



**COUNCIL OF
THE EUROPEAN UNION**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject : Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Estonia on the participation of the Republic of Estonia in the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia

COUNCIL DECISION 2003/ /CFSP

of

concerning the conclusion of the Agreement
between the European Union
and the Republic of Estonia on
the participation of the Republic of Estonia
in the European Union-led Forces (EUF)
in the Former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 27 January 2003, the Council adopted Joint Action 2003/92/CFSP on the European Union Military Operation in the Former Yugoslav Republic of Macedonia (FYROM) ¹.
- (2) Article 8 of that Joint Action provides that the detailed arrangements regarding the participation of third States shall be the subject of an agreement in conformity with Article 24 of the Treaty.
- (3) Following the Council Decision of 18 March 2003 authorising the Secretary General/High Representative to open negotiations, the Secretary General/High Representative negotiated an agreement with the Republic of Estonia on the participation of the Republic of Estonia in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia.
- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

¹ OJ L 34, 11.2.2003, p. 26.

Article 1

The Agreement between the European Union and the Republic of Estonia on the participation of the Republic of Estonia in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

Article 3

This Decision shall take effect on the day of its adoption.

Article 4

This Decision shall be published in the Official Journal of the European Union.

Done at Brussels,

For the Council
The President

AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE REPUBLIC OF ESTONIA
ON THE PARTICIPATION OF THE REPUBLIC OF ESTONIA
IN THE EUROPEAN UNION-LED FORCES (EUF)
IN THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

THE EUROPEAN UNION,

on the one hand, and

THE REPUBLIC OF ESTONIA,

on the other hand,

hereinafter referred to as the "Parties",

TAKING INTO ACCOUNT:

- the adoption by the Council of the European Union of Joint Action 2003/92/CFSP of 27 January 2003 on the European Union Military Operation in the Former Yugoslav Republic of Macedonia ¹,
- the invitation to the Republic of Estonia to participate in the European Union-led operation,
- the successful completion of the Force Generation process and the recommendation by the EU Operation Commander and the EU Military Committee to agree on the participation of the Republic of Estonia forces in the European Union-led operation,
- the decision by the Political and Security Committee of 11 March 2003 to accept the contribution of the Republic of Estonia to the European Union-led operation,

¹ OJ L 34, 11.2.2003, p. 26.

- the Exchange of Letters between the Government of the Former Yugoslav Republic of Macedonia and the Secretary General/High Representative on the conduct of the Operation,
- the Agreement concluded on 21 March 2003 between the European Union and the Government of the Former Yugoslav Republic of Macedonia on the status of the European Union-led Forces and its personnel,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Framework and definitions

1. The Republic of Estonia shall associate itself with the provisions of the Joint Action 2003/92/CFSP on the European Union-led Forces in the Former Yugoslav Republic of Macedonia, adopted by the Council of the European Union on 27 January 2003, in accordance with the provisions stipulated in the following articles.
2. For the purpose of this Agreement, the following definitions shall have the meanings hereunder assigned to them:
 - (a) "Operation Concordia" means the European Union Military Operation in Former Yugoslav Republic of Macedonia established by the Council Joint Action 2003/92/CFSP of 27 January 2003;

- (b) "European Union-led Forces" (EUF) means EU military headquarters, constituent national units/elements contributing to the Operation Concordia, their assets and their means of transport;
- (c) "EUF personnel" means the civilian and military personnel assigned to EUF;
- (d) "Mechanism" means the Operational Financing Mechanism established by the Council Decision dated 27 January 2003 to provide for the financing of the common costs of the European Union Military Operation in the Former Yugoslav Republic of Macedonia;
- (e) "Participating States" means Member States applying the Joint Action referred to in paragraph 1 and third States participating in the Operation Concordia by providing forces, personnel or assets.
- (f) "Joint Claims Commission" means the Joint Claims Commission set up pursuant to Article 13 of the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the Former Yugoslav Republic of Macedonia.

