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⁽¹⁾ Text with EEA relevance.

EN

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2022/2237

of 14 November 2022

amending Regulation (EC) No 1183/2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2022/2241 of 14 November 2022 amending Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo ⁽¹⁾.

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

Whereas:

- (1) Regulation (EC) No 1183/2005 ⁽²⁾ gives effect to Decision 2010/788/CFSP ⁽³⁾ and provides for certain measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo ('DRC'), including freezing of their assets.
- (2) United Nations Security Council Resolution ('UNSCR') 2641 (2022) amended the criteria for the designation of persons and entities to be subject to the restrictive measures set out in paragraphs 9 and 11 of UNSCR 1807 (2008), as well as the scope of the obligation to notify the Sanctions Committee established pursuant to UNSCR 1533 (2004) of shipments of arms and related materiel for the DRC, or any provision of technical assistance, financing, brokering services and other services related to military activities in the DRC. Decision (CFSP) 2022/2241 gives effect to UNSCR 2641 (2022).
- (3) Those measures fall within the scope of the Treaty on the Functioning of the European Union and, in particular with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is therefore necessary in order to give effect to Decision (CFSP) 2022/2241 .
- (4) Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1183/2005 is amended as follows:

⁽¹⁾ See page 15 of this Official Journal.

⁽²⁾ Council Regulation (EC) No 1183/2005 of 18 July 2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo (OJ L 193, 23.7.2005, p. 1).

⁽³⁾ Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo (OJ L 336, 21.12.2010, p. 30).

(1) in Article 1a, paragraph 2 is replaced by the following:

'2. The provision of technical assistance, financing or financial assistance or brokering services related to military activities to any non-governmental or other person, entity or body in the DRC, or for use in the DRC, other than provision of that assistance to the United Nations Organisation Stabilisation Mission in the DRC ('Monusco') or the African Union Regional Task Force, or related to non-lethal military equipment intended solely for humanitarian or protective use in accordance with Article 1b(1), shall be notified in advance to the Sanctions Committee established pursuant to paragraph 8 of UN Security Council Resolution 1533 (2004) (the 'Sanctions Committee'). Such notification shall contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments.'

(2) in article 1b(1), point b is replaced by the following:

'(b) technical assistance, financing or financial assistance or brokering services related to non-lethal military equipment intended solely for humanitarian or protective use';

(3) in article 2a(1), the following point is added:

'(k) being involved in the production, manufacture or use in the DRC of improvised explosive devices, or in the commission, planning, ordering, aiding of, abetting or otherwise assisting attacks in the DRC with improvised explosive devices.'

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 2022.

For the Council
The President
J. BORRELL FONTELLES

COMMISSION DELEGATED REGULATION (EU) 2022/2238**of 22 August 2022****amending Delegated Regulation (EU) 2021/2306 as regards the transitional provisions for certificates of inspection and extracts thereof and as regards the transitional provisions for certificates of inspection issued in Ukraine****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 ⁽¹⁾, and in particular Article 38(8), point (a)(iii), Article 46(7), point (b), and Article 57(3) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2021/2306 ⁽²⁾ lays down rules on the official controls in respect of organic products and in-conversion products intended for import into the Union and on the certificate of inspection.
- (2) In accordance with Articles 5(3), first subparagraph, and 6(3), second subparagraph, of Delegated Regulation (EU) 2021/2306, the certificate of inspection is to be issued and endorsed in the Trade Control and Expert System (TRACES) with a qualified electronic seal. Articles 6(6) and 7(4) of that Regulation provide respectively for the endorsement of a part of a consignment as organic and the endorsement of extracts of certificates of inspection in TRACES by a qualified electronic seal.
- (3) The transitional provisions laid down in Article 11, paragraphs (1) and (2), of Delegated Regulation (EU) 2021/2306 already provide that, until 30 June 2022, the certificate of inspection may be issued on paper after being completed in TRACES and printed and, if issued on paper, this certificate should be endorsed on paper. In case the certificate of inspection is issued in TRACES and bears a qualified electronic seal, it may be endorsed on paper.
- (4) The transitional provisions laid down in Article 11(5) of Delegated Regulation (EU) 2021/2306 provide that, until 30 June 2022, the extract of the certificate of inspection may also be endorsed on paper after being completed in TRACES and printed.
- (5) The process for the enrolment of competent authorities in the Member States and in third countries as well as of control authorities and control bodies for the qualified electronic seal is ongoing. The enrolment process took longer than expected and it was not finalised before 30 June 2022.
- (6) It is therefore necessary to extend the transitional provisions for paper certificates of inspection and extracts thereof provided in Article 11 of Delegated Regulation (EU) 2021/2306 in order to allow all actors concerned to finalise the enrolment for the qualified electronic seal.
- (7) Russia's invasion of Ukraine on 24 February 2022 constitutes an exceptional and unprecedented challenge for the control authorities and control bodies that have been recognised for the purpose of the export of organic and in-conversion products from Ukraine to the Union. In Ukraine, the postal services are also disrupted.

