

COUNCIL DECISION (CFSP) 2022/2444
of 12 December 2022
on a European Union military partnership mission in Niger (EUMPM Niger)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) In its conclusions of 16 April 2021, the Council defined the European Union's Integrated Strategy in the Sahel. The Council in particular expressed its concern that the gradual expansion of insecurity and its impact, of which civilian populations are the first victims, has exacerbated a situation of multiple crises, with unprecedented humanitarian consequences in the region, including an increase in the number of internally displaced persons and refugees, forced displacements, abuse, inter- and intra-community tensions, the proliferation of recurrent food and nutrition crises, an increase in health needs, and difficulty establishing state services in conflict areas, and recognised that instability also contributes to irregular migration. The Council also underlined that the Union will continue to contribute to capacity building in the fields of defence and security through the mobilisation of Common Security and Defence Policy (CSDP) missions. The Council emphasized that respect for and promotion of human rights, including gender equality and the protection of individuals from any attack on their integrity, will remain central to the Union's action in all areas of its involvement in the Sahel.
- (2) On 30 June 2022, in concluding the Holistic Strategic Review of the EUTM Mali and EUCAP Sahel Mali CSDP missions, the Political and Security Committee (PSC) considered that establishing a dedicated military CSDP mission in conjunction with an assistance measure under the European Peace Facility would be appropriate to provide the necessary support to Niger.
- (3) On 18 July 2022, the Council established an assistance measure under the European Peace Facility to support the Niger Armed Forces. In particular, the assistance measure supports the establishment of a Centre for the Training of the Technicians of the Armed Forces.
- (4) By letter dated 30 November 2022, the Minister for Foreign Affairs and Cooperation of the Republic of Niger invited the Union to deploy an EU CSDP military partnership mission in Niger to contribute to enhancing the military capacity of the Niger Armed Forces in order to support Niger in its fight against terrorist armed groups, in compliance with human rights law and international humanitarian law.
- (5) On 12 December 2022 the Council approved a Crisis Management Concept for a possible CSDP military partnership mission in Niger to support the implementation of a capacity building plan for Niger, by supporting the establishment of the Centre for the Training of the Technicians of the Armed Forces in conjunction with the assistance measure adopted on 18 July 2022, providing specialised training on request to the Niger Armed Forces' specialists and supporting the creation of a new communication and command support battalion. That mission should be established.
- (6) Under the responsibility of the Council and of the High Representative of the Union for Foreign Affairs and Security Policy (HR), the PSC should exercise political control over the CSDP military partnership mission in Niger, provide it with strategic direction and take the relevant decisions in accordance with the third paragraph of Article 38 of the Treaty on European Union (TEU).
- (7) It is necessary to negotiate and conclude international agreements relating to the status of EU-led units and personnel in Niger, and relating to the participation of third States in the mission.

- (8) Pursuant to Article 41(2) TEU, and in accordance with Council Decision (CFSP) 2021/509 establishing the European Peace Facility ⁽¹⁾, operational expenditure arising from this Decision which has military or defence implications is to be borne by the Member States,

HAS ADOPTED THIS DECISION:

Article 1

Mission

1. The Union shall conduct a military partnership mission in Niger (EUMPM Niger) in order to support Niger in its fight, in compliance with human rights law and international humanitarian law, against terrorist armed groups.
2. The strategic objective of EUMPM Niger shall be to support capacity building of the Niger Armed Forces, to enhance their ability to contain the threat posed by terrorist armed groups, to protect the population in Niger and to ensure a safe and secure environment.
3. For that purpose, EUMPM Niger shall:
 - (a) support the establishment and the building-up of a Centre for the Training of the Technicians of the Armed Forces, by providing advice and training, including to trainers;
 - (b) support the development of the Niger Armed Forces' specialised capacities, by providing specialised on-demand training;
 - (c) support the creation and the building-up of a communication and command support battalion by training and mentoring its units, its specialists and its chain of command, to enable its subsequent deployment in support of Niger operations in compliance with human rights law and international humanitarian law.
4. International humanitarian law, human rights and the principle of gender equality, the protection of civilians, and the agendas under United Nations Security Council Resolution (UNSCR) 1325 (2000) on Women, Peace and Security, UNSCR 2250 (2015) on Youth, Peace and Security, and UNSCR 1612 (2005) on Children and Armed Conflict shall be fully integrated and proactively mainstreamed in EUMPM Niger's strategic and operational planning, activities and reporting.
5. In addition, EUMPM Niger shall facilitate the assistance provided to Niger by the European Peace Facility in respect of the Centre for the Training of the Technicians of the Armed Forces and, if the Council decides on the necessary assistance measure, to the selected communication and command support battalion. The mission activities shall be coordinated with the provision of equipment in due time through the European Peace Facility.

Article 2

Appointment of the EU Mission Commander

The Director of the Military Planning and Conduct Capability (MPCC) shall be EUMPM Niger Mission Commander.

Article 3

Designation of the Mission Headquarters

1. The MPCC shall be the static command and control structure at the military strategic level outside the area of operations. It shall be responsible for the operational planning and conduct of EUMPM Niger.
2. The Mission Force Headquarters of EUMPM Niger shall be located in Niger and shall operate under the command of the EU Mission Force Commander.

