

COUNCIL DECISION 2014/486/CFSP**of 22 July 2014****on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 28, 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 14 April 2014, the Council expressed its readiness to assist Ukraine in the field of civilian security sector reform, support of police and rule of law and to elaborate a Political Framework for Crisis Approach (PFCA) in Ukraine, examining all options, including through a possible Common Security and Defence Policy (CSDP) mission.
- (2) On 8 May 2014, the Foreign Minister of Ukraine sent a letter to the High Representative of the Union for Foreign Affairs and Security Policy (HR) expressing an interest in the deployment of a CSDP mission in Ukraine.
- (3) On 12 May 2014, the Council recalled its readiness to assist Ukraine in the field of civilian security sector reform, it welcomed the PFCA in Ukraine and gave the European External Action Service (EEAS) the task of preparing a Crisis Management Concept (CMC) for a possible civilian CSDP mission. It also underlined the importance of coordination and complementarity with the Organisation for Security and Cooperation in Europe (OSCE) and other international actors.
- (4) On 23 June 2014, the Council approved the CMC for a possible CSDP action in support of civilian security sector reform.
- (5) On 11 July 2014, the Foreign Minister of Ukraine sent a letter to the HR accepting the deployment of a CSDP mission.
- (6) EUAM Ukraine 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 as set out in Article 21 of the Treaty on European Union (TEU),

HAS ADOPTED THIS DECISION:

*Article 1***Mission**

The Union shall conduct an Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) to assist Ukraine in the field of civilian security sector reform, including police and rule of law.

*Article 2***Mandate**

1. In support of Ukraine's commitments to security sector reform, the non-executive civilian CSDP mission shall mentor and advise relevant Ukrainian bodies in the elaboration of renewed security strategies and in the consequent implementation of relevant comprehensive and cohesive reform efforts, in order to:

- create a conceptual framework for planning and implementing reforms that result in sustainable security services delivering the rule of law, in a manner that contributes to enhancing their legitimacy and to increased public confidence and trust, in full respect for human rights and consistent with the constitutional reform process;
- reorganise and restructure the security services in a way which permits recovering control and accountability over them.

To achieve its objectives, EUAM Ukraine shall operate in accordance with the parameters set out in the Crisis Management Concept (CMC) approved by the Council on 23 June 2014 and in the operational planning documents.

2. Within its initial mandate, the mission shall assist in a comprehensive civilian security sector reform planning process, supporting rapid preparation and implementation of the reform measures.

Article 3

Chain of command and structure

1. EUAM Ukraine shall have a unified chain of command for crisis management operations.
2. EUAM Ukraine shall have its Headquarters in Kyiv.
3. EUAM Ukraine shall be structured in accordance with its planning documents.

Article 4

Planning and launch of EUAM Ukraine

1. The mission shall be launched by a Council Decision on the date recommended by the Civilian Operation Commander of EUAM Ukraine once it has reached its initial operating capability.
2. The tasks of the Core team of EUAM Ukraine shall be to prepare the installation of the mission in terms of logistics, infrastructure and security and to provide the input needed to draw up the operational planning documents as well as the second budgetary impact statement.

Article 5

Civilian Operation Commander

1. The Director of the Civilian Planning and Conduct Capability (CPCC) shall be the Civilian Operation Commander for EUAM Ukraine. The CPCC shall be at the disposal of the Civilian Operation Commander for the planning and conduct of EUAM Ukraine.
2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and overall authority of the HR, shall exercise command and control of EUAM Ukraine.
3. The Civilian Operation Commander shall ensure, with regard to the conduct of operations, the proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions 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, the Union institution concerned, or the European External Action Service (EEAS). Those authorities shall transfer Operational Control 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.

Article 6

Head of Mission

1. The Head of Mission shall assume responsibility for, and exercise command and control of, EUAM Ukraine at theatre level. The Head of Mission shall be directly responsible to the Civilian Operation Commander and shall act in accordance with the instructions given by him.

2. The Head of Mission shall be the representative of EUAM Ukraine in its area of responsibility. The Head of Mission may delegate management tasks in staff and financial matters to staff members of EUAM Ukraine under his overall responsibility.
3. The Head of Mission shall exercise administrative and logistic responsibility for EUAM Ukraine, including over assets, resources and information placed at the disposal of the mission.
4. The Head of Mission shall be responsible for disciplinary control over staff. For seconded staff, disciplinary action shall be exercised by the national authority in accordance with national rules, by the Union institution concerned or by the EEAS.

Article 7

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council and the HR, political control and strategic direction of EUAM Ukraine. The Council shall authorise the PSC to take the relevant decisions in accordance with the third paragraph of Article 38 TEU. That authorisation shall include, in particular, the powers to appoint a Head of Mission, upon a proposal of the HR, and to amend the concept of operations (CONOPS) and the operation plan (OPLAN). The powers of decision with respect to the objectives and termination of EUAM Ukraine 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 by the Civilian Operation Commander and the Head of Mission on issues falling within their respective areas of responsibility.

Article 8

Staff

1. EUAM Ukraine 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. Each Member State, each Union institution, and the EEAS shall be responsible for answering any claims linked to a secondment from, or concerning, a member of staff seconded by it, and for bringing any action against that person.
3. International and local staff may also be recruited on a contractual basis by EUAM Ukraine 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 to be concluded between EUAM Ukraine and the staff members concerned.

Article 9

Status of EUAM Ukraine and its staff

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