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection (OJ L 461, 27.12.2021, p. 13).

- (8) In accordance with Article 11(1a) of Delegated Regulation (EU) 2021/2306, and by way of derogation from Article 5(3), first subparagraph, of that Regulation, until 30 June 2022, an authorised person located in Ukraine of a control authority or a control body which is not equipped with a qualified electronic seal may produce and submit in TRACES the certificate of inspection in electronic format without the application of a qualified electronic seal in box 18 thereof. In the light of the unpredictable duration of Russia's invasion of Ukraine, it is also necessary to prolong that derogation.
- (9) Delegated Regulation (EU) 2021/2306 should therefore be amended accordingly.
- (10) Due to the expiry of the transitional period for paper certificates and of the derogation for Ukraine on 30 June 2022, this Regulation should apply retroactively from 1 July 2022,

HAS ADOPTED THIS REGULATION:

Article 1

Article 11 of Delegated Regulation (EU) 2021/2306 is amended as follows:

- (1) in paragraph 1, the introductory phrase is replaced by the following:
'By way of derogation from Article 5(3), first subparagraph, until 30 November 2022, the certificate of inspection may be issued on paper after being completed in TRACES and printed. That paper certificate shall meet the following requirements:';
- (2) paragraph 1a is replaced by the following:
'1a. By way of derogation from Article 5(3), first subparagraph, until 30 November 2022, an authorised person located in Ukraine of a control authority or a control body which is not equipped with a qualified electronic seal may produce and submit in TRACES the certificate of inspection in electronic format without the application of a qualified electronic seal in box 18 thereof. Such certificate shall be issued before the consignment to which it relates leaves Ukraine.';
- (3) in paragraph 2, the introductory phrase is replaced by the following:
'By way of derogation from Article 6(3), until 30 November 2022, the following shall apply:';
- (4) in paragraph 5, the introductory phrase is replaced by the following:
'By way of derogation from Articles 6(6) and 7(4), until 30 November 2022, the extract of the certificate of inspection may be endorsed on paper, after being completed in TRACES and printed. That paper extract of certificate shall meet the following requirements:'.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2022/2239**of 6 September 2022****amending Regulation (EU) No 536/2014 of the European Parliament and of the Council as regards labelling requirements for unauthorised investigational and unauthorised auxiliary medicinal products for human use****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC ⁽¹⁾, and in particular Article 70 thereof,

Whereas:

- (1) Regulation (EU) No 536/2014 sets out detailed rules for the labelling of investigational and auxiliary medicinal products, in particular of unauthorised products, in order to eliminate divergences of approach among Member States. That Regulation requires that the immediate and outer packaging of investigational and auxiliary medicinal products must be appropriately labelled in order to ensure subject safety and the reliability and robustness of data generated in clinical trials, and in order to allow for the distribution of those products to clinical trial sites throughout the Union.
- (2) In particular, Regulation (EU) No 536/2014 requires sponsors to display the period of use on the outer and immediate packaging of unauthorised investigational and unauthorised auxiliary medicinal products.
- (3) Frequent updates of the period of use on the immediate packaging of unauthorised medicinal products used in clinical trials can be associated in certain cases with potential risks affecting the quality and safety of those products. One such potential risk may be damages stemming from the need to open the packaging by breaking tamper evident seals and disassembling the multilayer kit. Another potential risk may stem from the prolonged exposure to light or higher temperatures for medicinal products with specific sensitivities. Those risks apply in particular to medicinal products where the immediate and outer packaging are provided together as well as when the immediate packaging takes the form of blister packs or small units. In those cases, it is appropriate and proportionate to the nature and the extent of the risk that the period of use is omitted from the immediate packaging.
- (4) Regulation (EU) No 536/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VI to Regulation (EU) No 536/2014 is amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 158, 27.5.2014, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 6 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex VI to Regulation (EU) No 536/2014 is amended as follows:

(1) Section A is amended as follows:

(a) in Section A.2.1.4, points (e) and (f) are replaced by the following:

‘(e) the subject identification number and/or the treatment number and, where relevant, the visit number.’;

(b) in Section A.2.2.5, points (e) and (f) are replaced by the following:

‘(e) the subject identification number/treatment number and, where relevant, the visit number.’;

(2) Section B is amended as follows:

(a) the number of point ‘6.’ is replaced by ‘6.1.’;

(b) the following paragraphs B.6.2 and B.6.3 are added:

6.2. In the case where the immediate and outer packaging are intended to remain together, the outer package shall carry the particulars listed in Section B.6.1. The immediate packaging shall carry the particulars listed in Section B.6.1 with the exception of the period of use (expiry date or retest date as applicable) that can be omitted.

