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► **B****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)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Decision (CFSP) 2022/472 of 23 March 2022	L 96	45	24.3.2022
► <u>M2</u>	Council Decision (CFSP) 2022/637 of 13 April 2022	L 117	36	19.4.2022
► <u>M3</u>	Council Decision (CFSP) 2022/810 of 23 May 2022	L 145	42	24.5.2022
► <u>M4</u>	Council Decision (CFSP) 2022/1284 of 21 July 2022	L 195	91	22.7.2022

Corrected by:

- **C1** Corrigendum, OJ L 104, 1.4.2022, p. 164 (2022/472)
 ► **C2** Corrigendum, OJ L 109, 8.4.2022, p. 75 (2022/339)

▼B**COUNCIL DECISION (CFSP) 2022/339****of 28 February 2022****on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces***Article 1***Establishment, objectives, scope and duration**

1. An assistance measure benefitting Ukraine (the ‘beneficiary’) is hereby established, to be financed under the European Peace Facility (EPF) (the ‘Assistance Measure’).

2. The objective of the Assistance Measure is to contribute to strengthening the capabilities and resilience of the Ukrainian Armed Forces to defend the territorial integrity and sovereignty of Ukraine and protect the civilian population against the ongoing military aggression.

3. To achieve the objective set out in paragraph 2, the Assistance Measure shall finance 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.

▼M4

4. The duration of the Assistance Measure shall be 70 months from the adoption of this Decision.

▼B*Article 2***Financial arrangements****▼M4**

1. The financial reference amount intended to cover the expenditure related to the Assistance Measure shall be EUR 170 000 000.

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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.

▼M4

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 170 000 000. 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 2022 amending budget and in the budgets for subsequent years corresponding to the Assistance Measure.

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 10 000 000 shall be eligible from 21 July 2022.

▼B*Article 3***Arrangements with the beneficiary**

1. The High Representative shall make the necessary arrangements with the beneficiary to ensure its compliance with international law, in particular international human rights and international humanitarian law, and Article 62(2) of Decision (CFSP) 2021/509, as a condition for the provision of support under the Assistance Measure.

2. 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 referred to in paragraph 1.

*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, consistent with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

2. The Committee established by Decision (CFSP) 2021/509 shall further define the type and quantity of support to be financed under the Assistance Measure, considering the priorities recommended by the European Union Military Staff to meet the needs of the Ukrainian Armed Forces.

3. The administrator for assistance measures, on the basis of information received from the implementing actor(s), shall report to the Committee established by Decision (CFSP) 2021/509 on the delivery of equipment, including quantities, types and any other relevant information, for further follow-up and monitoring.

4. The implementation of the activity referred to in Article 1(3) may be carried out by:

- (a) the Ministry of Defence of Austria;
- (b) the Ministry of Defence of Belgium;
- (c) the Ministry of Defence of Bulgaria;
- (d) the Ministry of Defence of Croatia;
- (e) the Ministry of Defence of Cyprus;
- (f) the Ministry of Defence of Czechia;
- (g) the Ministry of Defence of Denmark;
- (h) the Estonian Centre for Defence Investments (ECDI) on behalf of the Ministry of Defence of Estonia;
- (i) the Ministry of Defence of Finland;
- (j) the Ministry of Defence of France;

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- (k) the Ministry of Defence, the Federal Foreign Office and the Federal Ministry of the Interior and Community of Germany;

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- (l) the Ministry of Defence of Greece;
- (m) the Ministry of Defence of Hungary;
- (n) the Department of Defence of Ireland;
- (o) the Ministry of Defence of Italy;

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- (p) the Ministry of Defence of Latvia and the State Defence Logistics and Procurement Centre of Latvia;

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- (q) the Ministry of Defence of Lithuania;
- (r) the Directorate of Defence of the Ministry of Foreign and European Affairs of Luxembourg;
- (s) the Ministry for Home Affairs, National Security and Law Enforcement of Malta;
- (t) the Ministry of Defence of the Netherlands;
- (u) the Ministry of Defence of Poland;
- (v) the Ministry of Defence of Portugal;
- (w) the Ministry of National Defence of Romania;
- (x) the Ministry of Defence of the Slovak Republic;
- (y) the Ministry of Defence of Slovenia;
- (z) the Ministry of Defence of Spain;
- (aa) the Ministry of Defence of Sweden / Swedish Armed Forces.

*Article 5***Support by Member States**

1. The Member States shall consider providing financial and logistical support to Ukraine, including the supply of protective equipment.
2. The Member States shall permit the transit of military equipment, including accompanying personnel, through their territories, including their airspace.

*Article 6***Monitoring, control and evaluation**

1. The High Representative shall ensure the monitoring of the respect of the obligations established in accordance with Article 3 by the beneficiary. Such monitoring shall provide awareness of the context and risks of breaches of the obligations established in accordance with Article 3, including violations of international human rights law and international humanitarian law by units of the Ukrainian Armed Forces supported under the Assistance Measure.

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2. The post-shipment control of supplies shall be organised in a manner consistent with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

*Article 7***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.

*Article 8***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 9***Entry into force**

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

It shall apply from 1 January 2022.