2024/1049

5.4.2024

COUNCIL DECISION (CFSP) 2024/1049

of 4 April 2024

on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova

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) Council Decision (CFSP) 2021/509 ([1]) establishes the European Peace Facility (EPF) for the financing by Member States of Union actions under the Common Foreign and Security Policy (CFSP) to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF is to be used for the financing of assistance measures such as actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.

(2) The 2016 Global Strategy for the European Union's Foreign and Security Policy sets 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 on the basis of international law, including compliance with international human rights law and international humanitarian law.

(3) On 21 March 2022, the Union approved the Strategic Compass with the objective of becoming a stronger and more capable security provider, including through the increased use of the EPF in support of partners' defence capabilities.

(4) The Union is committed to a close relationship in support of a strong, independent and prosperous Republic of Moldova, based on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ([2]) (the 'Association Agreement'), including the Deep and Comprehensive Free Trade Area, and to promoting political association and economic integration while firmly supporting the Republic of Moldova's sovereignty and territorial integrity within its internationally recognised borders. Pursuant to Article 5 of the Association Agreement, the Union and the Republic of Moldova are 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 (CSDP), 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.

(5) The Union recognises the Republic of Moldova's important contribution to the Union's CSDP.

(6) This Decision builds upon Council Decisions (CFSP) 2021/2136 ([3]), (CFSP) 2022/1093 ([4]) and (CFSP) 2023/921 ([5]) with regard to the Union's continued commitment to support the strengthening of capacities of the Armed Forces of the Republic of Moldova in priority-need areas.

([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 260, 30.8.2014, p. 4.
([3]) Council Decision (CFSP) 2021/2136 of 2 December 2021 on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova (OJ L 432, 3.12.2021, p. 63).
([4]) Council Decision (CFSP) 2022/1093 of 30 June 2022 on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova (OJ L 176, 1.7.2022, p. 22).
([5]) Council Decision (CFSP) 2023/921 of 4 May 2023 on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova (OJ L 119, 5.5.2023, p. 173).

(7) On 5 February 2024, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') received a request from the Republic of Moldova for the Union to assist the Armed Forces of the Republic of Moldova with the procurement of key equipment to strengthen the capacities of its mobility, electronic warfare and logistics units.

(8) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, in particular compliance with Council Common Position 2008/944/CFSP ([6]), and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.

(9) 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 Charter of the United Nations, with the Universal Declaration of Human Rights and with international law, in particular international human rights law and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefiting the Republic of Moldova (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 strengthening the capacities of the Armed Forces of the Republic of Moldova in order to enhance national security, stability and resilience in the defence sector, in line with the Union's overall policy towards the Republic of Moldova. Building on previous EPF support, the assistance measure aims to allow the Armed Forces of the Republic of Moldova to enhance operational effectiveness, accelerate compliance with Union standards and interoperability, and thereby better protect civilians in crises and emergencies. It also aims to strengthen the Republic of Moldova's capacities with respect to its participation in EU military CSDP missions and operations.

3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following types of equipment not designed to deliver lethal force, supplies and services, including technical training where requested, to the units of the Armed Forces of the Republic of Moldova supported under the assistance measure:

(a) mobility equipment;

(b) air surveillance equipment;

(c) electronic warfare equipment;

(d) logistics equipment.

4. The duration of the assistance measure shall be 40 months from the date of adoption of this Decision.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 41 000 000.

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.

([6]) Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

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) the compliance of the units of the Armed Forces of the Republic of Moldova supported under the assistance measure with relevant international law, in particular international human rights law and international humanitarian law;

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

(c) the 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 those 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 the rules for the implementation of revenue and expenditure financed under the EPF, in line 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 Estonian Centre for Defence Investments.

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the compliance by the beneficiary with the obligations set out in Article 3. That monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by the units of the Armed Forces of the Republic of Moldova supported under the assistance measure.

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

(a) delivery verification, whereby EPF delivery certificates are to be signed by the end-user forces upon transfer of ownership;

(b) reporting on the inventory, whereby the beneficiary is to report annually on the inventory of designated items until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);

(c) on-site visits, whereby the beneficiary is to grant the High Representative and EPF auditors access to conduct on-site controls and EPF audits, upon request.

3. The High Representative shall conduct a final evaluation upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the objectives stated in Article 1(2).

Article 6

Reporting

During the period of implementation, the High Representative shall provide the PSC with six-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

1. 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.

2. 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 date of its adoption.

Done at Brussels, 4 April 2024.

For the Council

The President

H. LAHBIB