to implement this Decision.

Article 14

Financial arrangements

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1. The financial reference amount to cover the expenditure related to EUAM Iraq for the period from 16 October 2017 to 17 October 2018 shall be EUR 17 300 000.

The financial reference amount to cover the expenditure related to EUAM Iraq for the period from 18 October 2018 to 17 April 2020 shall be EUR 64 800 000.

The financial reference amount to cover the expenditure related to EUAM Iraq for the period from 18 April 2020 to 30 April 2022 shall be EUR 79 500 000.

The financial reference amount for any subsequent period shall be decided by the Council.

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2. All expenditure shall be managed in accordance with the rules and procedures applicable to the general budget of the Union. Participation of natural and legal persons in the award of procurement contracts by EUAM Iraq shall be open without limitations. Moreover, no rule of origin for the goods purchased by EUAM Iraq shall apply. Subject to the Commission's approval, EUAM Iraq may conclude technical arrangements with Member States, the host State, participating third States and other international actors, regarding the provision of equipment, services and premises to EUAM Iraq.

([1]) Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

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3. EUAM Iraq shall be responsible for the implementation of its budget. For this purpose, EUAM Iraq shall sign an agreement with the Commission.

4. EUAM Iraq shall report fully to, and be supervised by, the Commission on the activities undertaken within the framework of the agreement.

5. The financial arrangements shall respect the chain of command provided for in Articles 4, 5 and 6 and the operational requirements of EUAM Iraq.

6. The expenditure related to EUAM Iraq shall be eligible as of the date of adoption of this Decision.

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Article 14a

Project Cell

1. EUAM Iraq shall have a Project Cell for identifying and implementing projects. EUAM IRAQ shall, as appropriate, coordinate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility and with due respect for the Union institutional framework in areas related to EUAM IRAQ and in support of its objectives.

2. EUAM IRAQ shall be authorised to seek recourse to financial contributions from Member States or third States to implement projects identified as supplementing in a consistent manner EUAM IRAQ's other actions, if the project is:

(a) provided for in the financial statement relating to this Decision; or

(b) integrated into the financial statement during the mandate of EUAM Iraq by means of an amendment requested by the Head of Mission.

EUAM IRAQ shall conclude an arrangement with those States, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by EUAM IRAQ in the use of the funds provided by those States. Under no circumstances may the contributing States hold the Union or the High Representative liable for acts or omissions by EUAM IRAQ in the use of the funds provided by those States.

3. Financial contributions from third States to the Project Cell shall be subject to acceptance by the PSC.

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Article 15

Consistency of the Union's response and coordination

1. The HR shall ensure the consistency of the implementation of this Decision with the Union's external action as a whole, including the Union's development programmes.

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2. Without prejudice to the chain of command, the Head of Mission shall act in close coordination with the Union Delegation to Iraq to ensure the consistency of Union action in Iraq.

3. The Head of Mission shall coordinate closely with Member States' Heads of Missions present in Iraq.

Article 16

Release of information

1. The HR shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance with the needs of EUAM Iraq, EU classified information up to 'CONFIDENTIEL UE/EU CONFIDENTIAL' level generated for the purposes of EUAM Iraq, in accordance with Decision 2013/488/TEU.

2. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which has been generated for the purposes of EUAM Iraq, in accordance with Decision 2013/488/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for this purpose.

3. The HR shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUAM Iraq and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ([1]).

4. The HR may delegate the powers and the ability to conclude the arrangements, referred to in paragraphs 1, 2 and 3, to persons placed under his or her authority, to the Civilian Operations Commander and to the Head of Mission, in accordance with Section VII of Annex VI to Decision 2013/488/EU.

Article 17

Entry into force and duration

This Decision shall enter into force on the day of its adoption.

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It shall apply until 30 April 2022.

([1]) Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).