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COUNCIL DECISION 2013/34/CFSP

of 17 January 2013

on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)

(OJ L 14, 18.1.2013, p. 19)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Decision 2013/729/CFSP of 9 December 2013	L 332	18	11.12.2013
► <u>M2</u>	Council Decision 2014/220/CFSP of 15 April 2014	L 113	27	16.4.2014
► <u>M3</u>	Council Decision (CFSP) 2016/446 of 23 March 2016	L 78	74	24.3.2016
► <u>M4</u>	Council Decision (EU) 2017/971 of 8 June 2017	L 146	133	9.6.2017
► <u>M5</u>	Council Decision (CFSP) 2018/716 of 14 May 2018	L 120	8	16.5.2018
► <u>M6</u>	Council Decision (CFSP) 2020/434 of 23 March 2020	L 89	1	24.3.2020
► <u>M7</u>	Council Decision (CFSP) 2022/1966 of 17 October 2022	L 270	82	18.10.2022

Corrected by:

► **C1** Corrigendum, OJ L 116, 30.4.2016, p. 39 (2016/446)

▼ B**COUNCIL DECISION 2013/34/CFSP****of 17 January 2013****on a European Union military mission to contribute to the training
of the Malian Armed Forces (EUTM Mali)****▼ M6***Article 1***Mission**

1. The Union shall conduct a military training mission in Mali (EUTM Mali) in order to assist the Malian Armed Forces (MAF) in restoring their military capacity with a view to enabling them to conduct military operations aiming at restoring Malian territorial integrity and reducing the threat posed by terrorist groups, and to provide military assistance to the G5 Sahel Joint Force as well as national armed forces in the G5 Sahel countries. EUTM Mali shall not be involved in combat operations.

2. The strategic objectives of EUTM Mali shall be to:

- (a) contribute to improving the operational capacity of the MAF under the control of Mali's legitimate civilian authorities;
- (b) support the G5 Sahel through making the G5 Sahel Joint Force and the national armed forces in the G5 Sahel countries operational.

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3. For the purpose of the objective referred to in point (a) of paragraph 2, EUTM Mali shall provide the MAF with military advice and education, unless the PSC decides to suspend those activities. In addition, if the PSC decides that the conditions are met, EUTM Mali shall provide the MAF with training, including pre-deployment training, and with mentoring, through non-executive accompaniment up to the tactical level, in order for EUTM Mali to be able to follow up on the activities of the MAF and to monitor its performance and behaviour, including with regard to respect for human rights and international humanitarian law.

▼ M6

4. For the purpose of the objective referred to in point (b) of paragraph 2, EUTM Mali shall provide the G5 Sahel Joint Force and national armed forces in the G5 Sahel countries with military advice, training and mentoring, through non-executive accompaniment up to the tactical level.

5. EUTM Mali shall follow a gradual and modular approach for activities outside Mali in support of the G5 Sahel.

6. The activities of EUTM Mali shall be conducted in close coordination and cooperation between Member States and Union institutions and bodies, in line with the EU's Integrated Approach, and with other actors involved in the support to the MAF, in particular the United Nations (UN), the Barkhane operation and the Economic Community

▼ M6

of West African States (ECOWAS) to enhance coherence of actions, ensure deconfliction and suitably optimise resources to best effect, with due respect for the Union institutional framework. Those activities shall be supported by the Regional Advisory and Coordination Cell (RACC) in EUCAP Sahel Mali.

▼ M7

7. EUTM Mali shall continue, with available means and capabilities, focused activities in Niger and Burkina Faso from Mali under the existing mandate, fully taking into account the political context and the needs expressed by the authorities, until dedicated solutions are established to ensure continuity and permanence of operations.

8. EUTM Mali shall support the strategic communication efforts to foster Union values, promote Union action and expose violations and abuses of human rights and international humanitarian law by foreign forces in Mali.

▼ B*Article 2***Appointment of the EU Mission Commander****▼ M4**

1. The Director of the Military Planning and Conduct Capability (MPCC) shall be EUTM Mali mission commander.

2. Brigadier General Peter Devogelaere is hereby appointed EU Mission Force Commander of EUTM Mali.

▼ B*Article 3***Designation of the Mission Headquarters****▼ M4**

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 Mali.

2. The Mission Force Headquarters of EUTM Mali shall be located in Mali and shall operate under the command of the EU Mission Force Commander.

