



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 April 2007

8268/07

**PESC 410
COSDP 277
COAFR 119**

"I/A" ITEM NOTE

From : Council Secretariat
To : Committee of Permanent Representatives / Council
Subject : Draft Council Decision appointing the European Union Special Representative for Sudan

1. On 15 February 2007, the Council adopted Joint Action 2007/108/CFSP¹ extending, until 30 April 2007, the mandate of Mr Pekka Haavisto as the EUSR for Sudan². The Council also agreed that the mandate of the EUSR for Sudan should, in principle, be extended for a period of twelve months.
2. On 2 April 2007, the Foreign Relations Counsellors working party agreed on the text of the draft Council legal act and on the financial statement related to it³.
3. On 3 April 2007, the Political and Security Committee endorsed the Secretary General/High Representative's recommendation to appoint Mr Torben Brylle as the new EUSR for Sudan.

¹ OJ L 46, 16.2.2007, p. 63.

² Mr Pekka Haavisto had informed the SG/HR that he intended to resign at the end of April 2007.

³ Under Joint Action 2007/108/CFSP, the expenditure relating to the EUSR mandate period from 1 March to 30 April 2007 (extension of Pekka Haavisto's mandate) was covered by the financial reference amount decided for the previous mandate period (18 July 2006 to 28 February 2007).

4. The present legal act, which provides for the appointment of the EUSR and for the eligibility of expenditure as of 1 May 2007, takes the form of a Council decision under Article 18 (5) TEU⁴.
5. COREPER is therefore invited to
 - confirm the agreement on the draft Council decision and on the financial statement related to the mandate, as set out in the annex to this note.
 - recommend that the Council adopt the Decision appointing the European Union Special Representative for Sudan, as set out, after finalisation of the text by the legal/linguistic experts, in document 7779/07 PESC 354 COSDP 246 COAFR 107.

⁴ Article 49 (3) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, as amended by Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 (OJ L 390, 30.12.2006, p.1 - amendment applicable as of 1 May 2007), provides that basic acts may notably take the form of a decision pursuant to Article 18 (5) TEU.

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 .../04/2007 appointing the European Union Special Representative for Sudan
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1. BUDGET LINE(S) + HEADING(S)

19 03 06 “European Union Special Representatives”

2. OVERALL FIGURES

2.1. Total allocation for action: 1,700,000 € for 2007 commitment

2.2. Period of application:

The Joint Action shall enter into force on the day of its adoption and shall apply until 29 February 2008. Expenditure shall be eligible from 1 May 2007.

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 2008					Total
Commitments	1.700						1.700
Payments	0.817	0.883					1.700

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	2007	2008							
Commitments	1.700								1.700
Payments	0.817	0.883							1.700

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 Inter-institutional 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 mandate of the EUSR shall be based on the EU's policy objectives in Sudan, notably as regards

- a. efforts, as part of the international community and in support of the African Union (AU) and the United Nations (UN), to assist the Sudanese parties, the AU and the UN to achieve a political settlement of the conflict in Darfur, including through the implementation of the Darfur Peace Agreement (DPA) and to facilitate the implementation of the Comprehensive Peace Agreement (CPA) and promote South-South dialogue, as well as facilitating the implementation of the Eastern Sudan Peace Agreement (ESPA), with due regard to the regional ramifications of these issues and to the principle of African ownership and;
- b. ensuring maximum effectiveness and visibility of the Union's contribution to the AU mission in the Darfur region of Sudan (AMIS) .

5.1.2. Measures taken in connection with ex ante evaluation

A joint fact-finding mission by the Council Secretariat and the Commission deployed from 23 June to 4 July 2005 in Ethiopia and Sudan. A General Concept for the support mission to AMIS was prepared on the basis of the mission report. The role of the EUSR is integrated in this concept.

5.1.3. Measures taken following ex post evaluation

On 15 February 2007, the Council adopted Joint Action 2007/108/CFSP⁵ extending, until 30 April 2007, the mandate of Mr Pekka Haavisto as EUSR for Sudan. The Council also agreed that the mandate of the EUSR for Sudan should, in principle, be extended for a period of 12 months, starting from 1 March 2007.

