



2024/1471

22.5.2024

COUNCIL DECISION (CFSP) 2024/1471

of 21 May 2024

**on the allocation of the amounts of the financial contribution paid to the European Peace Facility
pursuant to Decision (CFSP) 2024/1470**

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) In its conclusions of 22 March 2024, the European Council stated that given the urgency of the situation, the European Union is determined to continue providing Ukraine and its people all the necessary political, financial, economic, humanitarian, military and diplomatic support for as long as it takes and as intensely as needed.
- (2) On 21 May 2024, the Council adopted Decision (CFSP) 2024/1470 ⁽¹⁾, which amended Decision 2014/512/CFSP ⁽²⁾ in order to provide that central securities depositories within the meaning of Regulation (EU) No 909/2014 of the European Parliament and of the Council ⁽³⁾ ('central securities depositories') holding assets and reserves with a total value of more than EUR 1 million are to contribute from their extraordinary net profits arising from the immobilisation of Russian assets a financial contribution equivalent to 99,7 % of those net profits accumulating since 15 February 2024. Payments should be made in biannual instalments until the extraordinary profits cease accumulating on the balance sheets of central securities depositories due to the discontinuation of the restrictive measures prohibiting transactions with the assets and reserves of the Central Bank of Russia. According to that Decision, 90 % of the amounts of the financial contribution paid to the Union are to be used to support Ukraine, through the European Peace Facility established by Council Decision (CFSP) 2021/509 ⁽⁴⁾ (EPF). As the allocation is to be reviewed yearly and for the first time before 1 January 2025, the percentage of the financial contribution allocated to the EPF may change in the future.
- (3) In order to make use of existing delivery mechanisms, the amounts allocated to the EPF should be allocated to assistance measures for the supply of military support to the Ukrainian Armed Forces in addition to the voluntary contributions referred to in Article 30 of Decision (CFSP) 2021/509. Such amounts allocated should be in addition to the reference amounts agreed for the respective assistance measures. It is appropriate to provide for specific rules for this new funding source, which should complement the existing EPF rules. In particular, the additional contribution need neither be accepted by the Political and Security Committee (PSC) nor be authorised by the EPF Committee; as Decision (CFSP) 2024/1470 already provides for an authorisation directly by the Council, no such additional acceptance procedure is required. Additionally, it is not necessary to conclude administrative arrangements with central securities depositories, as the rules for the contribution are established in this Decision.
- (4) The allocation of amounts to assistance measures in support of Ukraine is without prejudice to the specific character of the security and defence policy of certain Member States and to the position of Member States that have abstained in a vote and made a formal declaration or will abstain in a vote and make a formal declaration in accordance with the second subparagraph of Article 31(1) of the Treaty on European Union (TEU) regarding an assistance measure under the EPF. Those Member States, therefore, continue not to be obliged to apply the decisions regarding EPF assistance measures where they have abstained and made a formal declaration. The second sentence of Article 5(3) of Decision (CFSP) 2021/509 does not apply.

⁽¹⁾ Council Decision (CFSP) 2024/1470 of 21 May 2024 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L, 2024/1470, 22.5.2024, ELI: <http://data.europa.eu/eli/dec/2024/1470/oj>).

⁽²⁾ Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 13).

⁽³⁾ Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1).

⁽⁴⁾ 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).

- (5) It is appropriate to provide that administrative costs relating to the management of the amounts should not be borne by the national contributions to the EPF, but are to be covered from those amounts. Military support under the EPF is to be provided in accordance with the relevant regulatory framework, including the EPF implementing rules. Furthermore, any military support under the EPF is to be provided in full respect for the security and defence policy of certain Member States, ensuring the transparency and traceability of EPF-funded support, and taking into account the security and defence interests of all Member States. Moreover, in accordance with Article 73(10) of Decision (CFSP) 2021/509, in cases where a Member State has abstained in a vote and made a formal declaration in accordance with the second subparagraph of Article 31(1) TEU regarding an assistance measure to be financed with the dedicated amount set out in the first subparagraph of Article 73(10) of Decision (CFSP) 2021/509, that Member State does not contribute to the costs of that assistance measure and, in accordance with Article 16(4) of Decision (CFSP) 2021/509, is not a contributing Member State for the purposes of covering the non-contractual liability of the Union stemming from the implementation of an assistance measure adopted under Decision (CFSP) 2021/509. The same applies to a Member State that has abstained and made a formal declaration in accordance with the second subparagraph of Article 31(1) TEU in respect of the assistance measure provided for in Council Decision (CFSP) 2022/338 ⁽⁵⁾.
- (6) In view of the evolving needs of the Ukrainian Armed Forces and in order to maximise the Union's added value, the Facility Committee established by Decision (CFSP) 2021/509 should determine and periodically review the allocation of the received amounts between assistance measures in accordance with a dedicated strategic orientation provided by the PSC pursuant to Article 9(2) of Decision (CFSP) 2021/509. The rules laid down in Article 5(5), as well as Article 11(8) and (14) of Decision (CFSP) 2021/509 should apply,

HAS ADOPTED THIS DECISION:

Article 1

The amounts allocated to the European Peace Facility ('EPF') pursuant to Decision (CFSP) 2024/1470 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine shall be allocated to assistance measures for the supply of military support to the Ukrainian Armed Forces, in addition to the voluntary contributions referred to in Article 30 of Decision (CFSP) 2021/509.

Article 2

The administrative costs relating to the management of the amounts shall be covered by the amounts themselves. Appropriations corresponding to revenue from this specific financial contribution shall be opened once the payments are received and shall be carried over automatically. They shall be paid into dedicated bank accounts. They shall be used to implement the expenditure the administration of which has been entrusted to the EPF.

Military support under the EPF shall be provided in accordance with Decision (CFSP) 2021/509 and the EPF implementing rules.

Article 3

In view of the evolving needs of the Ukrainian Armed Forces and in order to maximise the added value of the Union, the allocation of the received amounts between assistance measures shall be determined and periodically reviewed by the Facility Committee established in Article 11 of Decision (CFSP) 2021/509 in accordance with a dedicated strategic orientation provided by the Political and Security Committee pursuant to Article 9(2) of that Decision. The rules laid down in Article 5(5), as well as in Article 11(8) and (14) of that Decision shall apply. In view of the specific circumstances, the second sentence of Article 5(3) of Decision (CFSP) 2021/509 shall not apply.

Article 4

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 21 May 2024.

For the Council

The President

H. LAHBIB

⁽⁵⁾ 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).