



**RAT DER
EUROPÄISCHEN UNION**

**Brüssel, den 5. Februar 2007 (09.02)
(OR. en)**

5680/07

**PESC 92
COEST 21
COSDP 66**

I/A-PUNKT-VERMERK

des	Generalsekretariats des Rates
für den	Ausschuss der Ständigen Vertreter / Rat
<u>Betr.:</u>	Entwurf einer Gemeinsamen Aktion des Rates zur Ernennung des Sonderbeauftragten der Europäischen Union für die Republik Moldau

1. Das Politische und Sicherheitspolitische Komitee hat am 19. Dezember 2006 die Empfehlung der Gruppe "Osteuropa und Zentralasien" gebilligt, das Mandat des Sonderbeauftragten der Europäischen Union (EUSR) für die Republik Moldau zu verlängern.
2. Herr Adriaan Jacobovits de Szeged hat dem Generalsekretär/Hohen Vertreter seine Absicht mitgeteilt, Ende Februar 2007 sein Amt niederzulegen. Daher sollte für die Zeit ab dem 1. März 2007 ein neuer EUSR ernannt werden. Das Politische und Sicherheitspolitische Komitee hat am 6. Februar 2007 die Empfehlung des Generalsekretärs/Hohen Vertreters gebilligt, Herrn Kálmán MIZSEI zum EUSR für die Republik Moldau zu ernennen.

3. Die Gruppe der Referenten für Außenbeziehungen hat Einigung über den Wortlaut des Entwurfs der Gemeinsamen Aktion des Rates und über den Finanzbogen für die Gemeinsame Aktion erzielt. In den Beratungen über die Entwürfe der Gemeinsamen Aktionen betreffend die EUSR-Mandate wurde festgestellt, dass das Konzept der EU für die Sicherheit des im Rahmen des Titels V EUV in operativer Funktion außerhalb der Europäischen Union eingesetzten Personals bei all diesen Gemeinsamen Aktionen erstmals Anwendung findet. Damit war zumeist eine Erhöhung des als finanzieller Bezugsrahmen dienenden Betrags verbunden; im Falle dieses Mandats beträgt die durch sicherheitsbezogene Ausgaben bedingte Erhöhung 4,9 % .
4. Ferner hat die Gruppe auf eine Reihe von Fragen hingewiesen, die den regionalen Gruppen zur Kenntnis gebracht und bei der Überprüfung künftiger EUSR-Mandate berücksichtigt werden sollten, unter anderem die der Umsetzung der Mandate angemessene Personalstärke und die Aufnahme allgemeiner Bestimmungen, die sich aus Grundsatzpapieren der EU ergeben.
5. Die Gruppe ist abschließend zu der Feststellung gelangt, dass es weiterer Beratungen bedarf, um Fragen zu klären, die alle EUSR-Mandate betreffen, so zum Beispiel die mögliche Einrichtung einer gemeinsamen "Unterstützungseinheit" für die EUSR oder die Zuständigkeit für Ansprüche, die von abgeordneten Mitgliedern des Personals oder in Bezug auf abgeordnete Mitglieder des Personals erhoben werden. Es wurde vereinbart, im Zuge der Aktualisierung der Leitlinien für die EU-Sonderbeauftragten auf diese Fragen zurückzukommen. ¹
6. Der AStV wird daher ersucht,
 - die Einigung über den Entwurf der Gemeinsamen Aktion des Rates und den in der Anlage enthaltenen Finanzbogen für das Mandat zu bestätigen;
 - zu empfehlen, dass der Rat die Gemeinsame Aktion zur Ernennung des Sonderbeauftragten der Europäischen Union für die Republik Moldau in der von den Rechts- und Sprachsachverständigen überarbeiteten Fassung des Dokuments 5124/07 PESC 11 COEST 5 COSDP 3 annimmt.

