



**EUROPEISKA
UNIONENS RÅD**

**Bryssel den 13 oktober 2005 (17.10)
(OR. en)**

13059/05

**PESC 832
COEST 160
OC 683**

I/A-PUNKTSNOT

från: Rådets generalsekretariat
till: Coreper/rådet

Ärende: Utkast till rådets gemensamma åtgärd om ändring av mandatet för
Europeiska unionens särskilda representant för Moldavien
GEMENSAM INSTÄLLNING
Tidsfrist för samråd: 24.10.2005

1. Den 2 juni 2005 skickade Moldaviens president Vladimir Voronin och Ukrainas president Viktor Jusjtjenko en gemensam skrivelse i vilken de bl.a. begär att EU skall undersöka möjligheterna att erbjuda stöd till inrättandet av internationella tullkontroller vid den transnistriskiska delen av gränsen mellan Moldavien och Ukraina, liksom en effektiv internationell övervakningsmekanism för detta gränsavsnitt.
2. Den 20 september 2005 enades Kommittén för utrikes - och säkerhetspolitik om att EU skall upprätta ett gränsuppdrag för Moldavien och Ukraina, inbegripet förstärkning av personalen hos EU:s särskilde representanten för Moldavien (EUSR). Dessutom begärde kommittén att arbetsgruppen med råd för yttre förbindelser (RELEX) förbereder en reviderad gemensam åtgärd om mandatet för EU:s särskilde representant som beaktar förstärkningen av dennes personal.

3. Den 13 oktober 2005 enades RELEX om texten till utkastet till rådets gemensamma åtgärd om ändring av mandatet för Europeiska unionens särskilda representant (EUSR) för Moldavien samt om en finansieringsöversikt som fastställer ett utökat referensvärde på EUR 130 000 för personalen för gränsövervakning i Moldavien.

4. Coreper uppmanas därför att
 - bekräfta överenskommelsen om utkastet till rådets gemensamma åtgärd samt finansieringsöversikten i enlighet med bilagan till denna not,
 - rekommendera rådet att anta den gemensamma åtgärden om ändring av mandatet för Europeiska unionens särskilda representant för Moldavien enligt den slutliga texten efter juristlingvisternas slutgranskning i dokument 13058/05 PESC 831 COEST 159 OC 682.

LEGISLATIVE FINANCIAL STATEMENT

Policy area(s): External Relations

Activity(ies): CFSP - Common Foreign and Security Policy

TITLE OF ACTION:

Implementation of Council Joint Action 2005/.../CFSP of .../.../2005, amending the mandate of the European Union Special Representative for Moldova ["Moldovan Border Team"]

1. BUDGET LINE(S) + HEADING(S)

19 03 06 "European Union Special Representatives"

2. OVERALL FIGURES

2.1. Total allocation for action: 130,000 € for 2005 commitment

2.2. Period of application:

The Joint Action shall enter into force on 1 December 2005 and shall apply until 28 February 2006, when the present Joint Action concerning the EUSR for Moldova runs out.

The implementation period for the EUSR's Border Team is 3 months.

2.3. Overall multi-annual estimate on expenditure:

a) Schedule of commitment appropriations/payment appropriations (financial intervention) (*see point 6.1.1*)

million € (*to 3rd decimal place*)

	Year 2005	N + 1					Total
Commitments	0.130						0.130
Payments	0.113	0.017					0.130

b) Technical and administrative assistance and support expenditure (*see point 6.1.2*)

N/A

c) Overall financial impact of human resources and other administrative expenditure (*see points 7.2 and 7.3*)

N/A

TOTAL a+b+c							
Commitments	0.130						0.130
Payments	0.113	0.017					0.130

2.4. Compatibility with the financial programming and the financial perspective

- Proposal compatible with the existing financial programming
- This proposal will entail reprogramming of the relevant heading in the financial perspective
- This may entail application of the provisions of the Interinstitutional Agreement

2.5. Financial impact on revenue:

- No financial implications (involves technical aspects regarding implementation of a measure)

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA participation	Participation applicant countries	Heading Financial Perspective
DNO	CD	NON	NON	NON	No 4

4. LEGAL BASIS

Treaty on European Union, in particular Articles 14 and 18(5) thereof

Treaty establishing the European Community

Council Regulation (EC) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, in particular Article 75(2) thereof

5. DESCRIPTION AND GROUNDS

5.1. Need for Community intervention

5.1.1. Objectives pursued

The Joint Council Secretariat/Commission Fact-Finding Mission (FFM) to Moldova and Ukraine, which visited the Moldova, the Ukraine and the Moldovan border area from 23 to 29 August 2005, concluded that the best framework for an EU engagement would be a joint approach comprising an EC Border Assistance Mission and the reinforcement of the Team for the EUSR for Moldova.

