



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 21 June 2001 (22.06)
(OR. fr)**

10188/01

LIMITE

**PESC 259
FIN 199**

"A" ITEM NOTE

from : COREPER

to : COUNCIL

Subject : Adoption in the languages of the Communities of a draft Council Decision on the rules applicable to national military staff on secondment to the General Secretariat of the Council in order to form the European Union Military Staff

1. The Council Decision of 22 January 2001 (2001/80/CFSP) establish the European Union Military Staff provided that military staff will be seconded from the Member States to the General Secretariat of the Council in order to form the European Union Military Staff (EUMS) while its Article 4(1) provides that members of the Military Staff shall be subject to the rules which will be established in a Council Decision. This note is directed towards adoption of such a Council Decision, bringing to an end the rules applicable to national experts in the military field on secondment to the General Secretariat of the Council during the interim period (Council Decision 2000/178/CFSP of 28 February 2000).

2. At its meeting on 20 June 2001 the Permanent Representatives Committee agreed to advise the Council to:

- adopt the above Decision as finalised by the Legal/Linguistic Experts and contained in 9731/01 PESC 220 FIN 179;
- order that the Decision be published in the Official Journal of the European Communities;
- enter in its minutes two Council statements on the application of the Decision:
 - "Throughout the period of secondment the seconded military staff member will remain subject to the rules in force in the Member State that employs him (in particular the following, although this is not an exhaustive list: rules of conduct, disciplinary provisions, rules on career progression, etc.), insofar as these do not conflict with this Decision."
 - "Where a seconded military staff member is required to take leave on the grounds that he must meet statutory obligations of his corps of origin (such as, for instance, flying periods for pilots or embarkation periods for seamen), it will be regarded as special leave under Article 9 of these rules, where the grounds are accepted by the Director-General of the European Union Military Staff. The allowances stipulated in Articles 12 and 13 shall not be paid for the duration of such absences."
- enter in its minutes a Council statement on immunities:
 - "The Council notes with satisfaction the Member States' intention rapidly to agree among themselves the functional immunities to be granted to staff of the European Union Military Staff and the functional immunities and other facilities to be granted to the general headquarters and military forces which they may in the future place at the disposal of the European Union in the context of preparing for and carrying out the tasks referred to in Article 17(2) of the TEU, taking as a basis the provisions applied elsewhere in similar cases."

The Council asks the Secretary-General/High Representative to put forward proposals as soon as possible and calls upon the Member States to deal with this matter with the necessary urgency."

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