5.2. Actions envisaged and arrangements for budget intervention

1. In order to achieve the policy objectives of the EU, the mandate of the EUSR shall be to:
 - (a) liaise with the AU, the Government of Sudan, the Darfur armed movements and other Sudanese parties as well as non-governmental organisations, and maintain close collaboration with the UN and other relevant international actors, with the aim of pursuing the Union's policy objectives;
 - (b) represent the Union at the Darfur-Darfur dialogue, at high level meetings of the Joint Commission, as well as other relevant meetings as requested;
 - (c) represent the Union, whenever possible, at the CPA and DPA Assessment and Evaluation Commissions;
 - (d) follow developments regarding talks between the Government of the Sudan and the Eastern Front, and represent the Union at such talks, if requested by the parties and the mediation;
 - (e) ensure coherence between the Union's contribution to crisis management in Darfur and the overall political relationship of the Union with Sudan;
 - (f) with regard to human rights, including the rights of children and women, and the fight against impunity in Sudan, follow the situation and maintain regular contacts with the

⁵ OJ L 46, 16.2.2007, p. 63

Sudanese authorities, the AU and the UN, in particular with the Office of the High Commissioner for Human Rights, the human rights observers active in the region, and the Office of the Prosecutor of the International Criminal Court.

- (e) with regard to human rights, including the rights of children and women, and the fight against impunity in Sudan, follow the situation and maintain regular contacts with the Sudanese authorities, the AU and the United Nations, in particular with the Office of the High Commissioner for Human Rights, the human rights observers active in the region and the Office of the Prosecutor of the International Criminal Court.

2. For the purpose of the fulfilment of his mandate, the EUSR shall, inter alia,

- maintain an overview of all activities of the Union;
- ensure coordination and coherence of the Union's contributions to AMIS;
- support the political process and activities relating to the implementation of the CPA and the DPA and the ESPA; and
- follow up and report on compliance of the Sudanese parties with the relevant UNSC Resolutions, notably 1556(2004), 1564(2004), 1591(2005), 1593(2005), 1672(2006), 1679 (2006) and 1706 (2006).

5.3. Methods of implementation

The EU Special Representative will sign a Special Adviser contract with the Commission. He will be accountable to the Commission for the management of expenditure relating to the mandate.

The EUSR will sign employment contracts with his staff on his own behalf. The terms of reference of any new employment contracts will be submitted to the Commission for prior approval in ways to be specified in the contract.

6. FINANCIAL IMPACT

6.1. Total financial impact – (over the entire period)

6.1.1. Financial intervention

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

Commitments in € million

Breakdown	Year N 2007	N + 1	N + 2	N + 3	N + 4	N + 5 and subs. Years	Total
<u>Contribution EC:</u>	1.700						1.700
<u>Bilateral contributions by Member States:</u>	none						
<u>Bilateral contributions by non-member states:</u>	None						
TOTAL	1.700						1.700

CONTRIBUTIONS IN KIND

EU Member States and Institutions

(MS/EU institutions to be determined):

- secondment of 3 Military Advisers to the EUSR office in Addis
- secondment of 2 Political Adviser in Brussels
- secondment of a Political Adviser in Khartoum
- secondment of a Political Adviser in South Sudan (Juba)

Council SG: - Office space and facilities in Brussels, including fixed line communications, office computers and their maintenance.

Non-EU Participants

Not applicable

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)

6.2.1 Personnel costs

The EUSR for Sudan will employ following staff:

In Brussels: - 2 Political Advisors - seconded

- 1 Financial & Administrative Officer - local contract Brussels

- 1 Secretary - local contract Brussels

In Addis: - 1 Political Advisor - international contract

- Police adviser + team of 2 (on contract AMIS EU supporting action)

- Military adviser + team (common costs paid through ATHENA)

- 1 Secretary - local contract

In Khartoum: - 1 Political Advisor - seconded

- 1 Conflict management expert - international contract

- 1 Secretary - local contract

- 1 Driver - local contract

In Juba: - 1 Political Adviser - seconded

Salaries

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.

