

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (CFSP) 2020/155

of 24 October 2019

on the signing and conclusion, on behalf of the Union, of the Agreement between the European Union and the Federal Republic of Somalia on the status of the European Union Capacity Building Mission in Somalia (EUCAP Somalia)

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 16 July 2012, the Council adopted Decision 2012/389/CFSP ⁽¹⁾ on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR).
- (2) Article 8 of Decision 2012/389/CFSP provides that the status of EUCAP NESTOR and its staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUCAP NESTOR, is to be the subject of an agreement concluded pursuant to Article 37 of the Treaty on European Union and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.
- (3) On 15 July 2012, the Prime Minister of the Transitional Federal Government of the Somali Republic, in a letter to the High Representative of the Union for Foreign Affairs and Security Policy, confirmed that 'the rights and obligations contained in the agreement on the status of the EU-led mission Atalanta concluded on 31 December 2008 will also be applicable to EUCAP NESTOR, its personnel, premises and assets'.
- (4) On 12 December 2016, the Council in Decision (CFSP) 2016/2240 ⁽²⁾ decided that EUCAP NESTOR should focus on assisting Somalia in strengthening its maritime security capacity in order to enable it to enforce maritime law more effectively. Decision (CFSP) 2016/2240 renamed EUCAP NESTOR as EUCAP Somalia. The conclusion of a formal status of mission agreement with the Federal Republic of Somalia specifically for EUCAP Somalia therefore seemed appropriate.
- (5) On 12 April 2018, the Council adopted a Decision authorising the opening of negotiations with the Federal Republic of Somalia for an agreement on the status of the European Union Capacity Building Mission in Somalia (EUCAP Somalia).
- (6) An agreement on the status of EUCAP Somalia in the Federal Republic of Somalia has been negotiated between the Union and the Federal Republic of Somalia.
- (7) The Agreement should be approved on behalf of the Union,

⁽¹⁾ Council Decision 2012/389/CFSP of 16 July 2012 on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR) (OJ L 187, 17.7.2012, p. 40).

⁽²⁾ Council Decision (CFSP) 2016/2240 of 12 December 2016 amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR) (OJ L 337, 13.12.2016, p. 18).

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Federal Republic of Somalia on the status of the European Union Capacity Building Mission in Somalia (EUCAP Somalia) ('the Agreement') is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

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 Luxembourg, 24 October 2019.

For the Council

The President

A.-K. PEKONEN