¹ Die Gruppe war sich darin einig, dass horizontale Beratungen über die Abfassung einer in die EUSR-Mandate aufzunehmenden Menschenrechtsklausel als Beitrag zu den Leitlinien für die EU-Sonderbeauftragten zweckmäßigerweise in der Gruppe "Menschenrechte" stattfinden sollten

LEGISLATIVE FINANCIAL STATEMENT

Policy area(s): External Relations
Activity(ies): CFSP - Common Foreign and Security Policy

TITLE OF ACTION:
Council Joint Action 2007/.../CFSP of 2007 appointing the European Union Special Representative for the Republic of Moldova

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

19 03 06 “European Union Special Representatives”

2. OVERALL FIGURES

2.1. Total allocation for action: 1,100,000 € for 2007 commitment

2.2. Period of application:

The Joint Action shall enter into force on 1 March 2007. The mandate shall be implemented and expenditure is eligible from 1 March 2007 until 29 February 2008.

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 2007	N + 1					Total
Commitments	1.100						1.100
Payments	0.961	0.139					1.100

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

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

2.3. 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

In accordance with Article 2 of the Joint Action *2007/.../CFSP of 2007*, the mandate of the EUSR is based on the policy objectives of the European Union in the Republic of Moldova. These objectives include:

- (a) to contribute to a peaceful settlement of the Transnistria conflict and to the implementation of such a settlement on the basis of a viable solution, respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognised borders;
- (b) to contribute to the strengthening of democracy, rule of law and respect for fundamental freedoms for all citizens of the Republic of Moldova;
- (c) to promote good and close relations between the Republic of Moldova and the European Union on the basis of common values and interests and as set out in the European Neighbourhood Policy (ENP) Action Plan;
- (d) to assist in the fight against trafficking human beings and of weapons and other goods, from and through the Republic of Moldova;
- (e) to contribute to strengthening stability and cooperation in the region;
- (f) to enhance EU effectiveness and visibility in the Republic of Moldova and the region;
- (g) to enhance the effectiveness of border and customs controls and border surveillance activities in the Republic of Moldova and Ukraine along their common border, with a particular focus on the Transnistrian section, notably through an EU Border Mission.

This is a continuation of the action that terminates on 28 February 2007.

5.1.2. Measures taken in connection with ex ante evaluation

The first mandate of the EUSR was adopted in 2005 and has been renewed twice. Each renewal was preceded by a political assessment by the Council. Mr Adriaan Jacobovits de Szeged has announced his departure at the end of February 2007, and this Joint Action appoints Mr./Ms European Union Special Representative (EUSR) for the Republic of Moldova as of 1 March 2007 until 29 February 2008.

5.1.3. Measures taken following ex post evaluation

The Council undertakes reviews at the end of each EUSR mandate on the basis of document Review of Mandates of EUSRs (doc. 6436/03 of 14 February 2003). The most recent review was conducted by the Council Working Group COEST and endorsed by the Political and Security Committee.

5.2. Actions envisaged and arrangements for budget intervention

The mandate of the EUSR, as specified in Article 3 of the Joint Action *2007/.../CFSP of.. 2007*, shall be to:

- (a) strengthen the EU contribution to the resolution of the Transnistria conflict in accordance with agreed EU policy objectives and in close co-ordination with the OSCE, representing the EU through appropriate channels and in agreed for and by developing and maintaining close contacts with all relevant actors;
- (b) assist in the preparation, as appropriate, of EU contributions to the implementation of an eventual conflict settlement;
- (c) follow closely political developments in the Republic of Moldova, including in the Transnistrian region, by developing and maintaining close contacts with the Government of the Republic of Moldova and other domestic actors, and offer as appropriate the EU's advice and facilitation;
- (d) assist in the further development of the EU's policy towards the Republic of Moldova and the region, in particular regarding conflict prevention and conflict resolution;
- (e) 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 the Republic 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.
- (f) contribute to the implementation of the EU human rights policy and EU Guidelines on Human Rights, in particular with regard to children and women in conflict affected areas, especially by monitoring and addressing developments in this regard.

For the purpose of fulfilment of his mandate, the EUSR shall maintain an overview of all EU activities, notably the relevant aspects of the ENP Action Plan.