3. A support cell in Brussels of the Mission Force Headquarters shall be included in the MPCC until the MPCC has reached full operational capacity.

▼ M1*Article 3a***Project cell**

1. EUTM Mali shall have a project cell for identifying and implementing projects. The Mission 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.

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2. Subject to paragraph 3, the EU Mission Commander shall be authorised to seek recourse to financial contributions from the Member States or third States to implement projects identified as supplementing EUTM Mali's other actions in a consistent manner. In such a case, the EU Mission Commander shall conclude 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 funds provided by those States.

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 funds from those States.

3. The PSC shall agree on the acceptance of a financial contribution from third States to the project cell.

▼ B*Article 4***Planning and launch of EUTM Mali**

The Decision to launch EUTM Mali shall be adopted by the Council following approval of the Mission Plan and of the Rules of Engagement.

*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 Mali. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 38 TEU. This authorisation shall include the powers to amend the planning documents, including the Mission Plan, and the Chain of Command. It shall also include the powers to take decisions on the appointment of the subsequent ► **M4** EU Mission Force Commanders ◀. The powers of decision with respect to the objectives and termination of EUTM Mali 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 chairman of the EU Military Committee (EUMC) regarding the conduct of EUTM Mali. The PSC may invite the EU Mission Commander ► **M4** 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 Mali 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 ► **M4** and the EU Mission Force Commander ◀ to its meetings, as appropriate.

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3. The chairman 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.

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2. Without prejudice to the chain of command, the EU Mission Force Commander shall receive local political guidance from the European Union Special Representative for the Sahel coordinated with the Head of the Union Delegation in Bamako.

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3. EUTM Mali shall coordinate with Union CSDP mission in Niger (EUCAP SAHEL Niger) with a view to exploring possible synergies.

4. EUTM Mali shall coordinate its activities with Member States' bilateral activities in Mali, as well as with other international actors in the region, in particular the UN, the African Union (AU), ECOWAS and bilateral actors including the United States and Canada, 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 Mali.

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 ► **M4** 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 Mali.

4. Third States making significant military contributions to EUTM Mali shall have the same rights and obligations in terms of the day-to-day management of EUTM Mali as Member States taking part in EUTM Mali.

5. The Council hereby authorises the PSC to take relevant decisions on the setting-up of a Committee of Contributors, should third States make significant military contributions.

▼ B*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 Mali shall be administered in accordance with Decision 2011/871/CFSP.

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2. The financial reference amount for the common costs of EUTM Mali for the period from 19 May 2018 to 18 May 2020 shall be EUR 59 743 047,00. The percentage of the reference amount referred to in Article 25(1) of Council Decision (CFSP) 2015/528 ⁽¹⁾ shall be 0 % and the percentage for commitment referred to in Article 34(3) of that Decision shall be 30 %.

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3. The financial reference amount for the common costs of EUTM Mali for the period from 19 May 2020 to 18 May 2024 shall be EUR 133 711 059. The percentage of the reference amount referred to in Article 25(1) of Decision (CFSP) 2015/528 shall be 15 % for commitments and 0 % for payments.

▼ B*Article 11***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 Mali, EU classified information generated for the purposes of EUTM Mali, in accordance with Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ⁽²⁾:

- (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 the 'CONFIDENTIEL UE/EU CONFIDENTIAL' level in other cases.

⁽¹⁾ Council Decision (CFSP) 2015/528 of 27 March 2015 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) and repealing Decision 2011/871/CFSP (OJ L 84, 28.3.2015, p. 39).

⁽²⁾ OJ L 141, 27.5.2011, p. 17.

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2. The HR shall also be authorised to release to the UN and ECOWAS in accordance with the operational needs of EUTM Mali, EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which are generated for the purposes of EUTM Mali, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the UN and ECOWAS shall be drawn up for this 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 are generated for the purposes of EUTM Mali, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for this 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 Mali and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

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 and/or to the EU Mission Commander ► **M4** and/or to the EU Mission Force Commander. ◀

*Article 12***Entry into force and termination**

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

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2. The mandate of EUTM Mali shall end on 18 May 2024.

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3. This Decision shall be repealed as from the date of closure of the Mission Headquarters in accordance with the plans approved for the termination of EUTM Mali, and without prejudice to the procedures regarding the audit and presentation of the accounts of EUTM Mali, laid down in Decision 2011/871/CFSP.

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