Taking into consideration the recommendations of the FFM and the PSC's conclusions of 9 and 20 September, the EUSR's Team is to be enhanced with four advisors ("Border Team") to be located in Kiev, Chisinau and Odessa. The objective of the enhanced EUSR team will be to assure political overview of developments related to the Moldovan-Ukrainian state border, analyse the continuing political commitment of Moldova and Ukraine and promote co-operation on border issues between the Moldovan and Ukrainian sides, also in view of building pre-conditions for a settlement to the Transnistrian conflict. In doing this, the work of the EUSR's Border Team will also complement the effective functioning of the EC Border Assistance Mission.

5.1.2. Measures taken in connection with ex ante evaluation

[See under 5.1.1.]

5.1.3. Measures taken following ex post evaluation

N.A.

5.2. Actions envisaged and arrangements for budget intervention

The mandate of the EUSR in order to achieve the policy objectives, as specified in Articles 2 and 3 of the amended Joint Action 2005/265/CFSP of 23 March 2005, shall be to:

- enhance the effectiveness of border and customs controls and border surveillance activities in Moldova and Ukraine along their common border, with a particular focus on the Transnistrian section.
- and, through a support team led by a Senior Political Adviser to the EUSR:
 - assure political overview of developments related to the Moldovan - Ukrainian state border;
 - analyse the political commitment of Moldova and Ukraine to improving border management;
 - promote co-operation on border issues between the Moldovan and Ukrainian sides, also in view of building pre-conditions for a settlement to the Transnistrian conflict.

The tasks of the additional EUSR staff shall be carried out by:

- (1) One Senior Political Adviser in Odessa, Ukraine, in the Headquarters of the EC Border Assistance Mission. He/she will be the same person as the Head of the EC Border Assistance Mission, and remunerated as such, with no financial responsibility on the part of the EUSR.
- (2) One Senior Adviser in Kiev, Ukraine
- (3) One Liaison Officer, located in the Headquarters of the EC Border Assistance Mission in Odessa, Ukraine
- (4) One Adviser in Chisinau, Moldova

5.3. Methods of implementation

The “double-hatted” Senior Political Advisor will not be remunerated or receive other finances from the budget of the EUSR. Only the other 3 (numbers 2, 3 and 4) are concerned.

The EU Special Representative to Moldova will sign a Rider to his Special Adviser contract with the Commission. He is responsible to the Commission for the management of expenditure related to the mandate, including the Border Support Team.

The main beneficiaries are the countries and people of Moldova and the Ukraine.

6. FINANCIAL IMPACT

6.1. Total financial impact (over the entire period)

6.1.1. Financial intervention¹

Project funded by EC contribution and contributions in kind by Member States:

Commitments in € million

Breakdown	Year N 2005	N + 1	N + 2	N + 3	N + 4	N + 5 and subs. Years	Total
<u>Contribution EC:</u>	0.130						0.130
<u>Bilateral contributions by Member States</u>							
...	---						---
<u>Bilateral contributions by non-member states</u>	--						--
TOTAL	0.130						0.130

CONTRIBUTIONS IN KIND

EU Member States and Institutions

MS and Council General Secretariat: Secondments of 3 experts
(sources of secondment to be determined)

COM is making available office space in their Delegations in Chisinau and Kiev

Non-EU Participants N.A.

6.1.2. Technical and administrative assistance, support expenditure and IT expenditure (Commitment appropriations)

N/A

¹ Adjustments may take place during the budgeting period in contributions by MS and non-EU participants.

6.2. Calculation of costs by measure envisaged (over the entire programming period)

Heading	Unit	Nbr of peop	Nbr of units	Unit Price	Total €
1. PERSONNEL COSTS					
Local staff salaries					
Staff/Legal Assistant/Interpreter [Chisinau, MD]	per month	1	3	1100	3.300,00
[Kiev, UA]	per month	1	3	1500	4.500,00
Admin Assistant/Driver [Odessa, UA]	per month	1	3	900	2.700,00
Provision for severance payments/social security					2.000,00
Insurance					
(High Risk) Insurance for seconded experts	per month	3	3	300	2.700,00
Sub-total Personnel Costs					15.200,00
2. MISSIONS					
Round trip for Liaisons [to Brussels and back]	per flight	3	1	2100	6.300,00
Flights Kiev / Odessa / Chisinau	per flight		15	300	4.500,00
Travel to Brussels (3x3 Nights)	per night	3	3	120	1.080,00
Travel to Brussels (3x4 per diem)	per day	3	4	84	1.008,00
Sub total Missions					12.888,00
3. RUNNING EXPENDITURE					
Rental (4x4 vehicle)	per car		3	3000	9.000,00
Fuel and maintenance	per car		3	500	1.500,00
Telecommunications	per month		3	4000	12.000,00
Improvement of physical security at residences	residence		3	3000	9.000,00
Stationary	per month		3	500	1.500,00
Part in rental costs and running exp. Odessa Office	per month		3	2500	7.500,00
Sub total Running Expenditure					40.500,00
4. CAPITAL EXPENDITURE					
GSMs (purchase with contract)		6	1	200	1.200,00
crypto-phone		3	1	3000	9.000,00
Furniture, office equipment, air conditioner	lump				18.000,00
Computers (laptops)		6	1	2000	12.000,00
3 printers, 3 scanner, UPS + other IT equipment			3	5000	15.000,00
Sub total Capital Expenditure					55.200,00
5. REPRESENTATION					2.000,00
Total 1. to 5.					125.788,00
6. Contingency reserve (<5%)	3,35%				4.212,00
TOTAL					130.000,00