6.3. If the immediate packaging takes the form of blister packs or small units such as ampoules, on which the particulars listed in Section B.6.1 cannot be displayed, an outer packaging shall be provided bearing a label with those particulars. The immediate packaging shall contain the particulars listed in Section B.6.1 with the exception of the period of use (expiry date or retest date as applicable) that can be omitted.’;

(3) Section D is amended as follows:

(a) in Section D.9 points (b), (c) and (d) are replaced by the following:

‘(b) paragraph 4, points (b), (c) and (e);

(c) paragraph 5, points (b), (c) and (e);

(d) paragraph 6.1, points (b), (d), (e) and (h).’;

(b) in Section D.9 the following point (e) is added:

‘(e) paragraph 6.1, point (i), with the exception of cases in which the period of use (expiry date or retest date as applicable) can be omitted from the inner packaging in accordance with Sections B.6.2 and B.6.3.’.

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2240**of 20 October 2022****amending Implementing Regulation (EU) 2021/1378, Implementing Regulation (EU) 2021/2119 and Implementing Regulation (EU) 2021/2307 as regards the use of the qualified electronic seal for the issuance of certificates****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 ⁽¹⁾, and in particular Articles 35(10), 43(7) and 45(4) thereof,

Whereas:

- (1) In accordance with Article 35(1), point (a), of Regulation (EU) 2018/848, the certificate provided by the competent authorities or, where appropriate, control authorities or control bodies, to operators or groups of operators is to be issued in electronic form wherever possible. The electronic Trade Control and Expert System (TRACES) referred to in Commission Implementing Regulation (EU) 2019/1715 ⁽²⁾ provides the means to issue the certificates referred to in Article 35 of Regulation (EU) 2018/848 in electronic form. Commission Implementing Regulation (EU) 2021/2119 ⁽³⁾ requires the certificate referred to in Article 35 of Regulation (EU) 2018/848 to be issued in electronic form, by using TRACES, from 1 January 2023.
- (2) In order to secure the certificates delivered to the operators and group of operators, it is appropriate to introduce the use of a qualified electronic seal as defined in Article 3(27) of Regulation (EU) No 910/2014 of the European Parliament and of the Council ⁽⁴⁾ for the issuance of those certificates. In order to allow all actors concerned to finalise the enrolment for the qualified electronic seal, it is necessary to provide that the certificate referred to in Article 35 of Regulation (EU) 2018/848 should bear a qualified electronic seal from 1 July 2023 onwards.
- (3) Implementing Regulation (EU) 2021/2119 should therefore be amended accordingly.
- (4) In accordance with Article 1, first paragraph and second paragraph, point (a), of Commission Implementing Regulation (EU) 2021/1378 ⁽⁵⁾ control authorities and control bodies recognised in accordance with Article 46(1) of Regulation (EU) 2018/848 are to provide operators, groups of operators and exporters in third countries that have been subject to the controls referred to in Article 45(1), point (b)(i), of that Regulation with a certificate, to be issued in electronic form and by using TRACES from 1 January 2023 onwards.

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components ('the IMSOC Regulation') (OJ L 261, 14.10.2019, p. 37).

⁽³⁾ Commission Implementing Regulation (EU) 2021/2119 of 1 December 2021 laying down detailed rules on certain records and declarations required from operators and groups of operators and on the technical means for the issuance of certificates in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2021/1378 as regards the issuance of the certificate for operators, groups of operators and exporters in third countries (OJ L 430, 2.12.2021, p. 24).

⁽⁴⁾ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

⁽⁵⁾ Commission Implementing Regulation (EU) 2021/1378 of 19 August 2021 laying down certain rules concerning the certificate issued to operators, groups of operators and exporters in third countries involved in the imports of organic and in-conversion products into the Union and establishing the list of recognised control authorities and control bodies in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council (OJ L 297, 20.8.2021, p. 24).

- (5) In order to secure the certificates delivered to those operators, groups of operators and exporters, it is appropriate to introduce the use of a qualified electronic seal for the issuance of those certificates. In order to allow all actors concerned to finalise the enrolment for the qualified electronic seal it is necessary to provide that the certificate for operators, groups of operators and exporters in third countries should bear a qualified electronic seal from 1 July 2023 onwards.
- (6) Implementing Regulation (EU) 2021/1378 should therefore be amended accordingly.
- (7) In relation to the paper certificate of inspection and to the paper extract of certificates of inspection, endorsed on paper with a hand signature in accordance with Commission Delegated Regulation (EU) 2021/2306 ⁽⁶⁾, Commission Delegated Regulation (EU) 2022/2238 ⁽⁷⁾ extended the transitional provisions until 30 November 2022 in order to allow all actors concerned to finalise the enrolment for the qualified electronic seal. This extension should be reflected in the notes for the completion of the model of the extract of the certificate of inspection provided for in Commission Implementing Regulation (EU) 2021/2307 ⁽⁸⁾. Delegated Regulation (EU) 2022/2238 also extended until 30 November 2022, the possibility for an authorised person located in Ukraine of a control authority or a control body which is not equipped with a qualified electronic seal, to produce and submit in TRACES the certificate of inspection in electronic format without the application of a qualified electronic seal in box 18 thereof.
- (8) Implementing Regulation (EU) 2021/2307 should therefore be amended accordingly.
- (9) Due to the expiry of the transitional period for paper certificates and of the derogation for Ukraine on 30 June 2022, this amendment should apply retroactively as of 1 July 2022.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) 2021/2119

Implementing Regulation (EU) 2021/2119 is amended as follows:

- (1) in Article 1, the following paragraph is added:

'The certificate referred to in Article 35(1) of Regulation (EU) 2018/848 shall bear a qualified electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014 of the European Parliament and of the Council (*).