- EU Special Representative 10 months * 19,600 €/month = **196,000 €**

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 provision for remuneration is constituted as follows (indicative amounts):

- Basic salary	€ 15,606
- Household allowance	€ 469
- Expatriation allowance (16%)	€ 2,572
- Margin for indexation/family allowances	€ 953

TOTAL:€ 19,600

Removal allowance: 50% of one Basic Salary upon start and termination of service (lump sum):
2 * 7,803 € = **15,606 €**

- Financial and Administrative Officer in Brussels: 10 months * 9,000 €/month = **90,000€**

Local staff contract Brussels (if not seconded) The provision for the remuneration includes gross salary and all social security contributions of the employer under the Belgian law.

- Secretary in Brussels 10 months * 6,000 €/month = **60,000 €**

The provision for the remuneration of the secretary includes gross salary and all social security contributions of the employer under the Belgian law.

- Severance payments

A provision of **10,000 €** is included to cover possible severance payments for the Financial and Administrative Officer and the secretary in Brussels.

- Political Adviser in Addis (to be contracted if not seconded)

10 months * 7,375 €/month = **73,750 €**

Per diem: 80.19 €/day * 305 days = **24,457.95 €**

Removal allowance: 50% of one Basic Salary upon termination of service (lump sum):
1 * 3,688 € = **3,688 €**

Travel flight back to Europe at the end of the mission : **2,750 €**

- Conflict management expert for the inter Darfur discussions, in Khartoum

$$10 \text{ months} * 6,500 \text{ €/month} = \mathbf{65,000 \text{ €}}$$

Removal allowance: 50% of one Basic Salary at the start and upon termination of service (lump sum):

$$1 * 3,250 \text{ €} = \mathbf{3,250 \text{ €}}$$

Travel flight back to Europe at the end of the mission : **2,750 €**

- The Police Adviser in the Addis Coordination Cell (ACC) will be contracted as Special Adviser by the Commission under a separate contract. The Police Adviser's team will be financed under this separate contract.
- The 3 Military advisers in the Addis Coordination Cell (ACC) will be seconded to the EUSR's team. No per diems are therefore foreseen.
- Local secretary for the EUSR and the POLAD in Addis: salaries according to Del Addis rates

$$650 \text{ € /month} * 10 * 1 = \mathbf{6,500 \text{ €}}$$

- Local secretary for the POLAD in Khartoum: salaries according to Del Addis rates

$$800 \text{ € /month} * 10 * 1 = \mathbf{8,000 \text{ €}}$$

- Driver in Khartoum: salaries according to Del Addis rates

$$500 \text{ € /month} * 10 * 1 = \mathbf{5,000 \text{ €}}$$

Insurances

The budget covers a high-risk insurance for the EUSR and his team members, whether these are paid from the budget or seconded by Member States.

- EUSR $850 * 10 = \mathbf{8,500 \text{ €}}$
- 7 seconded and contracted international staff (5 POLAD, 1 Expert, 1 Fin/Adm officer)
 $300 * 10 * 7 = \mathbf{21,000 \text{ €}}$

The budget also includes a provision of **10,000 €** for insurance against financial risks, should the EUSR wish to take such insurance.

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). Depending on the type of mission the EUSR travels with one or two advisers.

Missions to Addis/Sudan:

- Flights Brussels – Africa
EUSR + team : total of 48 return flights * 2,750 €/flight = **132,000 €**
- Flights Brussels – USA/Canada
EUSR + team : total of 8 return flights * 4,000 €/flight = **32,000 €**
- Flights internal Europe
EUSR + team : total of 24 return flights * 1,000 €/flight = **24,000 €**
- Flights Addis – Sudan and internal Sudan

total of 54 return flights * 500 €/flight = **27,000 €**

Hotel (1 or 2 nights/mission)

Africa: (48 + 54) * 2 nights * 200 € = 40,800 €
USA: 8 * 2 nights * 250 € = 4,000 €
Europe: 24 * 1 night * 130 € = 3,120 €

Per diem (EUSR + team) 2 or 3 days/mission

Africa: 102 * 3 * 70 € = 21,420 €
USA: 8 * 3 * 90 € = 2,160 €
Europe (2 days/mission): 24 * 2 * 95 € = 4,560 €

6.2.3 Running expenditure

Rent of vehicles 3 * 2,200 € * 10 = 66,000 €
Rent of an armoured car in Sudan (2 months) 2 * 10,000 = 20,000 €
Telecommunications/GSM and satellite 7,000 € * 10 = 70,000 €

