

DECISIONS

COUNCIL DECISION (CFSP) 2021/2032

of 19 November 2021

on an assistance measure under the European Peace Facility to support military units trained by the EU Training Mission in Mozambique

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⁾, a 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), point (b)(i), of Decision (CFSP) 2021/509, the EPF may finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) The current crisis in Mozambique's northern Cabo Delgado province is multidimensional, with a severe risk of spillover to other provinces of the country and to neighbouring countries. The Mozambican government has welcomed the deployment of a non-executive military European Union Training Mission as part of the EU Integrated Approach to the crisis in Cabo Delgado.
- (3) On 12 July 2021, the Council adopted Decision (CFSP) 2021/1143 ⁽²⁾, establishing a European Union military training mission in Mozambique (EUTM Mozambique). The strategic objective of EUTM Mozambique is to support capacity building for the units of the Mozambican armed forces selected to compose a future Quick Reaction Force, in order for those units to develop the necessary sustainable capacities to restore safety and security in Cabo Delgado.
- (4) On 30 July 2021, the Council approved a concept note for an assistance measure under the EPF to support military units trained by EUTM Mozambique, including an urgent measure to provide the most urgently required equipment and supplies needed to properly train the two Mozambican companies scheduled to be the first to benefit from training by EUTM Mozambique.
- (5) In her letter of 27 August 2021 addressed to the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the Minister of Foreign Affairs of the Republic of Mozambique requested the Union to provide equipment not designed to deliver lethal force and supplies to all Mozambican companies to be trained by EUTM Mozambique.

⁽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 Decision (CFSP) 2021/1143 of 12 July 2021 on a European Union Military Training Mission in Mozambique (EUTM Mozambique) (OJ L 247, 13.7.2021, p. 93).

- (6) This assistance measure is 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⁽³⁾, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (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,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefiting the Republic of Mozambique (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 support capacity building for and the deployment of the units of the Mozambican armed forces to be trained by EUTM Mozambique in order to allow those units to develop the necessary sustainable capacities to restore safety and security in Mozambique's northern Cabo Delgado province, thereby enabling the presence of accountable law enforcement agencies, subject to the rule of law, to protect the civilian population and the return of accountable State structures that deliver services across Cabo Delgado.
3. To achieve the objective set out in paragraph 2, the Assistance Measure shall finance the provision of the following equipment not designed to deliver lethal force and supplies to the Mozambican units referred to in that paragraph:
 - (a) individual equipment for soldiers;
 - (b) collective equipment at company level;
 - (c) ground and amphibious mobility assets;
 - (d) technical devices; and
 - (e) a field hospital.
4. The duration of the Assistance Measure shall be 30 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) 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 40 000 000.

⁽³⁾ 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).

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 and by the urgent measure approved by the Council on 30 July 2021.
2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:
 - (a) compliance of the units of the Mozambican armed forces trained by EUTM Mozambique with relevant international law, in particular international human rights and international humanitarian law;
 - (b) proper and efficient use of any assets provided under the Assistance Measure for the purposes for which they were provided;
 - (c) 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 the Ministry of Defence of the Portuguese Republic.

Article 5

Monitoring, control and evaluation

1. The High Representative shall ensure that the respect of the obligations established in accordance with Article 3 by the beneficiary is monitored. This monitoring shall provide awareness of the context and 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 and acts of sexual and gender-based violence by units of the Mozambican armed forces supported 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; reporting is to continue until it 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 first assessment of the Assistance Measure, 6 months after the first two companies trained by EUTM Mozambique are deployed to the Cabo Delgado region. This will entail on-site visits to check the 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 delivery of equipment under the Assistance Measure.

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

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.

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 day of its adoption.

Done at Brussels, 19 November 2021.

For the Council
The President
J. BORRELL FONTELLES
