

The status of
EGF MEMBER,
EGF OBSERVER and
EGF PARTNER

Amsterdam
15 November 2007



1. INTRODUCTION

PURPOSE

The purpose of this document is to compile and define in a single document the Member, Observer and Partner status of the EGF. This document also states the relevant criteria and the respective procedures to be followed by candidate EGF Members, as well as Observers and Partners for participating in EGF operations and activities.

GENERAL PRINCIPLES

The text in this document is in accordance with:

- The "Declaration of Intent" signed on 17 September 2004 during an informal meeting of European Union Defence Ministers in Noordwijk (the Netherlands);
- The High Level Interdepartmental Committee (CIMIN) meeting of 8 March 2007 in The Hague (the Netherlands);
- The "Treaty establishing the European Gendarmerie Force" signed on 18 October 2007 in Velsen (the Netherlands);
- The "Technical arrangement on financial matters concerning the European Gendarmerie Force" signed on 14 March 2006 in Madrid (Spain);
- The "Technical Arrangement on financial matters concerning the European Gendarmerie Force" operations" signed on 15 November 2007 in Amsterdam (the Netherlands).

The various statuses of EGF-membership and their criteria are the following:

- *The EGF Member status:* An EU Member State possessing a police force with military status may apply for the EGF Member status;
- *The EGF Observer status:* EU candidate countries that have a police force with military status may apply for the EGF Observer status;
EU Member States that have a police force with military status may also apply for the EGF Observer status as a first step to accession;



- *The EGF Partner status:* EU Member States and EU candidate countries that have a force with military status and some police skills may apply for the EGF Partner status;

Furthermore, EGF operations and exercises are open to the participation of third countries with appropriate police skills.

States should address their candidacy to obtain the EGF Member status, the EGF Observer status, the EGF Partner status or their willingness to contribute to EGF operations to the Presidency of the High Level Interdepartmental Committee (CIMIN).

In case of EGF Member status a formal accession to the EUROGENDFOR Treaty is required.

This document replaces the documents "Observer Status and Procedures for Participation of Liaison Officers at EGF Headquarters" of 06 September 2005 and "Handling of Membership and Observer Status applications presented by third countries to EGF" of 20 July 2006.



2. DEFINITIONS

In this document the following terms shall be interpreted as defined:

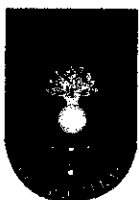
"Police force with military status": a force with an all encompassing jurisdiction in its homeland and towards its community, tasked with judicial and administrative policing and crime prevention, and whose members possess policing and basic military skills.

"Liaison Officer (LSO)": the officer appointed by his national authorities to represent the state's forces before the EGF Permanent Headquarters (PHQ).

"Host State": the Party to the Treaty on whose territory the Permanent Headquarters (PHQ) is located.

"Sending State": the Party to the Treaty that supplies EUROGENDFOR with forces and / or personnel. The term Sending State also refers to Contributing States that supply EUROGENDFOR with forces and / or personnel.

"Contributing State": means a state that is not a Party to the Treaty but participates in EUROGENDFOR operations and tasks. The term operations includes both missions (as stated in the Treaty) and exercises.



3. EGF Member

An EGF Member has the following prerogatives:

- To take part in EGF meetings, which are;
 - o the High Level Interdepartmental Committee (CIMIN)
 - o the Working Group(s)
 - o the Financial Board
 - o specialised ad hoc groups
- To take part in the decision making process;
- To take part in EGF missions;
- To take part in EGF exercises;
- To take part in the agreed rotation of key and non-key positions at the PHQ;
- To send augmentees to the PHQ and/or the Force Headquarters (FHQ) during operations and/or exercises;
- To have access to all common EGF documents;

An EGF Member has to comply with the obligations established in the EGF Treaty as well as decisions and documents that are approved by CIMIN, including:

- To contribute to common costs of EGF¹;
- To draw up a national contribution to the EGF Catalogue of capabilities and to keep this catalogue regularly updated.

¹ According to the Technical Arrangement or any other approved financial arrangement.



