

COUNCIL DECISION (CFSP) 2023/229**of 2 February 2023****amending Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces**

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) On 28 February 2022, the Council adopted Decision (CFSP) 2022/339 ⁽¹⁾ which established an assistance measure with a financial reference amount of EUR 50 000 000 intended to cover the financing of the provision of equipment and supplies not designed to deliver lethal force, such as personal protective equipment, first aid kits and fuel, to the Ukrainian Armed Forces (UAF).
- (2) On 23 March 2022, the Council adopted Decision (CFSP) 2022/472 ⁽²⁾ amending Decision (CFSP) 2022/339, which increased the financial reference amount to EUR 100 000 000.
- (3) On 13 April 2022, the Council adopted Decision (CFSP) 2022/637 ⁽³⁾ amending Decision (CFSP) 2022/339, which increased the financial reference amount to EUR 150 000 000.
- (4) On 23 May 2022, the Council adopted Decision (CFSP) 2022/810 ⁽⁴⁾ amending Decision (CFSP) 2022/339, which increased the financial reference amount to EUR 160 000 000.
- (5) On 21 July 2022, the Council adopted Decision (CFSP) 2022/1284 ⁽⁵⁾ amending Decision (CFSP) 2022/339, which increased the financial reference amount to EUR 170 000 000.
- (6) On 17 October 2022, the Council adopted Decision (CFSP) 2022/1972 ⁽⁶⁾ amending Decision (CFSP) 2022/339, which increased the financial reference amount to EUR 180 000 000.
- (7) In light of the ongoing armed aggression by the Russian Federation against Ukraine, the financial reference amount should be increased by an additional EUR 200 000 000 intended to cover the financing of the provision of equipment and supplies not designed to deliver lethal force, such as personal protective equipment, first aid kits and fuel, to the UAF.
- (8) Decision (CFSP) 2022/339 should therefore be amended accordingly,

⁽¹⁾ Council Decision (CFSP) 2022/339 of 28 February 2022 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces (OJ L 61, 28.2.2022, p. 1).

⁽²⁾ Council Decision (CFSP) 2022/472 of 23 March 2022 amending Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces (OJ L 96, 24.3.2022, p. 45).

⁽³⁾ Council Decision (CFSP) 2022/637 of 13 April 2022 amending Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces (OJ L 117, 19.4.2022, p. 36).

⁽⁴⁾ Council Decision (CFSP) 2022/810 of 23 May 2022 amending Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces (OJ L 145, 24.5.2022, p. 42).

⁽⁵⁾ Council Decision (CFSP) 2022/1284 of 21 July 2022 amending Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces (OJ L 195, 22.7.2022, p. 91).

⁽⁶⁾ Council Decision (CFSP) 2022/1972 of 17 October 2022 amending Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces (OJ L 270, 18.10.2022, p. 97).

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2022/339 is amended as follows:

(1) in Article 1, paragraph 3 is replaced by the following:

‘3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the provision to the Ukrainian Armed Forces of equipment and supplies not designed to deliver lethal force, such as personal protective equipment, first aid kits and fuel, as well as the maintenance, repair and refit of EPF-financed equipment and supplies not designed to deliver lethal force and of identical equipment, as requested by Ukraine.’;

(2) in Article 2, paragraph 1 is replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 380 000 000.’;

(3) in Article 2, paragraph 3 is replaced by the following:

‘3. In accordance with Article 29(5) of Decision (CFSP) 2021/509, the administrator for assistance measures may call for contributions following the adoption of this Decision, up to EUR 380 000 000. The funds called by the administrator for assistance measures shall only be used to pay expenditure within the limits approved by the Committee established by Decision (CFSP) 2021/509 in the related amending and annual budgets corresponding to the assistance measure.’;

(4) in Article 2, paragraph 4 is replaced by the following:

‘4. Expenditure related to the implementation of the assistance measure shall be eligible as from 1 January 2022 and until a date to be determined by the Council. The maximum eligible expenditure incurred before 11 March 2022 shall be EUR 50 000 000. The amount of EUR 220 000 000 shall be eligible from 21 July 2022. Expenditure related to the maintenance and repair shall be eligible from 17 October 2022. Expenditure related to refit shall be eligible from 2 February 2023’.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 2 February 2023.

For the Council
The President
J. ROSWALL
