

**COUNCIL DECISION (CFSP) 2021/1143****of 12 July 2021****on a European Union Military Training Mission in Mozambique (EUTM Mozambique)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(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 April 2020, the Council provided a comprehensive framework for Union and Member States' engagement with Mozambique and coordination with other stakeholders. In particular, the Council emphasised that the security and humanitarian situation in Cabo Delgado requires urgent attention, while ensuring full respect for human rights.
- (2) On 30 March 2021, the Political and Security Committee (PSC) endorsed a Political Framework for Crisis Approach in Cabo Delgado and considered that a Common Security and Defence Policy (CSDP) action would be appropriate, focused on training of, and assistance to, the Mozambican armed forces, in the context of the Union's Integrated Approach for the crisis in Cabo Delgado.
- (3) By letter dated 3 June 2021, the President of Mozambique welcomed the deployment of a Union non-executive CSDP mission in Mozambique, in order to help build the capacity of the Mozambican defence and security forces to respond more efficiently to security and humanitarian risks in Cabo Delgado.
- (4) On 28 June 2021, the Council approved a Crisis Management Concept for a possible CSDP military training mission in Mozambique, in conjunction with a possible assistance measure to provide equipment other than military equipment, or platforms, designed to deliver lethal force, in order to support the Mozambican armed forces with a view to their deployment in Cabo Delgado. That Concept underlined that the envisaged CSDP mission should be one of the tools in the Union's Integrated Approach for the crisis in Cabo Delgado in conjunction with support to peacebuilding, conflict prevention and dialogue support, humanitarian assistance and development cooperation, as well as the promotion of the Women, Peace and Security Agenda. That Concept further stressed the Union's political-strategic objective to support the deployment of professionalised Mozambican defence and security forces, enabling the presence of accountable law enforcement agencies in order to protect the civilian population, and to allow accountable State structures to return to, and deliver their services across, Cabo Delgado. In this context, the Council takes note of the Joint Communication of the European Commission and the High Representative (HR) on the EU Gender Action Plan (GAP) III.
- (5) The PSC should exercise, under the responsibility of the Council and of the HR, political control over the CSDP military training mission in Mozambique (EUTM Mozambique), provide it with strategic direction and take the relevant decisions in accordance with the third paragraph of Article 38 of the Treaty on European Union (TEU).
- (6) It is necessary to negotiate and conclude international agreements as regards the status of Union-led units and personnel and the participation of third States in EUTM Mozambique.
- (7) Pursuant to Article 41(2) TEU and in accordance with Council Decision (CFSP) 2021/509 <sup>(1)</sup> establishing the European Peace Facility, the operating expenditure arising from this Decision which has military or defence implications is to be borne by the Member States.

<sup>(1)</sup> 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).

- (8) In accordance with Article 5 of Protocol No 22 on the position of Denmark annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Consequently, Denmark is not participating in the adoption of this Decision, is neither bound by it nor subject to its application, and does not participate in the financing of this operation,

HAS ADOPTED THIS DECISION:

#### *Article 1*

#### **Mission**

1. The Union shall conduct a military training mission in Mozambique (EUTM Mozambique) in order to support a more efficient and effective response by the Mozambican armed forces to the crisis in Cabo Delgado in compliance with human rights law and international humanitarian law.
2. The strategic objective of EUTM Mozambique shall be to support the capacity building of the units of the Mozambican armed forces selected to compose a future Quick Reaction Force (QRF), in order for them to develop the necessary and sustainable capacities to restore safety and security in Cabo Delgado.
3. For that purpose, EUTM Mozambique shall:
  - (a) provide the selected units of the Mozambican armed forces and their leadership with military training including operational preparation, specialised training including on counter-terrorism, and training and education on compliance with human rights law and international humanitarian law, including the protection of civilians, and on respect for the rule of law;
  - (b) support the development of command and control structures and mechanisms of the QRF, such as a sustainable operational cycle, and train the QRF leadership to perform their duties according to their operational objective;
  - (c) as part of the training curriculum, where equipment, which shall be equipment other than military equipment, or platforms, designed to deliver lethal force, is provided by a Union assistance measure, train the selected units to properly use and maintain such equipment;
  - (d) establish, in close coordination and consultation with Mozambican authorities, a knowledge management cycle to track the conduct of the trained units once deployed in Cabo Delgado and assess their compliance with human rights law and international humanitarian law.
4. EUTM Mozambique shall contribute to the Union's situational awareness on the security situation in Mozambique, in particular in Cabo Delgado. It shall provide expertise and advice to the Union Delegation in Maputo on military matters.
5. EUTM Mozambique shall coordinate with the Union Delegation in Maputo, the United Nations (UN) and non-governmental organisations present in Mozambique, in particular in order to implement a gender and human rights policy in support of the mission and to ensure coherence with Union support in other relevant fields.

