

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL DECISION 2004/75/CFSP  
of 11 December 2003**

**concerning the conclusion of the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status and activities of the European Union Police Mission (EUPOL Proxima) in the Former Yugoslav Republic of Macedonia**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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 29 September 2003, the Council adopted Joint Action 2003/681/CFSP on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL Proxima) <sup>(1)</sup>.
- (2) Article 13 of the Joint Action provides that the status of EUPOL Proxima staff in the Former Yugoslav Republic of Macedonia, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUPOL Proxima shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty on European Union.
- (3) Following the Council Decision of 24 November 2003 authorising the Secretary General/High Representative, assisting the Presidency, to open negotiations on its behalf, the Secretary General/High Representative, assisting the Presidency, negotiated an agreement with the Government of FYROM on the status and activities of the European Union Police Mission (EUPOL Proxima) in the Former Yugoslav Republic of Macedonia.
- (4) The agreement should be approved,

*Article 1*

The Agreement between the European Union and the Former Yugoslav Republic of Macedonia (FYROM) on the status and activities of the European Union Police Mission (EUPOL Proxima) in FYROM 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 be published in the *Official Journal of European Union*.

*Article 4*

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

Done at Brussels, 11 December 2003.

*For the Council*

*The President*

F. FRATTINI

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<sup>(1)</sup> OJ L 249, 1.10.2003, p. 66.

## ANNEX

## AGREEMENT

**between the European Union and the Former Yugoslav Republic of Macedonia on the status and activities of the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL Proxima)**

THE EUROPEAN UNION, hereinafter referred to as the 'EU',

on the one hand, and

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, hereinafter referred to as the 'Host Party',

on the other hand,

together hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- (a) the letter from Prime Minister Crvenkovski of the Host Party dated 16 September 2003, inviting the EU to launch an advisory police mission and foreseeing an Agreement between the Government of the Host Party and the EU,
- (b) the response of the Secretary General/High Representative dated 24 October 2003 accepting the invitation,
- (c) the adoption by the Council of the European Union on 29 September 2003 of Joint Action 2003/681/CFSP on the EU Police Mission in the Host Party,
- (d) the duration of EUPOL Proxima shall be agreed between the Parties,
- (e) that under the Police Mission, EU police experts will monitor, mentor and advise the Host Party's police,
- (f) the Stabilisation and Association Agreement between the Host Party and the European Communities and their Member States, signed on 9 April 2001, containing provisions on cooperation in Justice and Home Affairs,
- (g) the positively evolving security situation in the Host Party and the contribution that the successful implementation of the EU military operation in the Host Party ('Concordia') made thereto,
- (h) the on-going activities of the Host Party, supported by the EU and the International Community, to strengthen the rule of law, particularly to promote reform of the criminal justice system, and to take further action to prevent and control organised crime and develop policing standards in accordance with internationally recognised standards,
- (i) the shared ambition that the Host Party follow a successful path to ultimate membership in the EU,
- (j) that the purpose of the privileges and immunities as provided for in this Agreement are not to benefit individuals but to ensure the efficient performance of the EU Mission,
- (k) that under the provisions of the present Agreement the rights and obligations of the Parties under international agreements and other international instruments establishing international tribunals, including the Rome Statute of the International Criminal Court, will remain unaffected,

HAVE AGREED AS FOLLOWS:

*Article 1*

2. For the purpose of the present Agreement, the following definitions shall apply:

**Scope of application and definitions**

1. The provisions of the present Agreement and any obligation undertaken by the Host Party or any privilege, immunity, facility or concession granted to the EUPOL Proxima or EUPOL Proxima personnel shall apply in the territory of the Host Party only.

- (a) 'EUPOL Proxima' means the European Union Police Mission in the Host Party established by the Council of the European Union in Joint Action 2003/681/CFSP dated 29 September 2003, including its components, forces, units, headquarters and personnel deployed in the territory of the Host Party and assigned to EUPOL Proxima.