

Council Decision (CFSP) 2015/528 of 27 March 2015 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) and repealing Decision 2011/871/CFSP

## CHAPTER 12

### MISCELLANEOUS PROVISIONS

#### *Article 44*

##### **Liability**

1 The conditions governing the disciplinary or criminal liability of the operation commander, the administrator and other staff made available in particular by the Union institutions or Member States, in the event of misconduct or negligence in the implementation of the budget shall be governed by the staff regulations or the arrangements applicable to them. In addition, Athena may at its own initiative or at the request of a contributing State or third party bring a civil action against the abovementioned staff.

2 In no case may the Union or the Secretary-General of the Council be held liable by a contributing State as a result of the performance of their duties by the administrator, the accounting officer or the staff assigned to them.

3 The contractual liability which may arise from contracts concluded in the context of implementation of the budget shall be covered through Athena by the contributing States or third parties. It shall be governed by the law applicable to the contracts in question.

4 In the case of non-contractual liability, any damage caused by the operation headquarters, force headquarters and component headquarters of the crisis structure, the composition of which shall be approved by the operation commander, or by their staff in the course of their duties shall be covered through Athena by the contributing States or third parties, in accordance with the general principles common to the laws of the Member States and the staff regulations of the forces, applicable in the theatre of operations.

5 In no case may the Union or the Member States be held liable by a contributing State for contracts concluded in the framework of budget implementation or for damage caused by the units and departments of the crisis structure, the composition of which shall be approved by the operation commander, or by their staff in the course of their duties.

#### *Article 45*

##### **Security**

Council Decision 2013/488/EU<sup>(1)</sup> or any other Council Decision which may replace it shall apply in relation to classified information relating to Athena proceedings.

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*Changes to legislation: There are currently no known outstanding effects for the Council Decision (CFSP) 2015/528, CHAPTER 12. (See end of Document for details)*

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#### *Article 46*

### **Protection of personal data**

Athena shall protect individuals with regard to the processing of their personal data in accordance with the principles and procedures laid down in Regulation (EC) No 45/2001<sup>(2)</sup> of the European Parliament and of the Council. To this effect, the Special Committee shall adopt the necessary implementing rules upon a proposal of the Administrator.

#### *Article 47*

### **Review and revision**

All or part of this Decision, including its Annexes, shall be reviewed, if necessary, at the request of a Member State or following each operation. It shall be revised at least every three years. In the course of review or revision, all experts relevant to the proceedings, including in Athena's management bodies, may be called upon.

#### *Article 48*

### **Repeal**

Decision 2011/871/CFSP is hereby repealed.

#### *Article 49*

### **Entry into force**

This Decision shall enter into force on the date of its adoption.

**Changes to legislation:** There are currently no known outstanding effects for the  
Council Decision (CFSP) 2015/528, CHAPTER 12. (See end of Document for details)

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- (1) Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information ([OJ L 274, 15.10.2013, p. 1](#)).
- (2) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ([OJ L 8, 12.1.2001, p. 1](#)).

**Changes to legislation:**

There are currently no known outstanding effects for the Council Decision (CFSP) 2015/528, CHAPTER 12.