#### *Article 2*

#### **Appointment of the EU Mission Commander and the EU Mission Force Commander**

1. The Director of the Military Planning and Conduct Capability (MPCC) shall be EUTM Mozambique mission commander.
2. Brigadier-General Nuno LEMOS PIRES is hereby appointed EU Mission Force Commander of EUTM Mozambique.

*Article 3***Designation of the Mission Headquarters**

1. The MPCC shall be the static command and control structure at the military strategic level outside the area of operations, which is responsible for the operational planning and conduct of EUTM Mozambique.
2. The Mission Force Headquarters of EUTM Mozambique shall be located in Mozambique and shall operate under the command of the EU Mission Force Commander.
3. A support cell of the Mission Force Headquarters, located in Brussels, shall be included in the MPCC until the MPCC has reached full operational capacity.

*Article 4***Planning and launch of EUTM Mozambique**

A decision to launch EUTM Mozambique shall be adopted by the Council following approval of the Mission Plan and the Rules of Engagement for EUTM Mozambique.

*Article 5***Political control and strategic direction**

1. Under the responsibility of the Council and of the HR, the PSC shall exercise the political control and strategic direction of EUTM Mozambique. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 38 TEU. That authorisation shall include the powers to amend the planning documents, including the Mission Plan, and the chain of command. That authorisation shall also include the powers to take decisions on the appointment of the subsequent EU Mission Force Commanders. The powers of decision with respect to the objectives, scope and termination of EUTM Mozambique, as well as the general conditions for the implementation of its tasks, shall remain vested in the Council.
2. The PSC shall report to the Council at regular intervals.
3. The PSC shall, at regular intervals, receive reports from the chair of the EU Military Committee (EUMC) regarding the conduct of EUTM Mozambique. The PSC may invite the EU Mission Commander and the EU Mission Force Commander to its meetings, as appropriate.

*Article 6***Military direction**

1. The EUMC shall monitor the proper execution of EUTM Mozambique conducted under the responsibility of the EU Mission Commander.
2. The EUMC shall, at regular intervals, receive reports from the EU Mission Commander. It may invite the EU Mission Commander and the EU Mission Force Commander to its meetings, as appropriate.
3. The chair of the EUMC shall act as the primary point of contact with the EU Mission Commander.

*Article 7***Consistency of the Union's response and coordination**

1. The HR shall ensure the implementation of this Decision and its consistency with the Union's external action as a whole, including the Union's development programmes and its humanitarian assistance.

2. Without prejudice to the chain of command, the EU Mission Force Commander shall receive local political guidance from the Head of the Union Delegation to Mozambique.
3. EUTM Mozambique shall coordinate its activities with Member States' bilateral activities in Mozambique, as well as with other international actors in the region, in particular the UN, the African Union (AU) and the Southern African Development Community (SADC), with bilateral actors including the United States and with key regional actors.