⁽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).

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.

Article 4

Planning and launch of EUMPM Niger

The Decision to launch EUMPM Niger shall be adopted by the Council, following its approval of a Mission Plan and of 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 EUMPM Niger. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 38 TEU. This authorisation shall include the power to amend the planning documents, including the Mission Plan and the Chain of Command. It shall also include the power to take decisions on the appointment of future EU Mission Force Commanders. The powers to determine the objectives of EUMPM Niger and the power to terminate EUMPM Niger 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 Chair of the EU Military Committee (EUMC) regarding the conduct of EUMPM Niger. The PSC may invite the EU Mission Commander and the EU Mission Force Commander to its meetings, as appropriate.

Article 6

Military direction

1. The EUMC shall monitor the proper execution of EUMPM Niger conducted under the responsibility of the EU Mission Commander.
2. The EUMC shall, at regular intervals, receive reports from the EU Mission Commander. The EUMC may invite the EU Mission Commander and the EU Mission Force Commander to its meetings, as appropriate.
3. The Chair 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 and its humanitarian assistance programmes.
2. Without prejudice to the chain of command and the political control and strategic direction of the PSC, the EU Mission Force Commander shall receive local political guidance from the Head of the Union Delegation to Niger.
3. EUMPM Niger shall closely coordinate with EUCAP Sahel Niger on the relevant areas of expertise in order to contribute to interoperability between EUCAP Sahel Niger, EUMPM Niger and Niger's security and defence forces.
4. In addition, EUMPM Niger shall coordinate its activities with the ongoing or future bilateral initiatives, efforts and activities of Member States in Niger and, as appropriate, with like-minded partners which support the capacity-building plan of the Niger Armed Forces.

*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 EUMPM Niger.
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, 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 also apply in the context of EUMPM Niger.
4. Third States making significant military contributions to EUMPM Niger shall have the same rights and obligations in respect of the day-to-day management of EUMPM Niger as Member States taking part in EUMPM Niger.
5. Where third States make significant military contributions to EUMPM Niger, the Council hereby authorises the PSC to take relevant decisions on setting-up a Committee of Contributors.

*Article 9***Status of EU-led personnel**

The status of EU-led units and personnel, including the privileges, immunities and any 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 EUMPM Niger shall be administered in accordance with Decision (CFSP) 2021/509.
2. The financial reference amount for the common costs of EUMPM Niger for a period of three years after the date of adoption of this Decision shall be EUR 27,3 million. The percentage of the reference amount referred to in Article 51(2) of Decision (CFSP) 2021/509 shall be 15 % for commitments and 10 % for payments.

*Article 11***Project cell**

1. EUMPM Niger may have a project cell to identify and implement projects. EUMPM Niger 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 mandate of EUMPM Niger and in support of its objectives.
2. Subject to paragraph 3, the EU Mission Commander shall be authorised to seek financial contributions from Member States or third States to implement projects which supplement EUMPM Niger's other actions and are consistent with them. In such cases, the EU Mission Commander shall conclude an arrangement with those Member States or third States, covering in particular the specific procedures for dealing with any complaint from third parties in respect of damage resulting from acts or omissions of the EU Mission Commander in the use of the funds provided by those Member States or third States.

3. Under no circumstances shall the Union or the HR be held liable by contributing Member States or third States as a result of acts or omissions of the EU Mission Commander in the use of funds from those Member States or third States.
4. The acceptance of a financial contribution from Member States or third States to the project cell shall be conditional upon the agreement of the PSC.

Article 12

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 EUMPM Niger, EU classified information generated for the purposes of EUMPM Niger, in accordance with Council Decision 2013/488/EU ⁽²⁾ which lays down the security rules for protecting EU classified information:
 - (a) up to the level provided for in the applicable security of information agreements concluded between the Union and the third State concerned; or,
 - (b) up to the level 'CONFIDENTIEL UE/EU CONFIDENTIAL' in other cases.
2. In the event of a specific and immediate operational need, the HR shall also be authorised to release to Niger any EU classified information up to the level 'RESTREINT UE/EU RESTRICTED' which is generated for the purposes of EUMPM Niger, in accordance with Decision 2013/488/EU. Arrangements between the HR and the competent authorities of Niger shall be drawn up for this purpose.
3. 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 EUMPM Niger and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽³⁾.
4. The HR may delegate the powers referred to in paragraphs 1 to 3, as well as the ability to conclude the arrangements referred to in paragraph 2, to staff of the European External Action Service and/or to the EU Mission Commander and/or to the EU Mission Force Commander.

Article 13

Entry into force and termination

1. This Decision shall enter into force on the date of its adoption.
2. EUMPM Niger shall end three years after the date of adoption of this Decision.
3. This Decision shall be repealed as from the date of closure of the Mission Force Headquarters, in accordance with the plans approved for the termination of EUMPM Niger, and without prejudice to the procedures regarding the audit and presentation of the accounts of EUMPM Niger, laid down in Decision (CFSP) 2021/509.

Done at Brussels, 12 December 2022.

For the Council
The President
J. BORRELL FONTELLES

⁽²⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

⁽³⁾ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).