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► **B****COUNCIL DECISION 2014/219/CFSP**

of 15 April 2014

on the European Union CSDP mission in Mali (EUCAP Sahel Mali)

(OJ L 113, 16.4.2014, p. 21)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Council Decision (CFSP) 2015/76 of 19 January 2015	L 13	5	20.1.2015
► <b><u>M2</u></b>	Council Decision (CFSP) 2016/50 of 18 January 2016	L 12	48	19.1.2016
► <b><u>M3</u></b>	Council Decision (CFSP) 2016/890 of 6 June 2016	L 149	6	7.6.2016
► <b><u>M4</u></b>	Council Decision (CFSP) 2017/50 of 11 January 2017	L 7	18	12.1.2017
► <b><u>M5</u></b>	Council Decision (CFSP) 2017/1102 of 20 June 2017	L 158	44	21.6.2017
► <b><u>M6</u></b>	Council Decision (CFSP) 2017/2264 of 7 December 2017	L 324	52	8.12.2017
► <b><u>M7</u></b>	Council Decision (CFSP) 2018/2008 of 17 December 2018	L 322	24	18.12.2018
► <b><u>M8</u></b>	Council Decision (CFSP) 2019/312 of 21 February 2019	L 51	29	22.2.2019
► <b><u>M9</u></b>	Council Decision (CFSP) 2019/762 of 13 May 2019	L 125	18	14.5.2019
► <b><u>M10</u></b>	Council Decision (CFSP) 2020/652 of 14 May 2020	L 153	5	15.5.2020
► <b><u>M11</u></b>	Council Decision (CFSP) 2021/14 of 7 January 2021	L 5	16	8.1.2021
► <b><u>M12</u></b>	Council Decision (CFSP) 2023/96 of 10 January 2023	L 8	2	11.1.2023

**▼ B****COUNCIL DECISION 2014/219/CFSP****of 15 April 2014****on the European Union CSDP mission in Mali (EUCAP Sahel Mali)***Article 1***Mission**

The Union shall conduct a civilian mission in Mali (EUCAP Sahel Mali) in support of the Malian internal security forces (ISF) (police, gendarmerie, national guard).

**▼ M4***Article 2***Objective and Tasks**

1. The objective of EUCAP Sahel Mali shall be to allow the Malian authorities to restore and maintain constitutional and democratic order and the conditions for lasting peace in Mali, and to restore and maintain State authority and legitimacy throughout the territory of Mali by means of an effective redeployment of its administration.

**▼ M11**

2. In order to support the Malian dynamic in restoring State authority, as well as the implementation of the Accord for Peace and Reconciliation in Mali signed on 15 May and 20 June 2015 and in close coordination with other international actors, in particular the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), EUCAP Sahel Mali shall assist and advise the ISF in the implementation of the security sector reform led by the Government of Mali, with the aim of:

- (a) improving the operational efficacy of the ISF;
- (b) re-establishing the respective hierarchical chains of the ISF through a more coherent management of resources;
- (c) reinforcing the role of judicial and administrative authorities with regard to the management and supervision of their missions, contributing to the prevention of corruption and impunity;

**▼ M12**

- (d) facilitating the redeployment of the ISF to the centre of Mali, if the Political and Security Committee decides that conditions are met, and facilitating the deployment of the ISF to the South of Mali, focusing on the National Police; and

**▼ M11**

- (e) supporting in a gradual and modular process the redeployment of Mali's civilian administrative authorities to the centre of Mali, based on good governance principles.

**▼ M12**

- 2a. EUCAP Sahel Mali shall support the strategic communication efforts to foster Union values, promote Union action and expose violations and abuses of human rights and international humanitarian law by foreign forces in Mali.

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3. EUCAP Sahel Mali shall contribute, without prejudice to its core mandate in Mali, to the regionalisation of CSDP action in the Sahel by contributing to the improvement of interoperability and coordination between the internal security forces of G5 Sahel countries, as well as by supporting cross-border cooperation, supporting regional cooperation structures and contributing to the improvement of the national capabilities of G5 Sahel countries. EUCAP Sahel Mali may carry out those activities in the G5 Sahel countries. For that purpose, EUCAP Sahel Mali shall provide training, advice and other specific support to G5 Sahel countries, within its means and capabilities, upon request from the country concerned and taking into account the security situation.

4. To achieve its objective, EUCAP Sahel Mali shall operate in accordance with the strategic lines of operation defined in the Crisis Management Concept approved by the Council on 17 March 2014 and set out in the operational planning documents approved by the Council, including the joint civil-military Concept of Operations on Regionalisation of CSDP action in the Sahel. Before the launching of a new activity in a new G5 Sahel country, the Political and Security Committee shall be informed thereof.