5.3. Methods of implementation

The EU Special Representative will be based in Brussels and will travel from there to the Republic of Moldova (including Transnistria), its neighbouring countries and relevant international organisations to undertake mediation and liaison efforts in fulfilling his mandate.

The EUSR has a Political Advisor, residing in Chisinau, responsible for general and specific issues other than directly border-related ones.

The further support team [paragraph (e) above] will be composed as follows:

- (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, Republic of Moldova

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

The EU Special Representative for the Republic of Moldova will sign a Special Adviser contract with the Commission. He/She 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 the Republic 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 and Institutions:

Breakdown	Commitments in € million						Total
	Year N 2007	N + 1	N + 2	N + 3	N + 4	N + 5 and subs. Years	
<u>Contribution EC:</u> <u>Bilateral contributions by Member States</u> ...	1.100---						1.100---
<u>Bilateral contributions by non-member states</u>	--						--
TOTAL	1.100						1.100

CONTRIBUTIONS IN KIND

EU Member States and Institutions

MS: Secondments of 4 experts [countries of secondment not known yet]:

General Affairs: 1 in Chisinau

Border Team: 1 each in Kiev, Chisinau, and Odessa

COUNCIL General Secretariat: Secondment of a Secretary

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

COUNCIL General Secretariat is making available office space in Brussels, incl. fixed line communications, office computers and their maintenance

Non-EU Participants N.A.

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

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

N/A

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

See Table at Annex

6.2.1. Personnel Costs

Salaries & allowances

The salaries of all non-seconded staff are covered by the budget of the mandate, including 50% for a shared Financial Officer and a full time Russian speaking Secretary. The salaries of the seconded staff are covered by the seconding state or institution, respectively.

- EU Special Representative 12 months * 19,400 €/month = **232,800 €**

The remuneration of the EUSR corresponds to the basic salary of the grade AD 16, 1st level, as fixed at Article 66 of the EC Staff Regulations. This salary is determined on the basis of document “EU Special Representatives: Guidelines on appointment, mandate and financing” (doc. 13833/03 of 28 October 2003). The remuneration includes expatriation allowance of 16 % and other applicable allowances as per the EC Staff Regulations, plus 2 * 50% of 1 month’s basic salary for “Removal Allowance [= +/- **16,000 EUR**].

- Basic salary:	€ 15,605
- Family allowances ¹ (household allowance, dependent children, ...) €	785
- Expatriation allowance (16%)	€ 2,622
- Margin for indexation: €	€ 388
TOTAL	€ 19,400

- The salaries of local staff are based on 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 4 team members, for the Financial Officer as well as for the EUSR himself.

Severance payments

A provision of € 8,000 is included to cover social security and possible severance payments for local employees.

¹ This amount will change depending on the personal situation of the future EUSR.

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).

The item 2.15 (Training for Administrative Assistants) for the three assistants in Kiev, Chisinau and Odessa concerns financial training in Brussels.

The item 2.16 (Training of new Political Advisers in the region) of the budget concerns Security Training in Brussels for new Political Advisers.

6.2.3 Running Expenditure

See Table.

6.2.4. Capital Expenditure

See Table.

6.2.5. Representation

See Table

6.2.6. Financial Charges

Financial Charges of up to EUR 3,000 are covered by the budget.

6.2.7. Contingencies

The contingency reserve can be used only upon prior written approval of the Commission.

6.3. Itemised breakdown of cost (indicative)

BUDGET HEADING	Total Budget 1.3.2006 - 28.2.2007 (€)	Total Budget 1.3.2007 - 29.2.2008 (€)
1. Personnel Costs	430,800	485,400
2. Missions	280,426	288,996
3. Running expenditure	223,200	235,250
4. Capital expenditure	40,500	40,000
5. Representation	19,000	15,000
6. Financial Charges	3,000	3,000
Sub-Total (1 to 6)	996,926	1,067,646
7. Contingencies [to be used only with prior written approval of the Commission]	33,074	32,354
OVERALL TOTAL	1,030,000	1,100,000