4. EGF Observer

An EGF Observer has the following prerogatives:

- To attend the ordinary sessions of CIMIN and the Working Group, unless otherwise stated, without participation in the decision making process;
- To take part in the special sessions of CIMIN, the Working Group(s), the Financial Board and specialised ad hoc groups, related to operations and exercises, to which the Observer State is contributing or intends to contribute;
- To take part in EGF missions;
- To take part in EGF exercises;
- To station a permanent LSO at the PHQ;
- To send augmentees to the PHQ or the FHQ during operations or exercises in which the Observer State is participating;
- To have access to EGF documents unless otherwise stated;
- To have access to documents of which the originating authority is neither the CIMIN nor any of the EGF Members, with the consent of the originating authority;
- To have access to documents which contain classified information, for which a security arrangement has been established between the parties concerned.

An EGF Observer is expected to respect the spirit of the EGF Treaty and to comply with decisions and documents that are approved by CIMIN, including to draw up a national contribution to the EGF Catalogue of capabilities and to keep this catalogue regularly updated.

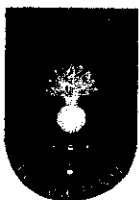


5. EGF Partner

An EGF Partner has the following prerogatives:

- To take part in the special sessions of CIMIN, the Working Group(s), the Financial Board and specialised ad hoc groups, related to operations and exercises, to which the Partner State is contributing or intends to contribute;
- To take part in EGF missions;
- To take part in EGF exercises;
- To station a permanent LSO at the PHQ, if so decided by CIMIN (case by case CIMIN-decision);
- To send augmentees to the PHQ and/or the FHQ during operations and/or exercises in which the EGF Partner is participating;
- To have access to EGF documents unless otherwise stated;
- To have access to documents of which the originating authority is neither the CIMIN nor any of the EGF Members, with consent of the originating authority;
- To have access to documents which contain classified information, for which a security arrangement has been established between the parties concerned.

An EGF Partner is expected to respect the spirit of the EGF Treaty and to comply with decisions and documents that are approved by CIMIN, including to draw up a national contribution to the EGF Catalogue of capabilities and to keep this catalogue regularly updated.



6. LIAISON OFFICERS (LSO)

A) DUTIES

In principle, the duties of a LSO are limited to the following:

With regard to the liaison:

- To facilitate contacts and promote cooperation between his or her national authorities and the EGF PHQ;
- To inform EGF PHQ of the activities of the Sending State's force.
- To keep EGF PHQ and his or her national authorities informed on the evolution of EGF related matters.

With regard to operations and exercises:

- To be associated with the planning and execution of EGF operations and exercises in which the Sending State's force is involved;
- In the case of establishing a multinational exercise or an international force in which EGF and the Sending State are involved, to participate in establishing the international team;
- In the case of joint-led operations or exercises, to support and facilitate the integration of forces and/or liaison teams from the Sending State's force.

With regard to information:

- To facilitate the exchange of information between the EGF and his or her national authorities, in accordance with EGF security procedures.

B) LEGAL STATUS

The status of a LSO is established by the Host State in agreement with the Sending State.

C) LIAISON OFFICER PROFILE

- For the entire duration of the secondment, the highest rank permitted for a LSO is that of lieutenant-colonel (OF-4) on active duty.

D) SECONDMENT AND ORGANISATION



- The LSO will be assigned to the EGF PHQ in Vicenza, but will not be part of the EGF PHQ; he or she does not hold a position in the EGF PHQ;
- A LSO is obliged, however, to comply with EGF PHQ internal rules and work procedures;
- The length of the secondment, as well as the rotation of the LSO, remains the full responsibility of the Sending State;
- Any changes related to the secondment of the LSO must first be signalled by written notice to the EGF Commander. This notice must specify security clearance for the person concerned;
- The EGF Commander is responsible for EGF PHQ's official relations with the LSO and the coordination of the activities of the LSO. The EGF Commander may delegate this responsibility to his Deputy or to the Chief of Staff (CoS);
- Upon request of the Sending State the EGF Commander shall draft a confidential report concerning the LSO during their secondment to EGF PHQ. This report shall deal solely with professional aspects that may be evaluated. The report shall be transmitted to the Sending State through the appropriate channel;
- EGF PHQ shall provide the LSO with an office located at the PHQ and equipped appropriately;
- The premises are available exclusively for office use and shall under no circumstances be modified or used for other means.

E) DISCIPLINE

A LSO remains subject to the disciplinary rules of the Sending State. For the length of his or her secondment with EGF PHQ he or she is, however, under the authority of the EGF CoS.

Upon recommendation of the EGF CoS and upon decision by the EGF Commander, a LSO may be returned to the Sending State for disciplinary reasons.