**▼B***Article 3***Chain of command and structure**

1. EUCAP Sahel Mali shall have a unified chain of command for crisis management operations.
2. EUCAP Sahel Mali shall have its Headquarters in Bamako.

*Article 4***Planning and launch of EUCAP Sahel Mali**

1. The mission shall be launched by a Council Decision on the date recommended by the Civilian Operation Commander of EUCAP Sahel Mali once it has reached its initial operating capability.
2. The tasks of the core party of EUCAP Mali shall be to prepare the installation of the mission in terms of logistics and infrastructure, open communication with Malian contacts, in particular the government and central authorities, in order to conduct exploratory assessments with them regarding the implementation of the mission objectives, start to outline the framework for cooperation and coordination with international partners, in particular MINUSMA, and provide the input needed to draw up the concept of operations (CONOPS), the operation plan (OPLAN) and the second budgetary impact statement.

*Article 5***Civilian Operation Commander**

1. The Director of the Civilian Planning and Conduct Capability (CPCC) of EUCAP Sahel Mali shall be the EUCAP Sahel Mali Civilian Operation Commander. The CPCC shall be at the disposal of the Civilian Operation Commander for the planning and conduct of EUCAP Sahel Mali.

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2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and overall authority of the HR, shall exercise command and control of EUCAP Sahel Mali.
3. The Civilian Operation Commander shall ensure, with regard to the conduct of operations, the proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions as required to the Head of Mission and providing him with advice and technical support.
4. The Civilian Operation Commander shall report to the Council through the HR.
5. All seconded staff shall remain under the full command of the national authorities of the seconding State in accordance with national rules, the Union institution concerned, or the European External Action Service (EEAS). Those authorities shall transfer Operational Control of their staff to the Civilian Operation Commander.
6. The Civilian Operation Commander shall have overall responsibility for ensuring that the Union's duty of care is properly discharged.

*Article 6***Head of Mission**

1. The Head of Mission shall assume responsibility for, and exercise command and control of, EUCAP Sahel Mali at theatre level. The Head of Mission shall be directly responsible to the Civilian Operation Commander and shall act in accordance with the instructions given by him.
2. The Head of Mission shall be the representative of EUCAP Sahel Mali in its action area. The Head of Mission may delegate management tasks in staff and financial matters to staff members of EUCAP Sahel Mali, under his overall responsibility.
3. The Head of Mission shall exercise administrative and logistic responsibility for EUCAP Sahel Mali, including over assets, resources and information placed at the disposal of the mission.
4. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national authority in accordance with national rules, by the Union institution concerned or by the EEAS.
5. The Head of Mission shall ensure appropriate visibility of EUCAP Sahel Mali.

*Article 7***Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council and the HR, political control and strategic direction of EUCAP Sahel Mali. The Council shall authorise the PSC to take the relevant decisions in accordance with the third paragraph of Article 38 TEU. That authorisation shall include, in particular, the powers to appoint a Head of Mission, upon a proposal of the HR, and to review the CONOPS and the OPLAN. The powers of decision with respect to the objectives and termination of EUCAP Sahel Mali shall remain vested in the Council.

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2. The PSC shall report to the Council at regular intervals.
  
3. The PSC shall receive, on a regular basis and as required, reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

*Article 8***Staff**

1. EUCAP Sahel Mali shall consist primarily of staff seconded by Member States, Union institutions or the EEAS. Each Member State, Union institution, and the EEAS shall bear the costs related to any of the staff seconded by it, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances other than applicable daily allowances.
  
2. The Member State, Union institution, or the EEAS respectively shall be responsible for answering any claims linked to the secondment from or concerning the member of staff seconded, and for bringing any action against that person.
  
3. International and local staff may also be recruited on a contractual basis by EUCAP Sahel Mali if the functions required cannot be provided by personnel seconded by Member States. Exceptionally, in duly justified cases, where no qualified applicants from Member States are available, nationals from participating third States may be recruited on a contractual basis, as appropriate.
  
4. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts to be concluded between EUCAP Sahel Mali and the staff members concerned.

*Article 9***Status of EUCAP Sahel Mali and its staff**

The status of EUCAP Sahel Mali and its staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUCAP Sahel Mali, shall be the subject of an agreement concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.

*Article 10***Participation of third States**

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, third States may be invited to contribute to EUCAP Sahel Mali, provided that they bear the cost of the

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staff seconded by them, including salaries, all risk insurance cover, daily subsistence allowances and travel expenses to and from Mali, and that they contribute to the running costs of EUCAP Sahel Mali, as appropriate.

2. Third States contributing to EUCAP Sahel Mali shall have the same rights and obligations in terms of the day-to-day management of EUCAP Sahel Mali as Member States.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded in accordance with Article 37 TEU. Where the Union and a third State conclude or have concluded an agreement establishing a framework for the participation of that third State in Union crisis-management operations, the provisions of that agreement shall apply in the context of EUCAP Sahel Mali.