(*) Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).';

- (2) in Article 5, the following paragraph is inserted after the third paragraph:

'Article 1, second paragraph, shall apply from 1 July 2023.'

⁽⁶⁾ Commission Delegated Regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection (OJ L 461, 27.12.2021, p. 13).

⁽⁷⁾ Commission Delegated Regulation (EU) 2022/2238 of 22 August 2022 amending Delegated Regulation (EU) 2021/2306 as regards the transitional provisions for certificates of inspection and extracts thereof and as regards the transitional provisions for certificates of inspection issued in Ukraine (see page 3 of this Official Journal).

⁽⁸⁾ Commission Implementing Regulation (EU) 2021/2307 of 21 October 2021 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union (OJ L 461, 27.12.2021, p. 30).

*Article 2***Amendment to Implementing Regulation (EU) 2021/1378**

Implementing Regulation (EU) 2021/1378 is amended as follows:

(1) in Article 1, second paragraph, point (a), the following point (iii) is added:

'(iii) it shall bear a qualified electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014 of the European Parliament and of the Council (*);

(*) Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).';

(2) in Article 3, the following paragraph is inserted after the third paragraph:

'Article 1, second paragraph, point (a)(iii), shall apply from 1 July 2023.';

(3) Annex I is replaced by the text in the Annex to this Regulation.

*Article 3***Amendment to Implementing Regulation (EU) 2021/2307**

In Part II of the Annex to Implementing Regulation (EU) 2021/2307, in the fourth paragraph of the notes concerning box 12 and in the second paragraph of the notes concerning box 13, the date '30 June 2022' is replaced by '30 November 2022'.

*Article 4***Entry into force and application**

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Article 3 shall apply from 1 July 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

'ANNEX I

MODEL OF THE CERTIFICATE

CERTIFICATE FOR OPERATORS, GROUPS OF OPERATORS AND EXPORTERS IN THIRD COUNTRIES FOR PRODUCTS TO BE IMPORTED INTO THE EUROPEAN UNION AS ORGANIC PRODUCTS OR IN-CONVERSION PRODUCTS

Part I: Mandatory elements

1. Document number	2. (choose as appropriate) <input type="checkbox"/> Operator <input type="checkbox"/> Group of operators – see point 10 <input type="checkbox"/> Exporter
3. Name and address of the operator, group of operators or exporter:	4. Name, address and code number of the control authority or control body of the operator, group of operators or exporter:
5. Activity or activities of the operator, group of operators or exporter (choose as appropriate):	
<input type="checkbox"/> Production	
<input type="checkbox"/> Preparation	
<input type="checkbox"/> Distribution	
<input type="checkbox"/> Storing	
<input type="checkbox"/> Import	
<input type="checkbox"/> Export	
6. Category or categories of products as referred to in Article 35(7) of Regulation (EU) 2018/848 of the European Parliament and of the Council ⁽¹⁾ and production methods (choose as appropriate):	
(a) unprocessed plants and plant products, including seeds and other plant reproductive material Production method: <input type="checkbox"/> organic production excluding during the conversion period <input type="checkbox"/> production during the conversion period <input type="checkbox"/> organic production with non-organic production	
(b) livestock and unprocessed livestock products Production method: <input type="checkbox"/> organic production excluding during the conversion period <input type="checkbox"/> production during the conversion period <input type="checkbox"/> organic production with non-organic production	
(c) algae and unprocessed aquaculture products Production method: <input type="checkbox"/> organic production excluding during the conversion period <input type="checkbox"/> production during the conversion period <input type="checkbox"/> organic production with non-organic production	

⁽¹⁾ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

(d) processed agricultural products, including aquaculture products, for use as food Production method: <input type="checkbox"/> production of organic products <input type="checkbox"/> production of in-conversion products <input type="checkbox"/> organic production with non-organic production	
(e) feed Production method: <input type="checkbox"/> production of organic products <input type="checkbox"/> production of in-conversion products <input type="checkbox"/> organic production with non-organic production	
(f) wine Production method: <input type="checkbox"/> production of organic products <input type="checkbox"/> production of in-conversion products <input type="checkbox"/> organic production with non-organic production	
(g) other products listed in Annex I to Regulation (EU) 2018/848 or not covered by the previous categories Production method: <input type="checkbox"/> production of organic products <input type="checkbox"/> production of in-conversion products <input type="checkbox"/> organic production with non-organic production	
7. Directory of products:	
Name of the product and/or Combined Nomenclature (CN) code as referred to in Council Regulation (EEC) No 2658/87 ⁽²⁾ for products within the scope of Regulation (EU) 2018/848	<input type="checkbox"/> Organic <input type="checkbox"/> In-conversion
This document has been issued in accordance with Commission Implementing Regulation (EU) 2021/1378 ⁽³⁾ to certify that the operator, group of operators or exporter (choose as appropriate) complies with Regulation (EU) 2018/848	
8. Date, place Name and signature on behalf of the issuing control authority or control body, or qualified electronic seal:	9. Certificate valid from [insert date] to [insert date]

