

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 2

ORGANISATIONAL STRUCTURE

Article 5

Management bodies and staff

- 1 Athena shall be managed, under the authority of the Special Committee, by:
 - a the administrator;
 - b the commander of each operation, in relation to the operation which he or she commands ('operation commander');
 - c the accounting officer.
- 2 Athena shall use existing administrative structures of the Union to the greatest possible extent. Athena shall resort to staff made available as necessary by the Union institutions or seconded by Member States.
- 3 The Secretary-General of the Council may provide the administrator and the accounting officer with the staff needed for them to carry out their functions, which may be on the basis of a proposal by a participating Member State.
- 4 Athena's bodies and staff shall be mobilised on the basis of operational needs.

Article 6

Special Committee

- 1 A Special Committee composed of one representative of each participating Member State is established.

Representatives of the European External Action Service (EEAS) and of the Commission shall be invited to attend the meetings of the Special Committee without taking part in its votes.
- 2 Athena shall be managed under the authority of the Special Committee.
- 3 When the Special Committee is discussing the financing of the common costs of a given operation:
 - a the Special Committee shall be composed of one representative of each contributing Member State;
 - b the representatives of contributing third States shall participate in the proceedings of the Special Committee. They shall neither take part in nor be present at its votes;
 - c the operation commander or his or her representative shall participate in the proceedings of the Special Committee, without taking part in its votes.

Changes to legislation: There are currently no known outstanding effects for the Council Decision (CFSP) 2015/528, CHAPTER 2. (See end of Document for details)

4 The Presidency of the Council shall convene and chair the meetings of the Special Committee. The administrator shall provide the secretariat for the Special Committee. He or she shall draw up the minutes of the result of the Committee's discussions. He or she shall not take part in its votes.

5 The accounting officer shall participate as necessary in the proceedings of the Special Committee, without taking part in its votes.

6 If a participating Member State, the administrator or the operation commander so requests, the Presidency shall convene the Special Committee within at most 15 days.

7 The administrator shall adequately inform the Special Committee of any claim or dispute involving Athena.

8 The Special Committee shall decide unanimously amongst its members, taking into account its composition as defined in paragraphs 1 and 3. Its decisions shall be binding.

9 The Special Committee approves all budgets, taking into account the relevant reference amounts, and generally exercises the competences pursuant to this Decision.

10 The Special Committee shall be informed by the administrator, the operation commander and the accounting officer as provided for in this Decision.

11 The text of the acts approved by the Special Committee pursuant to this Decision shall at the time of their approval be signed by the chairman of the Special Committee and by the administrator.

Article 7

Administrator

1 The Secretary-General of the Council, after informing the Special Committee, shall appoint the administrator and at least one deputy administrator for a period of three years.

2 The administrator shall carry out his or her duties on behalf of Athena.

3 The administrator:

- a shall draw up and submit to the Special Committee any draft budget. The 'expenditure' section for an operation in any draft budget shall be drawn up on the basis of a proposal from the operation commander;
- b shall adopt the budgets after their approval by the Special Committee;
- c shall be the authorising officer for the sections 'revenue', 'common costs incurred in preparation for, or further to, operations' and 'operational common costs' incurred outside the active phase of the operation;
- d as regards revenue, shall implement the financial arrangements made with third parties in relation to the financing of the common costs of the Union military operations;
- e shall open one or more bank accounts on behalf of Athena.

4 The administrator shall ensure that the rules established by this Decision are complied with, and that the decisions of the Special Committee are implemented.

5 The administrator shall be authorised to adopt any measures which he or she deems necessary to implement the expenditure financed through Athena. He or she shall inform the Special Committee thereof.

6 The administrator shall coordinate work on financial questions relating to the Union military operations. He or she shall be the contact point with national administrations and, as appropriate, international organisations on these matters.

7 The administrator shall be accountable to the Special Committee.

Article 8

Operation commander

1 The operation commander shall carry out his or her duties on behalf of Athena in relation to the financing of the common costs of the operation which he or she commands.

2 For the operation which he or she commands, the operation commander shall:

- a send the administrator his or her proposals for the ‘expenditure — operational common costs’ section of the draft budgets;
- b as an authorising officer, implement the appropriations relating to the operational common costs as well as expenditure under Article 28; he or she shall exercise authority over any person participating in the implementation of those appropriations, including pre-financing; he or she may award contracts and enter into contracts on behalf of Athena; he or she shall open a bank account on behalf of Athena for the operation which he or she commands;
- c as an authorising officer, implement the appropriations relating to expenditure under Article 30; he shall exercise authority over any person participating in the implementation of those appropriations, on the basis of the relevant provisions in the ad hoc administrative agreement with the third party. He or she may award and enter into contracts on behalf of the third party; he or she shall open one bank account for each third party contribution.

3 The operation commander shall be authorised to adopt any measures which he or she deems necessary to implement the expenditure financed through Athena, for the operation which he or she commands. He or she shall inform the administrator and the Special Committee thereof.

4 Except in duly warranted circumstances approved by the Special Committee following a proposal by the administrator, the operation commander shall use the accounting and asset management system provided by Athena. The administrator shall inform the Special Committee in advance when he or she considers that such circumstances exist.

Article 9

Accounting officer

1 The Secretary-General of the Council shall appoint the accounting officer and at least one deputy accounting officer for a period of three years.

2 The accounting officer shall carry out his or her duties on behalf of Athena.

3 The accounting officer shall be responsible for:

- a proper implementation of payments, collection of revenue and recovery of amounts established as being receivable;
- b preparing the financial statements for Athena each year, and, after completion of each operation, the accounts for that operation;

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- c supporting the administrator when he or she submits the annual accounts or the accounts for an operation to the Special Committee for approval;
- d keeping the accounts for Athena;
- e laying down the accounting rules and methods and the chart of accounts;
- f laying down and validating the accounting systems for revenue and, where appropriate, validating systems laid down by the authorising officer to supply or justify accounting information;
- g keeping supporting documents;
- h treasury management, jointly with the administrator.

4 The administrator and the operation commander shall provide the accounting officer with all the information necessary for the production of accounts which accurately represent Athena's financial assets and budget implementation administered by Athena. They shall guarantee its reliability.

5 The accounting officer shall be accountable to the Special Committee.

Article 10

General provisions applicable to the administrator, the accounting officer and Athena's staff

1 The functions of administrator or deputy administrator, on the one hand, and accounting officer or deputy accounting officer, on the other, shall be mutually incompatible.

2 Any deputy administrator shall act under the authority of the administrator. Any deputy accounting officer shall act under the authority of the accounting officer.

3 A deputy administrator shall replace the administrator when he or she is absent. A deputy accounting officer shall replace the accounting officer when he or she is absent.

4 Officials and other servants of the Union, when carrying out functions on behalf of Athena, shall remain subject to the rules and regulations applicable to them.

5 The staff made available to Athena by the Member States shall be subject to the same rules as those set out in the Council decision concerning the rules applicable to national experts on secondment, and to the provisions agreed on by their national administration and the Union institution or Athena.

6 Before their appointment, the staff of Athena must have received clearance for access to classified information up to at least 'SECRET UE/EU SECRET' level held by the Council, or equivalent clearance by a Member State.

7 The administrator may negotiate and enter into arrangements with the Member States or Union institutions with a view to designating in advance those staff who could, if need be, be made immediately available to Athena.

Changes to legislation:

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