The authorising officer responsible is hereby authorised to vary each of the above amounts related to the budget of the EUSR for the Republic of 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
Joint Action 2005/776/CFSP of 7 November 2005 [EUSR Moldova, Support Team]	2005	130,000
Joint Action 2006/120/CFSP of 20 February 2006 [EUSR Moldova + Support Team]	2006	1,030,000

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 *2007/.../CFSP of.. 2007*, the EUSR shall be responsible for implementing his mandate acting under the authority and operational direction of the Secretary General/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 PSC shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political input to the EUSR within the framework of the mandate.

According to Article 7 of the said Joint Action, the EUSR shall, in relation to the security of personnel, take all reasonably practicable measures, in conformity with his or her mandate and the security situation in his or her geographical area of responsibility, for the security of all personnel under his or her direct authority.

According to Article 8 of the said Joint Action, as a rule, the Special Representative will report in person to the Secretary General/High Representative and to the PSC and may report also to the relevant Working Group. Regular written reports will be circulated to the Secretary General/High Representative, the Council and the Commission. The EUSR may report to the General Affairs and External Relations Council on the recommendation of the SG/HR and the PSC.

According to Article 9 of the said Joint Action, to ensure the consistency of EU external action, the activities of the EUSR shall be coordinated with those of the SG/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 10 of the said Joint Action, the Special Representative shall present to the Secretary General/High Representative, Council and Commission a progress report by the end of June 2007 and a comprehensive mandate implementation report by mid-November 2007. These reports 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.

BUDGET BREAKDOWN

1 March 2007 - 29 February 2008

Heading	No. of Units	No. of Persons	Unit Price	Total €
1. PERSONNEL COSTS				
1.1. SALARY				
EUSR	12	1	19400	232.800,00
Removal Allowance EUSR [2 * 50% of Basic Salary]	1	1	16000	16.000,00
Financial and Admin. Assistant (Brussels)(shared with EUSR Morel)	12	1	4250	51.000,00
Russian speaking Secretary/Admin asst. in Brussels	12	1	7500	90.000,00
Provision for severance payments				8.000,00
Local staff salaries				
Driver [Chisinau, MD]	12	1	600	7.200,00
Admin Assistant/secretary [Kiev, UA]	12	1	1500	18.000,00
Admin Assistant/secretary [Odessa, UA]	12	1	900	10.800,00
Admin Assistant/secretary [Chisinau, MD]	12	1	700	8.400,00
Provision for severance payments/social security				8.000,00
1.2. INSURANCES				
High-risk insurance EUSR	12	1	850	10.200,00
High-risk insurance for seconded Team Members	12	4	300	14.400,00
High-risk insurance Financial officer	2	1	300	600,00
Provision for financial liability insurance				10.000,00
1. Sub-total personnel costs				485.400,00
2. Missions (*)				
2.1 Brussels-Moldova (Chisinau)				
One-week missions, flights [EUSR]	12	1	2100	25.200,00
Hotel	72	1	170	12.240,00
Per diems	84	1	80	6.720,00
Short missions, flights	6	1	2100	12.600,00
Hotel	12	1	170	2.040,00
Per diems	18	1	80	1.440,00
2.2. Moldova-Brussels [Pol. Adv.]				
Flights	4	1	2100	8.400,00
Hotel	12	1	140	1.680,00
Per diems	16	1	92	1.472,00
2.3. Brussels-Kiev-Odessa (9 trips)				
Flights	9	1	2000	18.000,00
Hotel	27	1	190	5.130,00
Per diems	36	1	80	2.880,00
2.4. Moldova-Kiev-Odessa [Pol. Adviser]				
Flights	8	1	300	2.400,00
Hotel	24	1	190	4.560,00
Per diems	32	1	80	2.560,00
2.5. Brussels-Moscow				
Flights	3	1	2200	6.600,00
Hotel	6	1	275	1.650,00
Per diems	9	1	90	810,00
2.6. Moldova-Moscow [Pol. Adviser]				
Flights	3	1	2200	6.600,00
Hotel	6	1	275	1.650,00
Per diems	9	1	90	810,00
2.7. Brussels to other European Destinations				
Flights	15	1	850	12.750,00
Hotel	15	1	150	2.250,00
Per diems	24	1	84	2.016,00