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2021/1378 of 19 August 2021 laying down certain rules concerning the certificate issued to operators, groups of operators and exporters in third countries involved in the imports of organic products into the Union and establishing the list of recognised control authorities and control bodies in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council (OJ L 297, 20.8.2021, p. 24).

10. List of members of the group of operators as defined in Article 36 of Regulation (EU) 2018/848

Name of member	Address or other form of member identification

Part II: Specific optional elements

One or more elements to be completed if so decided by the control authority or control body that issues the certificate to the operator, group of operators or exporter in accordance with Implementing Regulation (EU) 2021/1378

1. Quantity of products

Name of the product and/or CN code as referred to in Regulation (EEC) No 2658/87 for products within the scope of Regulation (EU) 2018/848	<input type="checkbox"/> Organic <input type="checkbox"/> In-conversion	Quantity estimated in kilograms, litres or, where relevant, in number of units

2. Information on the land

Name of the product	<input type="checkbox"/> Organic <input type="checkbox"/> In-conversion <input type="checkbox"/> Non-organic	Surface in hectares

3. List of premises or units where the activity is performed by the operator or group of operators

Address or geolocation	Description of the activity or activities as referred to in point 5 of part I

4. Information on the activity or activities carried out by the operator or group of operators and whether the activity is, or the activities are performed for their own purpose or as a subcontractor carrying out the activity or activities for another operator, while the subcontractor remains responsible for the activity or activities performed

Description of the activity or activities as referred to in point 5 of part I	<input type="checkbox"/> Carrying out activity/activities for own purpose <input type="checkbox"/> Carrying out activity/activities as a subcontractor for another operator, while the subcontractor remains responsible for the activity or activities performed

5. Information on the activity or activities carried out by the subcontracted third party

Description of the activity or activities as referred to in point 5 of part I	<input type="checkbox"/> Operator or group of operators remains responsible <input type="checkbox"/> Subcontracted third party is responsible

6. List of subcontractors carrying out an activity or activities for the operator or group of operators for which the operator or group of operators remains responsible as regards organic production and for which it has not transferred that responsibility to the subcontractor

Name and address	Description of the activity or activities as referred to in point 5 of part I

7. Information on the accreditation of the control body in accordance with point (d) of Article 46(2) of Regulation (EU) 2018/848

- (a) name of the accreditation body;
 (b) hyperlink to the accreditation certificate.

8. Other information'

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DECISIONS

COUNCIL DECISION (CFSP) 2022/2241

of 14 November 2022

amending Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP ⁽¹⁾ concerning restrictive measures in view of the situation in the Democratic Republic of the Congo ('DRC').
- (2) On 30 June 2022, the United Nations Security Council adopted Resolution ('UNSCR') 2641 (2022), which amends the criteria for the designation of persons and entities to be subject to the restrictive measures set out in paragraphs 9 and 11 of UNSCR 1807 (2008), as well as the scope of the obligation to notify the Sanctions Committee established pursuant to UNSCR 1533 (2004) of shipments of arms and related materiel for the DRC, or any provision of technical assistance, financing, brokering services and other services related to military activities in the DRC.
- (3) Further Union action is needed in order to implement certain measures.
- (4) Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/788/CFSP is amended as follows:

(1) Article 2 is amended as follows:

(a) in paragraph 1, point (c) is replaced by the following:

'(c) the supply, sale or transfer of non-lethal military equipment intended solely for humanitarian or protective use, or the provision of technical assistance and training, related to such non-lethal equipment;'

(b) paragraph 3 is replaced by the following:

'3. Except for the activities referred to in points (a), (b), and (c) of paragraph 1, Member States shall give the Sanctions Committee established pursuant to UNSCR 1533 (2004) (the 'Sanctions Committee') advance notification of any provision of technical assistance, financing, brokering services and other services related to military activities in the DRC, or any shipment of the following arms and related materiel for the DRC:

- (a) all types of weapons with a calibre up to 14,5 mm and associated ammunition;
- (b) mortars with a calibre up to 82mm and associated ammunition;
- (c) grenade and rocket launchers with a calibre up to 107 mm and associated ammunition;
- (d) man-portable air-defense systems (MANPADS);
- (e) anti-tank guided missile systems.

⁽¹⁾ Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo (OJ L 336, 21.12.2010, p. 30).

