COUNCIL DECISION (CFSP) 2021/2134

of 2 December 2021

on an assistance measure under the European Peace Facility to support the Georgian Defence Forces

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(2) thereof,

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

Whereas:

(1) In accordance with Council Decision (CFSP) 2021/509 ([1]), a European Peace Facility (EPF) was established for the financing by Member States of Union actions under the Common Foreign and Security Policy to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, in pursuant to Article 1(2), point (b)(i), of Decision (CFSP) 2021/509, the EPF may finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.

(2) The framework of the Global Strategy on the European Union's Foreign and Security Policy set the objectives of strengthening security and defence, investing in the resilience of states and societies to the east of the Union, developing an integrated approach to conflict and crises, promoting and supporting cooperative regional orders, and reinforcing global governance based on international law, including compliance with international human rights law and international humanitarian law.

(3) The Union is committed to a close relationship in support of a strong, independent and prosperous Georgia, based on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part ([2]), including the Deep and Comprehensive Free Trade Area, and to promote political association and economic integration while firmly supporting Georgia's territorial integrity within its internationally recognised borders. In accordance with Article 5 of the EU-Georgia Association Agreement, the Union and Georgia are to continue to intensify their dialogue and cooperation and promote gradual convergence in the area of foreign and security policy, including the common security and defence policy, and are to address in particular issues of conflict prevention, peaceful conflict resolution and crisis management, regional stability, disarmament, non-proliferation, arms control and export control.

(4) The Union recognises Georgia's important contribution to the Union's common security and defence policy, including Georgia's continued contribution to CSDP crisis management operations and missions in the Central African Republic and the Republic of Mali.

(5) In his letter of 28 October 2021 addressed to the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the Minister of Foreign Affairs of Georgia requested the Union, in accordance with Article 59(1) of Decision (CFSP) 2021/509, to provide medical and engineering equipment, as well as mobility assets of civilian type.

(6) This assistance measure is to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509 and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.

([1]) Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 (OJ L 102, 24.3.2021, p. 14).

([2]) OJ L 261, 30.8.2014, p. 4.

(7) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles, and to strengthen the rule of law and good governance in compliance with the United Nations Charter, with the Universal Declaration of Human Rights and with international law, in particular international human rights and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefiting Georgia (the 'beneficiary') to be financed under the European Peace Facility (EPF) (the 'Assistance Measure') is hereby established.

2. The objective of the Assistance Measure is to contribute to the Union policy towards Georgia by supporting the Georgian Defence Forces' capacities to enhance national security and resilience by supporting the strengthening of the capacities of the Georgian Land Forces' military medical units, engineering units and logistics units, and thereby to better protect civilians, as well as to enhance Georgia's capacity to contribute to CSDP military missions and operations.

3. To achieve the objective set out in paragraph 2, the Assistance Measure shall finance the provision of the following equipment not designed to deliver lethal force, supplies and services to the units of the Georgian Defence Forces referred to in that paragraph:

(a) medical equipment for Role 2 medical treatment facilities;

(b) engineer equipment for engineer squads and platoons;

(c) ground mobility assets of civilian type (pick-up trucks).

4. The duration of the Assistance Measure shall be 36 months from the date of conclusion of the contract between the administrator for assistance measures acting as authorising officer and the entity referred to in Article 4(2) of this Decision in accordance with Article 32(2), point (a), of Decision (CFSP) 2021/509.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the Assistance Measure shall be a maximum of EUR 12 750 000. In accordance with Article 29(5) of Decision (CFSP) 2021/509, the administrator for assistance measures may call for contributions following the adoption of this Decision, up to EUR 11 475 000. The funds called by the administrator shall only be used to pay expenditure within the limits approved by the Committee established by Decision (CFSP) 2021/509 in the 2021 amending budget corresponding to this assistance measure.

2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

Article 3

Arrangements with the beneficiary

1. The High Representative shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision as a condition for the provision of support under the Assistance Measure.

2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:

(a) compliance of the units of the Georgian Land Forces equipped by the Assistance Measure with relevant international law, in particular international human rights and international humanitarian law;

(b) proper and efficient use of any assets provided under the Assistance Measure for the purposes for which they were provided;

(c) sufficient maintenance of any assets provided under the Assistance Measure to ensure their usability and their operational availability over their life cycle;

(d) that any assets provided under the Assistance Measure will not be lost, or be transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 to persons or entities other than those identified in the arrangements, at the end of their life cycle.

3. The arrangements referred to in paragraph 1 shall include provisions on the suspension and termination of support under the Assistance Measure in the event of the beneficiary being found in breach of the obligations set out in paragraph 2.

Article 4

Implementation

1. The High Representative shall be responsible for ensuring the implementation of this Decision in accordance with Decision (CFSP) 2021/509 and with the rules for the implementation of revenue and expenditure financed under the EPF, consistently with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

2. The implementation of the activities referred to in Article 1(3) shall be carried out by the Central Project Management Agency (CPMA) of Lithuania.

Article 5

Monitoring, control and evaluation

1. The High Representative shall ensure that the respect of the obligations established in accordance with Article 3 by the beneficiary is monitored. This monitoring shall provide awareness of the context and risks of breaches of the obligations established in accordance with Article 3, and shall contribute to the prevention of such breaches, including violations of international human rights and international humanitarian law by units of the Georgian Land Forces supported under the Assistance Measure.

2. The post-shipment control of equipment and supplies shall be organised as follows:

(a) delivery verification, whereby delivery certificates are to be signed by the Georgian Defence Forces upon transfer of ownership;

(b) reporting on the activities, whereby the beneficiary is to report annually on activities conducted with the equipment, supplies and services provided under the Assistance Measure until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);

(c) on-site controls, whereby the beneficiary is to grant the High Representative access to conduct on-site control upon request.

3. The High Representative shall conduct an evaluation, in the form of a structured first assessment of the Assistance Measure, 6 months after the first delivery of equipment. This may entail on-site visits to control the equipment, supplies and services delivered under the Assistance Measure, or any other effective forms of independently provided information. A final evaluation shall be conducted upon completion of the delivery of equipment, supplies and services under the Assistance Measure to assess whether the Assistance Measure has contributed to reaching the stated objectives.

Article 6

Reporting

During the period of implementation, the High Representative shall provide the PSC with 6-monthly reports on the implementation of the Assistance Measure, in accordance with Article 63 of Decision (CFSP) 2021/509. The administrator for assistance measures shall regularly inform the Facility Committee established by Decision (CFSP) 2021/509 on the implementation of revenue and expenditure in accordance with Article 38 of that Decision, including by providing information on the suppliers and subcontractors involved.

Article 7

Suspension and termination

The PSC may decide to suspend wholly or partially the implementation of the Assistance Measure in accordance with Article 64 of Decision (CFSP) 2021/509.

The PSC may also recommend that the Council terminate the Assistance Measure.

Article 8

Entry into force

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

Done at Brussels, 2 December 2021.

For the Council
The President
J. VRTOVEC