F) STATUTORY RULES

A LSO remains subject to the statutory rules of the Sending State. He or she is directed by the services of his or her responsible attaché in the Host State.



A LSO is subject to the respective national rules with regard to the wearing of uniforms. Nonetheless, depending on the duties performed, he or she shall wear a national uniform equivalent to that worn by personnel belonging to EGF PHQ.

A LSO may take vacation following the respective national regulation, in coordination with the EGF CoS. The same applies for any long-term absence.

Regular vacation periods and public holidays in the Host State also apply to the LSO.

G) PARTICIPATION IN EGF ACTIVITIES

A LSO is associated with EGF operations and training activities (exercises, seminars, conferences etc) held on the territory of EGF Members, whenever his or her participation in such activities is authorised by the Sending State.

A LSO is associated with EGF operations and training activities (exercises, seminars, conferences etc) held on the territory of third party states, whenever his or her participation in such activities is authorised by the Sending State and the third party state.

H) ACCESS TO SOCIAL STRUCTURES

Access to the garrison's military services including food services, housing, and leisure activities is granted to the LSO and members of his or her family, under the same conditions as for members of EGF PHQ.

I) SECURITY AND ACCESS TO CLASSIFIED INFORMATION

A LSO is subject to the security rules established by the EGF Commander.

Access to classified information for a LSO is granted in accordance with applicable regulation in the area concerned. If necessary, the EGF Commander may restrict the distribution of classified documents amongst LSO's.

J) FINANCIAL PROVISIONS



The financial conditions for the presence of any Observer/Partner LSO in the EGF PHQ will be settled down in specific arrangements/understandings between EGF Members and concerned Sending State.

In any case the following is always a national responsibility:

- personal allowances;
- personal equipment and weapons, uniforms, accommodation, transportation (from the place of residence to the EGF PHQ/FHQ or EGF place of activity), catering, laundry, medical cares exceeding the ROLE 1 and insurances, repatriation, burial, and other costs in the case of death;
- mobile phones and other material exceeding the basic office furniture and equipment provided by the EGF PHQ;
- costs for communication (if not dealt with in the agreement between EGF and the concerned Observer or Partner).

The financial conditions for the Observer/Partner contributions (forces or LSOs) to the EGF operations and exercises will be settled down in the arrangements governing the operation/exercises.

The EGF PHQ is not responsible for costs or expenses incurred by the LSO.



7. PROCEDURES

States may address their candidacy to the CIMIN Presidency to obtain the EGF Member status, the EGF Observer status or the EGF Partner status, as well as their willingness to contribute to EGF operations and activities.

Any application shall be formally presented by a letter addressed to the CIMIN Presidency.

When an application is received through other channels (PHQ, EGF Members, Embassies, etc.), the application should immediately be forwarded to the CIMIN Presidency.

The CIMIN Presidency shall then forward the application to all EGF Members, through the designated Points of Contact (PoC).

The CIMIN Presidency shall acknowledge the reception of the application to the applicant, briefly informing it about the requirements needed and, if so decided by the CIMIN, the beginning of the application process.

Once the previous steps have been accomplished, the CIMIN Presidency will invite the applicant country to hold a presentation in a next CIMIN meeting on the type of application and on the status, organisation, responsibilities and capabilities of the applicant country's force.

Subsequently, the CIMIN Presidency shall reach an agreement with the applicant on a visit to be paid by a Multinational Board of Advisors (MBA), made up of police experts from all EGF Members and a PHQ representative. The MBA will collect information about the organisation of the applicant country's force by visiting units and premises and attending presentations. The MBA will thoroughly inform the applicant about the EGF organisation and capabilities, and the conditions required for the concerned EGF status.



After finishing the visit, the MBA shall submit to the CIMIN Presidency a non-binding report on the issue, and the report will be included in the agenda of the following CIMIN-meeting.

A) WITH REGARD TO AN APPLICATION FOR EGF MEMBER²:

CIMIN, following its specific guidelines, evaluates the fulfilment of the conditions for accession to the Treaty, in accordance with Article 42 of the Treaty, and forwards its proposal for approval to the Parties;

B) WITH REGARD TO AN APPLICATION FOR EGF OBSERVER³:

CIMIN, following its specific guidelines, decides whether to grant Observer Status within EUROGENDFOR, in accordance with Article 43 of the Treaty;

In granting Observer status, CIMIN should specify the terms and conditions attached to that status. These terms will then be accepted by the interested State in a letter to CIMIN.