6.2.1. Personnel Costs

Salaries & allowances

The salaries of all non-seconded staff are covered by the budget of the mandate. The salaries of the seconded staff are covered by the seconding state and institution, respectively.

The salaries of local staff are based on EC Delegation rates, in accordance with the Commission Communication on Specific Rules for Special Advisers of the Commission entrusted with the implementation of operational CFSP actions (C(2004)2984).

Insurances, Social Security and Severance Payments

Insurances

The budget covers a high-risk insurance for the EUSR's 3 border team members.

Severance payments

A provision of € 2,000 is included to cover social security and possible severance payments for local employees.

6.2.2. Missions

All mission expenditure directly related to the implementation of the mandate is covered by the budget of the mandate. The mission expenditure includes transportation, per diems and accommodation. The rates are based on the Guide to Missions for Officials and Other Servants of the European Commission (Article 71 of the Staff Regulations and Articles 11 to 13 of Annex VII to the Staff Regulations).

6.2.3 Running Expenditure

See Table above.

6.2.4. Capital Expenditure

See Table above.

6.2.5. Representation

See Table above.

6.2.6. Contingencies

The contingency reserve represents a maximum of 5 % of the budget, and can be used only upon prior written approval of the Commission.

6.3. Itemised breakdown of cost (indicative)

BUDGET HEADING	Budget 1.12.2005 - 28.2.2006 (€)
1. Personnel Costs	15,200
2. Missions	12,888
3. Running expenditure	40,500
4. Capital expenditure	55,200
5. Representation	2,000
Sub-Total (1 to 5)	125,788
6. Contingencies [to be used only with prior written approval of the Commission]	4,212
TOTAL	130,000

The authorising officer responsible is hereby authorised to vary each of the above amounts related to the budget of the EUSR for Moldova according to exact operational requirements and possibilities and in keeping with sound financial management, while not exceeding the overall amount of the financing decision.

6.4. Financial precedents

Joint Action	Year/Period	Cost (€)
Joint Action 2005/265/CFSP of 23 March 2005 [EUSR Moldova]	2005	278,000
Joint Action 2005/584/CFSP of 28 July 2005 [EUSR Moldova]	2005	300,000

7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

- 7.1 **Impact on human resources** p.m.
- 7.2 **Overall financial impact of human resources** p.m.
- 7.3 **Other administrative expenditure deriving from the action** p.m.

8. FOLLOW-UP AND EVALUATION

8.1 Follow-up arrangements

The Presidency is responsible for the implementation of the decisions made according to title V of the TEU (Joint Action).

According to Art. 4.1 of the Joint Action 2005/265/CFSP of 23 March 2005, the EUSR shall be responsible for implementing his mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for expenditure incurred in respect of his activities.

According to Article 4.2 of the said Joint Action, the EUSR shall maintain a privileged link with the Political and Security Committee (PSC), which shall provide strategic guidance and political input to the EUSR within the framework of the mandate.

According to Article 7 of the said Joint Action, as a rule, the Special Representative will report in person to the High Representative and to the PSC and may report also to the relevant Working Group. Regular written reports will be circulated to the High Representative, Council and Commission. The EUSR may report to the General Affairs and External Relations Council on the recommendation of the HR and the PSC.

According to Article 8 of the said Joint Action, to ensure the coherence of EU external action, the activities of the EUSR shall be coordinated with those of the HR, Presidency and the Commission. In the field, close liaison shall be maintained with Presidency, Commission and Heads of Mission as well as with other international actors.

According to Article 9 of the said Joint Action, the Special Representative shall present a comprehensive written report on the implementation of the mandate to the High Representative, Council and Commission two months before the mandate expires, which shall form a basis for evaluation of the Joint Action in the relevant working groups and by the PSC.

8.2 Arrangements and schedule for the planned evaluation

The Commission may conduct an evaluation of this action in the framework of its budget implementation competence.

The Council will conduct a review at the end of the mandate, on the basis of Guidelines in the document "Review of Mandates of EUSRs" [doc. 6436/03 of 14 February 2003].

9. ANTI-FRAUD MEASURES

Controls may be undertaken by the Commission services, including OLAF, as well as by the European Court of Auditors.