*Article 11***Security**

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation by EUCAP Sahel Mali in accordance with Article 5.

2. The Head of Mission shall be responsible for the security of EUCAP Sahel Mali and for ensuring compliance with minimum security requirements applicable to EUCAP Sahel Mali, in line with the policy of the Union on the security of personnel deployed outside the Union in an operational capacity under Title V TEU.

3. The Head of Mission shall be assisted by a Mission Security Officer (MSO), who shall report to the Head of Mission and also maintain a close functional relationship with the EEAS.

4. As regards security, EUCAP Sahel Mali staff shall receive mandatory security training, adapted to the risk as it is evaluated in the zone of deployment. They shall also receive regular in-theatre refresher training organised by the MSO.

5. The Head of Mission shall ensure the protection of EU classified information in accordance with Council Decision 2013/488/EU <sup>(1)</sup>.

*Article 12***Watch-Keeping Capability**

The Watch-Keeping Capability shall be activated for EUCAP Sahel Mali.

<sup>(1)</sup> 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).

**▼ B***Article 13***Legal arrangements**

EUCAP Sahel Mali shall have the capacity to procure services and supplies, to enter into contracts and administrative arrangements, to employ staff, to hold bank accounts, to acquire and dispose of assets and to discharge its liabilities, and to be a party to legal proceedings, as required in order to implement this Decision.

*Article 14***Financial arrangements****▼ M6**

1. The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali from 15 April 2014 to 14 January 2015 shall be EUR 5 500 000.

The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali from 15 January 2015 to 14 January 2016 shall be EUR 11 400 000.

The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali between 15 January 2016 and 14 January 2017 shall be EUR 19 775 000.

The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali between 15 January 2017 and 14 January 2018 shall be EUR 29 800 000.

**▼ M7**

The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali between 15 January 2018 and 28 February 2019 shall be EUR 28 450 000.

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The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali between 1 March 2019 and 14 January 2021 shall be EUR 69 650 000.

**▼ M11**

The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali between 15 January 2021 and 31 January 2023 shall be EUR 89 100 000.

**▼ M12**

The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali between 1 February 2023 and 31 January 2025 shall be EUR 73 196 375,74.

**▼ M2**

2. All expenditure shall be managed in accordance with the rules and procedures applicable to the general budget of the Union. Participation of natural and legal persons in the award of procurement contracts by EUCAP Sahel Mali shall be open without limitations. Moreover, no rule of origin for the goods purchased by EUCAP Sahel Mali shall apply. Subject to the Commission's approval, EUCAP Sahel Mali may conclude technical arrangements with Member States, the host State, participating third States and other international actors regarding the provision of equipment, services and premises to EUCAP Sahel Mali.

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3. EUCAP Sahel Mali shall be responsible for the implementation of its budget. For this purpose, EUCAP Sahel Mali shall sign an agreement with the Commission.
4. The financial arrangements shall respect the chain of command as provided for in Articles 3, 5 and 6 and the operational needs of EUCAP Sahel Mali, including compatibility of equipment and interoperability of its teams.
5. Expenditure shall be eligible from the date when the agreement referred to in paragraph 3 is signed.

**▼ M5***Article 14a***▼ M9**

1. A Regional Advisory and Coordination Cell (RACC) shall be established within EUCAP Sahel Mali.
2. The RACC shall include staff co-located with EUCAP Sahel Mali and the Internal Security and Defence Experts (ISDE) located in the Union Delegations to Burkina Faso, Chad, Mali, Mauritania and Niger. The RACC shall gradually relocate staff from Bamako to Nouakchott, in accordance with paragraph 7 and taking into account the security situation.

**▼ M11**

3. The objectives of the RACC, in close cooperation with existing CSDP Missions in the Sahel, shall be to:
  - (a) improve the cooperation and coordination between G5 Sahel structures and G5 Sahel countries in order to enhance regional cooperation and operational capabilities in the field of defence and security, in compliance with international law, human rights and the EU Strategic Approach to Women, Peace and Security as set out by the Council in its conclusions of 10 December 2018;
  - (b) with a view to reinforcing the national capacities of G5 Sahel countries, prepare and support the regionalisation of the CSDP action;
  - (c) in support of the Union Delegations in G5 Sahel countries and of the secretariat of the Partnership for Stability and Security in the Sahel (P3S), facilitate and support the organisation of information-gathering and sharing with all partners of the G5 Sahel.