#### *Article 8*

### **Participation of third States**

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, and in accordance with the relevant guidelines of the European Council, third States may be invited to participate in EUTM Mozambique.
2. The Council hereby authorises the PSC to invite third States to offer contributions and to take the relevant decisions on acceptance of the proposed contributions, upon the recommendation of the EU Mission Commander in consultation with the EU Mission Force Commander, and the EUMC.
3. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 TFEU. Where the Union and a third State have concluded an agreement establishing a framework for the latter's participation in crisis management missions of the Union, the provisions of such an agreement shall apply in the context of EUTM Mozambique.
4. Third States making significant military contributions to EUTM Mozambique shall have the same rights and obligations in terms of the day-to-day management of EUTM Mozambique as Member States taking part in EUTM Mozambique.
5. The Council hereby authorises the PSC to take relevant decisions on the setting up of a Committee of Contributors in the event that third States make significant military contributions.

#### *Article 9*

### **Status of EU-led personnel**

The status of EU-led units and personnel, including the privileges, immunities and further guarantees necessary for the fulfilment and smooth functioning of their mission, shall be the subject of an agreement concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 TFEU.

#### *Article 10*

### **Financial arrangements**

1. The common costs of EUTM Mozambique shall be administered in accordance with Decision (CFSP) 2021/509.
2. The reference amount for the common costs of EUTM Mozambique shall be EUR 15 160 000. The percentage of the reference amount referred to in Article 51(2) of Decision (CFSP) 2021/509 shall be 30 % for commitments and 15 % for payments.

#### *Article 11*

### **Project cell**

1. EUTM Mozambique may have a project cell for identifying and implementing non-executive projects. EUTM Mozambique shall, as appropriate, coordinate, facilitate and provide advice on projects implemented by Member States and third States, under their responsibility, in areas related to the Mission's mandate and in support of its objectives.

2. Subject to paragraph 3, the EU Mission Commander shall be authorised to seek recourse to financial contributions from Member States or third States in order to implement non-executive projects identified as supplementing EUTM Mozambique's other actions in a consistent manner. In such a case, the administrator for operations of the European Peace Facility shall conclude, upon approval by the Committee set up by Decision (CFSP) 2021/509, an arrangement with those States, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by the EU Mission Commander in the use of the financial contributions provided by those States.
3. Under no circumstances shall the Union or the HR be held liable by contributing States as a result of acts or omissions by the EU Mission Commander in the use of financial contributions provided by those States.
4. The PSC shall agree on the acceptance of a financial contribution from third States to the project cell.

#### Article 12

##### Release of information

1. The HR shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance with the needs of EUTM Mozambique, EU classified information generated for the purposes of EUTM Mozambique, in accordance with Council Decision 2013/488/EU <sup>(2)</sup>:
  - (a) up to the level provided in the applicable security of information agreements concluded between the Union and the third State concerned; or
  - (b) up to 'CONFIDENTIEL UE/EU CONFIDENTIAL' level in other cases.
2. The HR shall also be authorised to release to the UN, the AU, the SADC and the United States, in accordance with the operational needs of EUTM Mozambique, EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which is generated for the purposes of EUTM Mozambique, in accordance with Decision 2013/488/EU. The necessary arrangements between the HR and the competent authorities of the UN, the AU, the SADC and the United States shall be drawn up for that purpose.
3. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which is generated for the purposes of EUTM Mozambique, in accordance with Decision 2013/488/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for that purpose.
4. The HR shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUTM Mozambique and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure <sup>(3)</sup>.
5. The HR may delegate the powers referred to in paragraphs 1 to 4, as well as the ability to conclude the arrangements referred to in paragraphs 2 and 3 to staff of the European External Action Service, to the EU Mission Commander or to the EU Mission Force Commander.

#### Article 13

##### Entry into force and termination

1. This Decision shall enter into force on the date of its adoption.
2. EUTM Mozambique shall end two years after it has reached Full Operational Capability.

<sup>(2)</sup> Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

<sup>(3)</sup> Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

3. This Decision shall be repealed as from the date of closure of the Mission Headquarters of EUTM Mozambique in accordance with the plans approved for the termination of EUTM Mozambique, and without prejudice to the procedures regarding the audit and presentation of the accounts of EUTM Mozambique as laid down in Decision (CFSP) 2021/509.

Done at Brussels, 12 July 2021

*For the Council*  
*The President*  
J. BORRELL FONTELLES

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