Such notification shall contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments.’;

(2) in Article 3(1), the following point is added:

‘(k) being involved in the production, manufacture or use in the DRC of improvised explosive devices, or in the commission, planning, ordering, aiding of, abetting or otherwise assisting attacks in the DRC with improvised explosive devices.’.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 14 November 2022.

For the Council
The President
J. BORRELL FONTELLES

COUNCIL DECISION (EU) 2022/2242**of 14 November 2022****on the financial contributions to be paid by the parties to the European Development Fund to finance that fund, specifying the ceiling for 2024, the annual amount for 2023, the amount of the first instalment for 2023 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2025 and 2026**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies ⁽¹⁾, and in particular Article 7(2) in conjunction with Article 14(3) thereof,

Having regard to the Council Regulation (EU) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund, and repealing Regulation (EU) 2015/323 ⁽²⁾, and in particular Article 19(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with the procedure laid down in Articles 19 to 22, and in particular Article 19(2), of Regulation (EU) 2018/1877, the Commission is to present a proposal by 15 October 2022 specifying the ceiling for the amount of the contributions to be paid by the parties to the European Development Fund (EDF) for 2024, the annual amount of the contributions for 2023, the amount of the first instalment of the contributions for 2023 and an indicative, non-binding forecast for the expected annual amounts of contributions for the years 2025 and 2026.
- (2) In accordance with Article 46 of Regulation (EU) 2018/1877, the European Investment Bank (EIB) is to send to the Commission its updated estimates of commitments and payments under the instruments it manages.
- (3) Pursuant to Article 20(1) of Regulation (EU) 2018/1877, calls for contributions are to first use up the amounts provided for in previous EDFs. Therefore a call for funds pursuant to Regulation (EU) 2018/1877 for the Commission and for the EIB should be made.
- (4) Pursuant to Article 152 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽³⁾ ('the withdrawal agreement'), the United Kingdom of Great Britain and Northern Ireland (the 'United Kingdom') is to remain party to the EDF until the closure of the 11th EDF and all previous unclosed EDFs. However, pursuant to Article 153 of the withdrawal agreement, the United Kingdom's share in decommitted funds from projects under the 11th EDF, where those funds have been decommitted after 31 December 2020, or previous EDFs are not to be reused.

⁽¹⁾ OJ L 210, 6.8.2013, p.1.

⁽²⁾ OJ L 307, 3.12.2018, p.1.

⁽³⁾ OJ L 29, 31.1.2020, p. 7.

- (5) Council Decision (EU) 2021/1941 (*) sets the ceiling for the annual amount of the contributions to be paid by the parties to the EDF for 2023 at EUR 1 800 000 000 for the Commission and at EUR 300 000 000 for the EIB.
- (6) In order to allow for the prompt application of the measures it provides for, this Decision should enter into force on the date of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

Article 1

The ceiling for the annual amount of the contributions to be paid by the parties to the European Development Fund (EDF) for 2024 is hereby set at EUR 1 600 000 000. It shall be divided into EUR 1 300 000 000 for the Commission and EUR 300 000 000 for the European Investment Bank (EIB).

Article 2

The annual amount of the contributions to be paid by the parties to the EDF for 2023 is hereby set at EUR 2 100 000 000. It shall be divided into EUR 1 800 000 000 for the Commission and EUR 300 000 000 for the EIB.

Article 3

The individual EDF contributions shall be paid by the parties to the EDF to the Commission and the EIB as the first instalment for 2023, in accordance with the Annex.

Article 4

An amount of EUR 42 500 000 from uncommitted or decommitted funds from projects under the 9th EDF shall be refunded by a reduction of payment against the first instalment for 2023 set out in Article 3.

Article 5

The indicative non-binding forecast for the expected annual amount of contributions for 2025 is hereby set at EUR 900 000 000 for the Commission and at EUR 9 000 000 for the EIB, and that for 2026 is hereby set at EUR 600 000 000 for the Commission and at EUR 0 for the EIB.

Article 6

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

(*) Council Decision (EU) 2021/1941 of 9 November 2021 on the financial contributions to be paid by the parties to the European Development Fund to finance that Fund, including the ceiling for 2023, the annual amount for 2022, the amount of the first instalment for 2022 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2024 and 2025 (OJ L 396, 10.11.2021, p. 61).

Done at Brussels, 14 November 2022.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

