

# DECISIONS

## COUNCIL DECISION (CFSP) 2022/1093

of 30 June 2022

### on an assistance measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova

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 <sup>(1)</sup>, 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) The 2016 Global Strategy for the European Union's Foreign and Security Policy sets the objectives of strengthening security and defence, investing in the resilience of States and societies to the east of the Union, developing an integrated approach to conflict and crises, promoting and supporting cooperative regional orders, and reinforcing global governance on the basis of international law, including compliance with international human rights law and international humanitarian law.
- (3) On 21 March 2022, the Council approved the Strategic Compass with the objective of becoming a stronger and more capable security provider, including through the increased use of the EPF in support of partners' defence capabilities.
- (4) The Union is committed to a close relationship in support of a strong, independent and prosperous Republic of Moldova, based on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part <sup>(2)</sup> (the Association Agreement), including the Deep and Comprehensive Free Trade Area, and to promoting political association and economic integration while firmly supporting the Republic of Moldova's sovereignty and territorial integrity within its internationally recognised borders. Pursuant to Article 5 of the Association Agreement, the Union and the Republic of Moldova are to intensify their dialogue and cooperation and promote gradual convergence in the area of foreign and security policy, including the common security and defence policy (CSDP), and are to address in particular issues of conflict prevention and crisis management, regional stability, disarmament, non-proliferation, arms control and export control.
- (5) The Union recognises the Republic of Moldova's important contribution to the Union's CSDP, including the continued contribution to the European Union Training Mission in Mali.
- (6) This Decision builds upon Council Decision (CFSP) 2021/2136 <sup>(3)</sup> with regard to the Union's continued commitment to support the strengthening of the capacities of the Armed Forces of the Republic of Moldova in priority-need areas.

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 260, 30.8.2014, p. 4.

<sup>(3)</sup> Council Decision (CFSP) 2021/2136 of 2 December 2021 on an Assistance Measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova (OJ L 432, 3.12.2021, p. 63).

- (7) In his letter of 20 April 2022 addressed to the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative'), the Deputy Prime Minister and Minister of Foreign Affairs and European Integration of the Republic of Moldova requested the Union, in accordance with Article 59(1) of Decision (CFSP) 2021/509, to support the Armed Forces of the Republic of Moldova by strengthening the capacities of the logistics, mobility, command and control, cyber-defence, unmanned aerial reconnaissance and tactical communications services.
- (8) 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<sup>(4)</sup>, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (9) 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 benefitting the Republic of Moldova ('the beneficiary') to be financed under the European Peace Facility (EPF) ('the Assistance Measure') is hereby established.
2. The overall objective of the Assistance Measure is to contribute to strengthening the capacities of the Armed Forces of the Republic of Moldova in order to enhance national security, stability and resilience in the defence sector, in line with Union policy. Building on previous support provided by the European Peace Facility, the Assistance Measure will allow the Armed Forces of the Republic of Moldova to enhance operational effectiveness, accelerate compliance with Union standards and interoperability, and thereby better protect civilians in crises and emergencies. It will also strengthen the beneficiary's capacities with regard to its participation in Union military CSDP missions and operations as well as in other multinational operations. The specific objective of the Assistance Measure is to strengthen the capacities of the Armed Forces of the Republic of Moldova's logistics, mobility, command and control, cyber-defence, unmanned aerial reconnaissance and tactical communications units.
3. To achieve the objectives set out in paragraph 2, the Assistance Measure shall finance the provision of the following equipment not designed to deliver lethal force, supplies and services, including equipment-related training of the units of the Land Forces Command of the Armed Forces of the Republic of Moldova supported under the Assistance Measure:
  - (a) logistics equipment;
  - (b) mobility equipment;
  - (c) command and control equipment;
  - (d) cyber-defence equipment;
  - (e) unmanned aerial reconnaissance equipment;
  - (f) tactical communications equipment.
4. The duration of the Assistance Measure shall be 36 months from the date of conclusion of the first contract between the administrator for assistance measures, acting as authorising officer, and the entities referred to in Article 4(2) of this Decision in accordance with Article 32(2), point (a), of Decision (CFSP) 2021/509.

<sup>(4)</sup> 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).

*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.
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 Republic of Moldova supported under the Assistance Measure with relevant international law, in particular international human rights 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 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:
  - (a) the Estonian Centre for Defence Investment as regards Article 1(3), points (a), (b), (c), (e) and (f); and
  - (b) the e-Governance Academy as regards Article 1(3), point (d).

*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 Armed Forces of the Republic of Moldova 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 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 first delivery of equipment. This may entail on-site visits to inspect the equipment, supplies and services 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, supplies and services under 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, 30 June 2022.

*For the Council*  
*The President*  
J.-Y. LE DRIAN

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