**▼ M9**

4. The ISDE shall collect information related to security and defence matters in their host countries. They shall provide such information and, where appropriate, make recommendations to the Head of the RACC. They shall keep the Head of the Union Delegation in the place where they are located duly informed.
5. The Civilian Operation Commander shall exercise strategic command and control of the RACC, under the political control and strategic direction of the PSC and overall authority of the HR. By derogation from Article 6(1), the Head of the RACC shall be directly responsible to the Civilian Operation Commander and shall act in accordance with the instructions given by him. The Head of the RACC shall issue instructions to all RACC staff.

**▼ M9**

6. The Head of Mission shall exercise authority over RACC staff in application of Article 6(2) to (4) and Article 11, without prejudice to paragraph 7 of this Article.

7. EUCAP Sahel Mali shall enter into the necessary administrative arrangements with the Union Delegations to Burkina Faso, Chad, Mali, Mauritania and Niger on the support to be provided to its staff.

Those administrative arrangements shall, in particular:

- (a) ensure that the logistical and security support necessary for staff members of EUCAP Sahel Mali, in particular the RACC, to accomplish their tasks is provided to them;
- (b) provide that Heads of Delegation have authority over staff members of EUCAP Sahel Mali, in particular the RACC, in their respective Union Delegations, in particular for the purposes of fulfilling their duty of care, ensuring compliance with applicable security requirements and contributing to the exercise of disciplinary control, and are kept duly informed by such staff members of their activities.
- (c) provide that Heads of Delegation are to ensure that the staff members of EUCAP Sahel Mali, in particular the RACC, where they are located in a Union Delegation, enjoy the same privileges and immunities as granted to the staff in that Union Delegation.

**▼ B***Article 15***Project Cell**

1. EUCAP Sahel Mali shall have a Project Cell for identifying and implementing projects. EUCAP Sahel Mali shall, as appropriate, coordinate, facilitate, and provide advice on projects implemented by Member States and third States under their responsibility in areas related to EUCAP Sahel Mali and in support of its objectives.

2. Subject to paragraph 3, EUCAP Sahel Mali shall be authorised to seek recourse to financial contributions from the Member States or third States to implement projects identified as supplementing in a consistent manner EUCAP Sahel Mali's other actions, if the project is:

- provided for in the financial statement relating to this Decision; or
- integrated during the mandate by means of an amendment to the financial statement requested by the Head of Mission.

EUCAP Sahel Mali shall conclude an arrangement with those States, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by the Head of Mission in the use of the funds provided by those States.

Under no circumstances may the contributing Member States hold the Union or the HR liable for acts or omissions by the Head of Mission in the use of the funds provided by those States.

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3. The PCS shall agree on the acceptance of a financial contribution from third States to the Project Cell.

*Article 16***Consistency of the Union's response and coordination**

1. The HR shall ensure the consistency of the implementation of this Decision with the Union's external action as a whole, including the Union's development programmes.

2. Without prejudice to the chain of command, the Head of Mission shall act in close coordination with the Union's delegation in Mali to ensure the consistency of Union action in Mali. Without interfering in the chain of command, the Head of Delegation in Bamako, in close coordination with the European Union Special Representative for the Sahel (EUSR Sahel) shall give political direction at local level to the EUCAP Sahel Mali Head of Mission. The EUCAP Sahel Mali Head of Mission, the Head of Delegation in Bamako and the EUSR Sahel shall initiate consultations as necessary.

3. Cooperation shall be established between the EUCAP Sahel Mali Head of Mission, the EUTM Mali Mission Commander, the EUCAP Sahel Niger Head of Mission and the EUBAM Libya Head of Mission.

4. In addition, EUCAP Sahel Mali shall coordinate and harmonise its actions in the area of security reform with MINUSMA and other international partners.

*Article 17***Release of information**

1. The HR shall be authorised, if necessary and as required for EUCAP Sahel Mali, to release EU classified information up to 'RESTREINT UE/EU RESTRICTED' level generated for the purposes of EUCAP Sahel Mali to the third States associated with this Decision, in accordance with Decision 2013/488/EU.

**▼M12**

1a. The HR shall be authorised to release to the Union Justice and Home Affairs Agencies, in particular to FRONTEX and EUROPOL, EU classified information, including documents, generated for the purposes of EUCAP Sahel Mali up to the relevant level of classification for each of them respectively, in accordance with Decision 2013/488/EU. Technical arrangements shall be drawn up for that purpose.

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2. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level generated for the purposes of EUCAP Sahel Mali, in accordance with Decision 2013/488/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for this purpose.

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3. The HR shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUCAP Sahel Mali and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure <sup>(1)</sup>.

**▼ M4**

4. The HR may delegate such authorisations and the ability to conclude the arrangements referred to in this Article to EEAS officials, to the Civilian Operations Commander and/or the Head of Mission in accordance with section VII of Annex VI to Decision 2013/488/EU.

**▼ B***Article 18***Entry into force and duration**

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

**▼ M12**

It shall apply until 31 January 2025.

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<sup>(1)</sup> Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).