First instalment for 2023 (EUR) to be paid to the Commission and the EIB

MEMBER STATES & UNITED KINGDOM	9th EDF key (%)	11th EDF key (%)	Commission			EIB	Commission +EIB
			11th EDF	Refund from the 9th EDF	11th EDF minus Refund 9th EDF	11th EDF	Total amount for the 1st instalment 2023
BELGIUM	3,92	3,24927	24 369 525	1 666 000	22 703 525	3 249 270	25 952 795
BULGARIA		0,21853	1 638 975	0	1 638 975	218 530	1 857 505
CZECHIA		0,79745	5 980 875	0	5 980 875	797 450	6 778 325
DENMARK	2,14	1,98045	14 853 375	909 500	13 943 875	1 980 450	15 924 325
GERMANY	23,36	20,57980	154 348 500	9 928 000	144 420 500	20 579 800	165 000 300
ESTONIA		0,08635	647 625	0	647 625	86 350	733 975
IRELAND	0,62	0,94006	7 050 450	263 500	6 786 950	940 060	7 727 010
GREECE	1,25	1,50735	11 305 125	531 250	10 773 875	1 507 350	12 281 225
SPAIN	5,84	7,93248	59 493 600	2 482 000	57 011 600	7 932 480	64 944 080
FRANCE	24,30	17,81269	133 595 175	10 327 500	123 267 675	17 812 690	141 080 365
CROATIA		0,22518	1 688 850	0	1 688 850	225 180	1 914 030
ITALY	12,54	12,53009	93 975 675	5 329 500	88 646 175	12 530 090	101 176 265
CYPRUS		0,11162	837 150	0	837 150	111 620	948 770
LATVIA		0,11612	870 900	0	870 900	116 120	987 020
LITHUANIA		0,18077	1 355 775	0	1 355 775	180 770	1 536 545
LUXEMBOURG	0,29	0,25509	1 913 175	123 250	1 789 925	255 090	2 045 015
HUNGARY		0,61456	4 609 200	0	4 609 200	614 560	5 223 760
MALTA		0,03801	285 075	0	285 075	38 010	323 085
NETHERLANDS	5,22	4,77678	35 825 850	2 218 500	33 607 350	4 776 780	38 384 130
AUSTRIA	2,65	2,39757	17 981 775	1 126 250	16 855 525	2 397 570	19 253 095
POLAND		2,00734	15 055 050	0	15 055 050	2 007 340	17 062 390
PORTUGAL	0,97	1,19679	8 975 925	412 250	8 563 675	1 196 790	9 760 465
ROMANIA		0,71815	5 386 125	0	5 386 125	718 150	6 104 275
SLOVENIA		0,22452	1 683 900	0	1 683 900	224 520	1 908 420
SLOVAKIA		0,37616	2 821 200	0	2 821 200	376 160	3 197 360
FINLAND	1,48	1,50909	11 318 175	629 000	10 689 175	1 509 090	12 198 265
SWEDEN	2,73	2,93911	22 043 325	1 160 250	20 883 075	2 939 110	23 822 185
UNITED KINGDOM	12,69	14,67862	110 089 650	5 393 250	104 696 400	14 678 620	119 375 020
TOTAL EU-27 & UNITED KINGDOM	100,00	100,00	750 000 000	42 500 000	707 500 000	100 000 000	807 500 000

COUNCIL DECISION (CFSP) 2022/2243**of 14 November 2022****launching the European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine)**

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 Council Decision (CFSP) 2022/1968 of 17 October 2022 on a European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine) ⁽¹⁾,

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

Whereas:

- (1) On 17 October 2022, the Council adopted Decision (CFSP) 2022/1968.
- (2) On 8 November 2022, the Political and Security Committee agreed that the Mission Plan for EUMAM Ukraine should be approved.
- (3) Following the recommendation of the EU Mission Commander for EUMAM Ukraine, EUMAM Ukraine should be launched on 15 November 2022,

HAS ADOPTED THIS DECISION:

Article 1

The Mission Plan for EUMAM Ukraine is hereby approved.

Article 2

EUMAM Ukraine shall be launched on 15 November 2022.

Article 3

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

Done at Brussels, 14 November 2022.

For the Council
The President
J. BORRELL FONTELLES

⁽¹⁾ OJ L 270, 18.10.2022, p. 85.

COUNCIL DECISION (CFSP) 2022/2244
of 14 November 2022
on the participation of the United Kingdom of Great Britain and Northern Ireland in the PESCO
project Military Mobility

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, in particular Article 46(6) thereof,

Having regard to Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States ⁽¹⁾, and in particular Article 9(2) thereof,

Having regard to Council Decision (CFSP) 2020/1639 of 5 November 2020 establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects ⁽²⁾, and in particular Article 2(4) thereof,

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

Whereas:

