

COUNCIL DECISION (CFSP) 2023/1518**of 20 July 2023****on an assistance measure under the European Peace Facility to support the Armed Forces of the Democratic Republic of the Congo**

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 current crisis in the eastern provinces of the Democratic Republic of the Congo demonstrates the tragic human cost that will continue to be paid if lasting and comprehensive peace is not achieved. Continued instability has resulted in one of the world's worst and longest lasting humanitarian crises and left the region at risk of becoming a stronghold for terrorism and transnational criminal networks.
- (3) Ensuring long-term peace, security and stability and respect for human rights in the eastern provinces of the Democratic Republic of the Congo and in the region more generally, in line with an integrated approach, is a key priority for the Union. The Union is aware of the importance of the general elections called for December 2023.
- (4) On 13 February 2023, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') received a request from the Democratic Republic of the Congo for the Union to assist the Armed Forces of the Democratic Republic of the Congo with the procurement of key equipment and the construction of basic infrastructure under the EPF.
- (5) 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 ⁽²⁾, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (6) The implementation will also be subject to the regular assessment of political developments in the Democratic Republic of the Congo, in accordance with the integrated methodological framework for assessing and identifying the required mitigating measures and controls for assistance measures under the EPF.
- (7) The Council reaffirms its determination to protect, promote and vindicate 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 law and international humanitarian law,

⁽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⁾ 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).

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefiting the Democratic Republic of the Congo (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 strengthen the capabilities and the resilience of the Armed Forces of the Democratic Republic of the Congo in order to enable them to better defend the territorial integrity and the sovereignty of the Democratic Republic of the Congo and to better protect the civilian population against, in particular, armed groups in the country's eastern provinces.
3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following components:
 - (a) individual equipment, not designed to deliver lethal force, for soldiers;
 - (b) collective equipment, not designed to deliver lethal force, at brigade, battalion and company level;
 - (c) infrastructure at brigade headquarters level.
4. The duration of the assistance measure shall be 48 months from the date of conclusion of the contract signed by the administrator for assistance measures, acting as authorising officer in accordance with Article 32(2), point (a), of Decision (CFSP) 2021/509. The implementation of the contract shall not start before 1 March 2024.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 20 000 000.
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.

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 Democratic Republic of the Congo 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 transferred without the consent of the Facility Committee established by 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 with 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 Ministry of Defence of the Kingdom of Belgium.

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor compliance by the beneficiary with the obligations set out in Article 3. That monitoring shall provide awareness of the context and the 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 law and international humanitarian law by the units of the Armed Forces of the Democratic Republic of the Congo 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, whereby the beneficiary is to report annually on the activities conducted with the equipment provided under the assistance measure and on the inventory of designated items until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);
- (c) on-site inspections, whereby the beneficiary is to grant the High Representative access to conduct on-site control 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 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, 20 July 2023.

For the Council
The President
J. BORRELL FONTELLES