C) WITH REGARD TO AN APPLICATION FOR EGF PARTNER⁴:

CIMIN, following its specific guidelines, decides whether to grant Partner Status within EUROGENDFOR, in accordance with Article 44 of the Treaty.

In granting Partner status, CIMIN should specify the terms and conditions attached to that status. These terms will then be accepted by the interested State in a letter to CIMIN.

² Article 7 § 5a of the Treaty

³ Article 7 § 5b of the Treaty

⁴ Article 7 § 5c of the Treaty

Annex to the WG-Minutes of 25 and 26 September 2007, agenda point 6

Following the request made by CIMIN at its meeting of July 19, 2007, the EGF Working Group produced the following clarification regarding Article 9 of the DoI and Articles 42 and 43 of the draft Treaty:

1. The DoI is a political document that does not have a legally binding nature. Legally, once the Treaty comes into force, the text of the Treaty is the main reference for the Parties and for CIMIN and shall prevail over the text of the DoI. The DoI conserves its value as a political commitment made by the Parties at the time of the inception of the EGF.
2. In particular, regarding the status of EGF member, EGF Observer and EGF Partner, the WG noted that
 - i) the draft Treaty provides for a third category, the « EGF Partner » status, which was not contemplated in the DoI;
 - ii) regarding membership, article 9 of the DoI uses the words « Full membership of the EGF will be open to EU Member States, possessing a police force with military statute. At their request, they *may be admitted* to the EGF after agreement by the Party States (...) », while Article 42 of the draft Treaty provides that « Any EU Member State (...) *may apply* to CIMIN for accession to this Treaty »;
 - iii) regarding observer status, according to Article 9 of the DoI, « EU Candidate Member States possessing police forces with a military status *can obtain* an Observer status ». According to Article 43 of the draft Treaty, « EU candidate countries that have a police force with military status *may apply* for observer status. EU Member States may also apply for Observer Status as a first step to accession ».
3. The Working Group agreed that Articles 42 and 43 of the Treaty, while elaborating and building on Article 9 of the DoI, are to be read in conjunction with the rest of the Treaty.
4. In this context, the WG noted that besides Articles 42 and 43, other articles of the draft Treaty are particularly relevant regarding the process leading to the granting of a particular status :
 - i) Article 3, subparagraph g) defines CIMIN as « the decision-making body governing EUROGENDFOR »;
 - ii) According to article 7, paragraph 2, « Decisions and guidelines shall be adopted unanimously by CIMIN »;
 - iii) Article 7, paragraph 5, provides that « CIMIN, following its specific guidelines: a. evaluates the fulfilment of the conditions for accession to the Treaty, in accordance with Article 42, and forwards its proposal for approval to the Parties; b. decides whether to grant Observer Status within EUROGENDFOR, in accordance with Article 43; c. decides whether to grant Partner Status, in accordance with Article 44. »



5. Regarding Observer Status, it is the WG's analysis that the final decision to grant Observer Status lies within CIMIN, in accordance with the relevant articles of the Treaty quoted above, in particular Article 7, paragraph 5.

The following information is from 03 August 2007:

EGF Full Member, Observer, Partner

Status	EU Member States	Candidate EU Member States	Non-EU states
Full Member	√	-	-
Observer	√	√	-
Partner	√	√	-

- Observer status requires countries to have a police force with a military status (technical criterion) which could become full members.
- Partner status requires candidates to have military status and some police skills.

Any state (including non-EU-states) may contribute to EGF.

Rights	Full Member	Observer	Partner
CIMIN Meeting	x	X	
Participation in decision making	X		
Enlarged CIMIN / Attend dedicated meetings or sessions that deal with issues related to the Partnership Programme	x	x	X
Missions	x	x	X
Exercises	x	x	x
Permanent LSO at PHQ	x	x	Case by case decision by CIMIN
LSO at PHQ during operations/exercises	x	x	x
Access official documents	x	x	x
Documents concerning relations between EGF and countries applying to an EGF status;	x		
Documents where the originating authority is neither the CIMIN nor any of the EGF Members	x		
Documents where the originating authority is neither the CIMIN nor any of the EGF Members, with consent of the originating authority	x	x	x
Documents which contain classified information, without a security arrangement between the parties concerned	x		
Documents which contain classified information, for which a security arrangement has been established between	x	x	x

the parties concerned			
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