

COUNCIL DECISION (CFSP) 2022/1236**of 18 July 2022****on an assistance measure under the European Peace Facility to support the Nigerien Armed Forces**

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) In accordance with Council Decision (CFSP) 2021/509 ⁽¹⁾, the European Peace Facility (EPF) was established for the financing by Member States of Union actions under the common foreign and security policy to preserve peace, prevent conflicts and strengthen international security in accordance with Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF can finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) Niger plays a major role in key regional, European and international initiatives aimed at strengthening peace and development in the Sahel, including the Union's Integrated Strategy in the Sahel, the Sahel Coalition and the Partnership for Security and Stability in the Sahel (P3S), as well as the Sahel Alliance. The international community, including the Union, has invested considerable efforts to support the Republic of Niger in its fight against terrorism in recent years. The Union is committed to a close relationship in support of military and defence in Niger.
- (3) In the Sahel region, Niger is a key country for the Union in terms of addressing security and migration issues. The Union has a strong partnership with the government of Niger, aiming to achieve long-term development through a comprehensive and integrated approach.
- (4) In its letter of 25 March 2022 addressed to the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative'), the Niger Ministry of Foreign Affairs requested the Union to provide support to the Nigerien Armed Forces (*Forces armées nigériennes* – FAN), in a priority area and possibly in conjunction with a Union common security and defence policy (CSDP) mission mandated to work in Niger.
- (5) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, and 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 be subject to regular assessment of political developments in Niger, in accordance with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF. In particular, the implementation should not contravene the security and defence interests of the Union and its Member States.
- (7) 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 United Nations Charter, with the Universal Declaration of Human Rights and with international law, in particular international human rights 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 benefitting the Republic of Niger ('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 FAN in order to enable them to defend the territorial integrity and the sovereignty of Niger and to better protect the civilian population against, in particular, the mounting terrorist threat.
3. To achieve the objective set out in paragraph 2, the Assistance Measure shall finance the following two components:
 - (a) the establishment of an Armed Forces Technician Training Centre (*Centre de Formation des Techniciens des Armées – CFTA*) to centralise, strengthen and better structure the FAN's capacities in the area of logistics support; and
 - (b) the construction of a forward operating base (*base opérationnelle avancée – BOA*) to reduce the vulnerability of the FAN in the Tillabéri region.
4. The duration of the Assistance Measure shall be 36 months from the date of conclusion of the contract between the administrator for assistance measures, acting as authorising officer, and the entity referred to in Article 4(2) of this Decision in accordance with Article 32(2), point (a), of Decision (CFSP) 2021/509.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the Assistance Measure shall be EUR 25 000 000.
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 international law, in particular international human rights and international humanitarian law, and Article 62(2) of Decision (CFSP) 2021/509, 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 FAN with relevant international law, in particular international human rights and international humanitarian law as well as the commitment of the Nigerien government to enhance the fight against corruption;
 - (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 with the rules for the implementation of revenue and expenditure financed under the EPF, consistently 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 Expertise France.

Article 5

Monitoring, control and evaluation

1. The High Representative shall ensure that the compliance of the beneficiary with the obligations established in accordance with Article 3 is monitored. 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 and international humanitarian law by the units of the FAN, involving the use of equipment provided under the Assistance Measure.

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

- (a) delivery verification, whereby 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 control, whereby the beneficiary is to grant the High Representative access to conduct on-site control upon request.

3. The High Representative shall conduct an evaluation, in the form of a structured first assessment of the Assistance Measure, six months after the completion of the construction of the CFTA and of the BOA. Where necessary, this may entail on-site visits to inspect the infrastructure, equipment and supplies delivered under the Assistance Measure, or any other effective forms of independently provided information. A final evaluation shall be conducted upon completion of the Assistance Measure to assess whether the Assistance Measure has contributed to reaching the stated objectives.

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 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, 18 July 2022.

For the Council
The President
J. BORRELL FONTELLES