2.8. Moldova-Other European Destinations [Pol. Adviser]				
Flights	3	1	1200	3.600,00
Hotel	3	1	150	450,00
Per diems	5	1	84	420,00
2.9. Brussels-Bucharest				
Flights	2	1	1800	3.600,00
Hotel	4	1	170	680,00
Per diems	6	1	52	312,00
2.10. Moldova-Bucharest [Pol. Advisor]				
Flights	2	1	850	1.700,00
Hotel	4	1	170	680,00
Per diems	6	1	52	312,00
2.11. Brussels-Washington/New York (with Pol. Advisor)				
Flights	2	2	5000	20.000,00
Hotel	10	2	250	5.000,00
Per diems	14	2	90	2.520,00
2.12. Brussels-Kiev/Odessa/Chisinau (2 trips) [Fin. Officer]				
Flights	2	1	2100	4.200,00
Hotel	10	1	180	1.800,00
Per diems	12	1	80	960,00
2.13 Trips for Border Team, Brussels				
Flights	3	3	2100	18.900,00
Hotel (3x3nights)	9	3	140	3.780,00
Per diems	12	3	92	3.312,00
2.14. Trips for Border Team, Kiev / Odessa / Chisinau				
Flights	12	3	300	10.800,00
Hotel	36	3	170	18.360,00
Per diems	40	3	80	9.600,00
2.15 Trips for Admin Assistants (Training)				
Flights	1	3	2100	6.300,00
Hotel	2	3	140	840,00
Per diems	3	3	92	828,00
2.16 Security Training of new PolAds in the region				
Flights	1	4	2100	8.400,00
Hotel	2	4	140	1.120,00
Per diems	3	4	92	1.104,00
2.17. Moldova-Kiev-Odessa [Driver Chisinau]				
Hotel	24	1	190	4.560,00
Per diems	30	1	80	2.400,00
2.18. Miscellaneous				
Internal travel in the region (EUSR)				10.000,00
2. Sub-total mission costs				288.996,00

3 RUNNING EXPENDITURE				
Office space in Brussels	p.m.			
Office space in Chisinau	p.m.			
Office space in Kiev	p.m.			
Office material & running costs, per month	12		1700	20.400,00
Telecommunications, per month	12		2500	30.000,00
Conference premises Chisinau	16		250	4.000,00
Translation, interpretation Moldova				6.000,00
Others, incl. municipality taxes, airport fees, visa				800,00
Audit				15.000,00
Security Training Costs for the EUSR and the 4 seconded officials	5		1930	9.650,00
Border Team				
Rental (4x4 vehicle) <i>per car</i>	2		18000	36.000,00
Fuel and maintenance <i>per car</i>	3		9000	27.000,00
Car insurance (1 car) <i>per month</i>	12		200	2.400,00
Telecommunications <i>per month</i>	12		4000	48.000,00
Stationary <i>per month</i>	12		500	6.000,00
Part in rental costs and running exp. Odessa Office <i>per month</i>	12		2500	30.000,00
3. Sub-total running expenditure				235.250,00
4 CAPITAL EXPENDITURE				
4.1 IT equipment (Laptop computer etc.)	1		3500	3.500,00
4.2 GSM phone	2		500	1.000,00
4.3. Accounting tool (incl training)	1			5.500,00
4.4. Security related items (Lump sum)	1			30.000,00
4. Sub-total capital expenditure				40.000,00
5. Representation				15.000,00
6. Financial Charges				3.000,00
Total headings 1-6				1.067.646,00
7. CONTINGENCIES [<5%; not to be used without prior consent by the Commission]		3,03	%	32.354,00
TOTAL				1.100.000,00

(*) Costs incurred under Missions have to be in accordance with 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)