

COUNCIL DECISION (CFSP) 2023/230**of 2 February 2023****amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 28 February 2022, the Council adopted Decision (CFSP) 2022/338 ⁽¹⁾ which established an assistance measure with a financial reference amount of EUR 450 000 000 intended to cover the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.
- (2) On 23 March 2022, the Council adopted Decision (CFSP) 2022/471 ⁽²⁾ amending Decision (CFSP) 2022/338, which increased the financial reference amount to EUR 900 000 000.
- (3) On 13 April 2022, the Council adopted Decision (CFSP) 2022/636 ⁽³⁾ amending Decision (CFSP) 2022/338, which increased the financial reference amount to EUR 1 350 000 000.
- (4) On 23 May 2022, the Council adopted Decision (CFSP) 2022/809 ⁽⁴⁾ amending Decision (CFSP) 2022/338, which increased the financial reference amount to EUR 1 840 000 000.
- (5) On 21 July 2022, the Council adopted Decision (CFSP) 2022/1285 ⁽⁵⁾ amending Decision (CFSP) 2022/338, which increased the financial reference amount to EUR 2 330 000 000.
- (6) On 17 October 2022, the Council adopted Decision (CFSP) 2022/1971 ⁽⁶⁾ amending Decision (CFSP) 2022/338, which increased the financial reference amount to EUR 2 820 000 000.
- (7) In light of the ongoing armed aggression by the Russian Federation against Ukraine, the financial reference amount should be increased by an additional EUR 300 000 000.
- (8) Decision (CFSP) 2022/338 should therefore be amended accordingly,

⁽¹⁾ Council Decision (CFSP) 2022/338 of 28 February 2022 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 60, 28.2.2022, p. 1).

⁽²⁾ Council Decision (CFSP) 2022/471 of 23 March 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 96, 24.3.2022, p. 43).

⁽³⁾ Council Decision (CFSP) 2022/636 of 13 April 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 117, 19.4.2022, p. 34).

⁽⁴⁾ Council Decision (CFSP) 2022/809 of 23 May 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 145, 24.5.2022, p. 40).

⁽⁵⁾ Council Decision (CFSP) 2022/1285 of 21 July 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 195, 22.7.2022, p. 93).

⁽⁶⁾ Council Decision (CFSP) 2022/1971 of 17 October 2022 amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ L 270, 18.10.2022, p. 95).

HAS ADOPTED THIS DECISION

Article 1

Decision (CFSP) 2022/338 is amended as follows:

(1) in Article 1, paragraph 3 is replaced by the following:

'3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the provision to the Ukrainian Armed Forces of military equipment, and platforms designed to deliver lethal force as well as the maintenance, repair and refit of EPF-financed military equipment, and platforms, designed to deliver lethal force and of identical equipment by military personnel in military sites, or in mixed forms of civil-military cooperation or in factories, as requested by Ukraine.';

(2) in Article 2, paragraph 1 is replaced by the following:

'1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 3 120 000 000.';

(3) in Article 2, paragraph 3 is replaced by the following:

'3. 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 3 120 000 000. The funds called by the administrator for assistance measures shall only be used to pay expenditure within the limits approved by the Committee established by Decision (CFSP) 2021/509 in the related amending and annual budgets corresponding to the assistance measure.';

(4) in Article 2, paragraph 4 is replaced by the following:

'4. Expenditure related to the implementation of the assistance measure shall be eligible as from 1 January 2022 and until a date to be determined by the Council. The maximum eligible expenditure incurred before 11 March 2022 shall be EUR 450 000 000. The amount of EUR 1 280 000 000 shall be eligible from 21 July 2022. Expenditure related to maintenance and repair shall be eligible from 17 October 2022. Expenditure related to refit shall be eligible from 2 February 2023';

(5) in Article 4, paragraph 4, point (j) is replaced by the following:

'(j) the Ministry of Defence, the Federal Foreign Office and the Federal Ministry of the Interior and Community of Germany.';

Article 2

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

Done at Brussels, 2 February 2023.

For the Council

The President

J. ROSWALL