ARTICLE 2

Participation in the Operation

1. The Republic of Estonia shall participate in the Operation Concordia with a contingent as determined at the Force Generation Conference. If necessary, rotation of seconded personnel shall be ensured.

2. The Republic of Estonia shall ensure that its forces and personnel undertake their mission in conformity with the provisions of the Joint Action 2003/92/CFSP, the Operation Plan and implementing measures.

3. The Republic of Estonia shall inform the EU Operation Commander, the EU Force Commander and the EU Military Staff of any change to its participation in the Operation Concordia.

ARTICLE 3

Status

1. The forces and personnel participating in the Operation Concordia shall be governed by the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the Former Yugoslav Republic of Macedonia and its implementing arrangements.

2. The status of personnel contributed to headquarters or command elements located outside the Former Yugoslav Republic of Macedonia shall be governed by arrangements between the headquarters and command elements concerned and the Republic of Estonia.

ARTICLE 4

Chain of command

1. The participation of the Republic of Estonia in the Operation Concordia is without prejudice to the decision-making autonomy of the European Union.
2. All forces and personnel shall remain under the full command of their national authorities.
3. National authorities shall transfer Operational Control (OPCON) to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority.
4. The Republic of Estonia shall have the same rights and obligations in terms of day-to-day management of the Operation Concordia as participating Member States in accordance with Article 8(4) of the Joint Action 2003/92/CFSP and the Political and Security Committee Decision FYROM/01/03 on the establishment of the Committee of Contributors.
5. The Republic of Estonia shall exercise jurisdiction over its personnel. The EU Operation Commander and the EU Force Commander may at any time request the withdrawal of the Republic of Estonia personnel.
6. A Senior Military Representative (SMR) shall be appointed by the Republic of Estonia to represent its national contingent in EUF. The SMR shall consult the EU Force Commander on all matters affecting the Operation Concordia and shall be responsible for day-to-day contingent discipline.

ARTICLE 5

Classified information

The Republic of Estonia shall take appropriate measures to ensure that, when EU classified information is handled by its personnel, this personnel respects the European Union Council's security regulations, which are contained in the Council Decision 2001/264/EC of 19 March 2001¹, and further guidance that may be issued by the EU Operation Commander.

ARTICLE 6

Financial aspects

1. Without prejudice to article 7, the Republic of Estonia shall assume all the costs associated with its participation in the Operation Concordia unless the costs are subject to common funding as set out in the operational budget of the operation.
2. In case the Joint Claims Commission decides to grant damages to natural or legal persons from the Former Yugoslav Republic of Macedonia, the Republic of Estonia shall pay for these damages if death, injury, damage or loss are caused by its personnel or its assets, unless the Mechanism, in accordance with Article 9(3) of the Council Decision of 27 January 2003 establishing the Mechanism, decides to pay for those damages.

¹ OJ L 101, 11.4.2001, p. 1.

ARTICLE 7

Contributions to the common costs

1. The Republic of Estonia shall contribute to the common costs of the Operation Concordia an amount of EUR 19 220 per six months.
2. An arrangement shall be concluded between the Administrator of the Mechanism, established by the Council Decision of 27 January 2003, to provide for the financing of the common costs of the Operation Concordia, and competent administrative authorities of the Republic of Estonia. This arrangement shall include provisions on:
 - (a) the arrangements for payment and management of the financial contribution,
 - (b) the verification arrangements covering control and audit of the financial contribution, where appropriate.
3. The contributions of the Republic of Estonia to the common costs of the Operation Concordia shall be deposited by the Republic of Estonia in the bank account which shall be indicated to that State by the Administrator of the Mechanism.

ARTICLE 8

Non compliance

Should one of the Participating Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a one-month notice.

ARTICLE 9

Entry into force

This Agreement shall enter into force upon signature.

It shall remain in force for the duration of the contribution of the Republic of Estonia to the Operation Concordia.

Done at Brussels, on 2003, in the English language in four copies.