

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (CFSP) 2023/1614

of 10 July 2023

on the signing and conclusion on behalf of the Union of an Agreement in the form of an Exchange of Letters between the European Union and the Republic of Seychelles to facilitate the transfer by a Member State of the European Union of persons arrested and detained under its national law for participating, off the coast of Somalia, in violation of the United Nations arms embargo on Somalia or in narcotic drugs trafficking

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 thereof, in conjunction with Article 218(5) and (6) of the Treaty on the Functioning of the European Union,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 22 December 2020, the Council by Decision (CFSP) 2020/2188 ⁽¹⁾ extended the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta), established under Council Joint Action 2008/851/CFSP ⁽²⁾, to 31 December 2022 and expanded its mandate to the two secondary executive tasks of contributing to the implementation of the United Nations arms embargo on Somalia and to countering narcotic drugs trafficking off the coast of Somalia.
- (2) Joint Action 2008/851/CFSP provides that agreements may be concluded with third States, on the basis of authorisations granted on a case-by-case basis by the Council, to facilitate the transfer by a Member State of persons arrested and detained under its national law for participating in violations of the United Nations arms embargo on Somalia or in narcotic drugs trafficking off the coast of Somalia, with a view to the prosecution of such persons. Such agreements are to include conditions for the transfer of such persons consistent with relevant international law, notably international law on human rights, in order to guarantee in particular that the persons concerned are not to be subjected to the death penalty, to torture or to any cruel, inhuman or degrading treatment.
- (3) On 20 May 2021, the Council adopted a Decision to authorise the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations with the Republic of Seychelles with a view to the conclusion of an agreement to facilitate the transfer by a Member State of persons arrested and detained under its national law for participating in violations of the United Nations arms embargo on Somalia or in narcotic drugs trafficking off the coast of Somalia.

⁽¹⁾ Council Decision (CFSP) 2020/2188 of 22 December 2020 amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (OJ L 435, 23.12.2020, p. 74).

⁽²⁾ Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to maritime security in the West Indian Ocean and in the Red Sea (EUNAVFOR ATALANTA) (OJ L 301, 12.11.2008, p. 33).

- (4) On 12 December 2022, the Council by Decision (CFSP) 2022/2441 ⁽³⁾ renamed Atalanta as 'EUNAVFOR ATALANTA', extended its mandate until 31 December 2024 and decided that, while exercising its tasks, it is to contribute to maritime security in the West Indian Ocean and the Red Sea.
- (5) An agreement has been negotiated between the Union and the Republic of Seychelles on the basis of the authorisation granted by the Council on 20 May 2021.
- (6) The agreement between the Union and the Republic of Seychelles should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Union and the Republic of Seychelles to facilitate the transfer by a Member State of the European Union of persons arrested and detained under its national law for participating, off the coast of Somalia, in violation of the United Nations arms embargo on Somalia or in narcotic drugs trafficking (the 'Agreement') is hereby approved on behalf of the Union ⁽⁴⁾.

Article 2

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

Article 3

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

Done at Brussels, 10 July 2023.

For the Council
The President
P. NAVARRO RÍOS

⁽³⁾ Council Decision (CFSP) 2022/2441 of 12 December 2022 amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (OJ L 319, 13.12.2022, p. 80).

⁽⁴⁾ See page 3 of this Official Journal.