Office rent and refurbishment (Addis, Khartoum, Juba)

3 * 6,000 € * 10 = 180,000 €

Office supplies 400 € * 10 = 4,000 €

Security services 1,500 € * 10 = 15,000 €

Security training: training HEST 1,500 € * 10 = 15,000 €

Close Protection Team in Sudan (10,000 €/month /person): 10,000 € * 2 * 2 = 40,000 €

News services/newspapers	200 € * 10 =	2,000 €
Mail and expedition	150 € * 10 =	1,500 €
Audit Services		10,000 €

6.2.4. Capital expenditure

IT equipment/software	8,000 €
Provision for 2 portable computers	5,000 €
Provision for 1 desk top computer	2,000 €
Provision for mobile phones/planners/Thuraya	1,200 €
Provision for 4 encrypted phones	28,000 €
Provision for office furniture	10,000 €
Provision for security related expenditure:	
Khartoum: Building improvements	100,000 €
Windows and secure doors	50,000 €
Shredder & safes	4,500 €
Juba: Building improvements	50,000 €
Windows and secure doors	35,000 €
Shredder & safes	2,000 €
Body armour and helmet	1,200 €
Medical kits first aid	400 €

6.2.5. Representation

Representation costs of up to 10,000 € are covered by the budget.

6.2.6. Financial charges

Financial charges of up to 5,000 € are covered by the budget

6.2.7. Contingencies

The contingency reserve shall be used only with a prior written approval of the Commission.

6.3. Itemised breakdown of cost (indicative)

BUDGET HEADING	Budget 6 months 18/07/05 – 17/01/06	Budget 6 months 18/01/06 – 17/07/06	Budget 9.5 months 18/07/06 – 30/04/07	Budget 10 months 01/05/07 – 29/02/08
1. Personnel Costs	281,700	263,550	479,750	606,252
2. Missions	134,100	178,145	259,890	291,060
3. Running expenditure	176,500	99,640	211,125	423,500
4. Capital expenditure	45,100	23,800	29,600	297,300
5. Representation	9,000	9,000	7,500	10,000
6. Financial charges	5,000	3,000	3,000	5,000
Sub-Total (1 to 6)	651,400	577,135	990,865	1,605,112
Contingencies ⁶	23,600	22,865	39,135	66,888
TOTAL	675,000	600,000	1,030,000	1,700,000

The authorising officer responsible is hereby authorised to vary each of the above amounts related to the EUSR's budget 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	Budget year	Allocation of appropriations	Commitments
Council Joint Action 2005/556/CFSP of 18 July 2005 appointing a Special Representative of the European Union for Sudan <i>Official Journal L 188, 20/07/2005 P. 43</i>	2005	0.675	0.675
Council Decision 2005/805/CFSP of 21 November 2005 implementing Joint Action 2005/556/CFSP appointing a Special Representative of the European Union for Sudan <i>Official Journal L 303, 22/11/2005 P. 59</i>	2005	0.600	0.600

⁶ Contingencies shall be used only with a prior written approval of the Commission.

Council Joint Action 2006/468/CFSP of 05 July 2006 renewing and revising the mandate of the Special Representative of the European Union for Sudan <i>Official Journal L 184, 6/07/2006 P. 38</i>	2006	1.030	1.030
Council Joint Action 2007/108/CFSP of 15 February 2007 extending the mandate of the European Union Special Representative for Sudan <i>Official Journal L 46, 16/02/2007 P. 63</i>	2007	0	0

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 pursuant to Title V of the TEU (Joint Action).

Under Article 4.1 of the Joint Action 2005/556/CFSP of 18 July 2005, the EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the Secretary General/High Representative (SG/HR). The EUSR shall be accountable to the Commission for all expenditure.

Under Article 4.2 of the said Joint Action, the EUSR shall maintain 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.

Under Article 8 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.

Under 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. The EUSR will provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission as well as with other international and regional actors.

Under 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 within the framework of its budget implementing powers.

The Council will conduct a review at the end of the mandate, on the basis of the 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, including OLAF, as well as by the European Court of Auditors.