- (1) Article 9(2) of Decision (CFSP) 2017/2315 provides that the Council is to decide, in accordance with Article 46(6) of the Treaty on European Union (TEU), whether a third State, which the participating Member States taking part in a project wish to invite to take part in that project, meets the requirements to be established by the Council.
- (2) On 6 March 2018, the Council adopted Decision (CFSP) 2018/340 ⁽³⁾ establishing the list of projects to be developed under PESCO. Article 1 of that Decision provides that a project entitled 'Military Mobility' is to be developed within the framework of that list by 24 project members, including the Netherlands as project coordinator.
- (3) On 5 November 2020, the Council adopted Decision (CFSP) 2020/1639, establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects. Article 2(4) of that Decision provides that, based on a notification by the coordinator or coordinators of a PESCO project, and following an opinion by the Political and Security Committee (PSC), the Council is to take a decision in accordance with Article 46(6) TEU and Article 9(2) of Decision (CFSP) 2017/2315 as to whether the participation of the third State in that project meets the conditions set out in Article 3 of Decision (CFSP) 2020/1639.
- (4) On 29 July 2022, the United Kingdom of Great Britain and Northern Ireland (the 'UK') sent its request for participation in the PESCO project Military Mobility to the coordinator of that project, in accordance with Article 2(1) of Decision (CFSP) 2020/1639. The project members then assessed, on the basis of the information provided by the UK, whether it complies with the general conditions, in accordance with Article 2(2) of Decision (CFSP) 2020/1639.
- (5) On 7 October 2022, the coordinator of the PESCO project Military Mobility notified the Council and the High Representative of the Union for Foreign Affairs and Security Policy, in accordance with Article 2(3) of Decision (CFSP) 2020/1639, that the project members of that PESCO project had unanimously agreed: that they wish to invite the UK to participate in that project; on the scope, form and relevant stages of the participation of the UK in that project; and that the UK complies with the general conditions set out in Article 3 of Decision (CFSP) 2020/1639.

⁽¹⁾ OJ L 331, 14.12.2017, p. 57.

⁽²⁾ OJ L 371, 6.11.2020, p. 3.

⁽³⁾ Council Decision (CFSP) 2018/340 of 6 March 2018 establishing the list of projects to be developed under PESCO (OJ L 65, 8.3.2018, p. 24).

- (6) On 19 October 2022, the PSC agreed on an opinion on the notification regarding the request by the UK to participate in the PESCO project Military Mobility. In particular, the PSC took note of the description of the PESCO project Military Mobility as provided in the notification, including its objectives, organisation and decision making, as well as focus areas of work. It also noted that no EU classified or sensitive information is shared within that project and that it is not implemented with the support of the European Defence Agency (EDA) within the meaning of Article 3(g) of Decision (CFSP) 2020/1639. Furthermore, it noted that the PESCO project Military Mobility does not involve armament procurement, research and capability development, or the use and export of arms or capabilities and technology. It also noted that it does not involve entities, investments, funding from PESCO participating Member States or requests for Union funding for project activities.
- (7) The PSC also agreed with the proposed scope, form and extent of the participation of the UK in the PESCO project Military Mobility as described in the notification. It acknowledged that the UK had expressed that it fully supports the scope of that project as defined in the notification.
- (8) In the same opinion, the PSC confirmed the view unanimously agreed by the project members that the UK complies with the general conditions set out in Article 3 of Decision (CFSP) 2020/1639, as follows:
- the UK meets the conditions set out in Article 3(a) of Decision (CFSP) 2020/1639, which requires: sharing of the values on which the Union is founded, as laid down in Article 2 TEU, the principles referred to in Article 21(1) TEU, and the objectives of the common foreign and security policy as laid down in points (a), (b), (c) and (h) of Article 21(2) TEU; not contravening the security and defence interests of the Union and its Member States, including respect for the principle of good neighbourly relations with the Member States; and having a political dialogue with the Union, which should also cover security and defence aspects when participating in a PESCO project;
 - as regards the condition in Article 3(b) of Decision (CFSP) 2020/1639 on the substantial added value of the UK to the PESCO project Military Mobility, the notification provides a detailed outline of the UK contribution including on the scope, form and extent of the participation in that project, which substantiates the fulfilment of this condition;
 - as regards the condition in Article 3(c) of Decision (CFSP) 2020/1639, the UK's participation in the PESCO project Military Mobility will contribute to strengthening the common security and defence policy (CSDP) and the Union's level of ambition including in support of CSDP missions and operations, as also specified in the notification;
 - as regards the condition in Article 3(d) of Decision (CFSP) 2020/1639, the PESCO project Military Mobility does not involve armament procurement, research and capability development, or the use and export of arms, capabilities and technology. It does not develop any capability or technology. Consequently, the UK's participation in that project will not lead to dependencies on it or to restrictions imposed by it against any Member State of the Union;
 - the requirement in Article 3(e) of Decision (CFSP) 2020/1639 as regards the consistency of the UK's participation with the relevant more binding PESCO commitments, as specified in the Annex to Decision (CFSP) 2017/2315, is also met, as further detailed in the notification. As the PESCO project Military Mobility is not a capability-orientated project, the condition concerning the contribution of the UK's participation to fulfilling priorities derived from the Capability Development Plan and the Coordinated Annual Review on Defence, or having a positive impact on the European Defence Technological Industrial Base, is not applicable in this context;
 - the requirement set out in Article 3(f) of Decision (CFSP) 2020/1639 is fulfilled as the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (*) has been in force since 1 May 2021;

(*) OJ L 149, 30.4.2021, p. 2540.

- the condition set out in Article 3(g) of Decision (CFSP) 2020/1639 is not applicable in this case, as the PESCO project Military Mobility is not implemented with the support of the EDA and therefore an administrative arrangement which has taken effect with the EDA is not required;
 - as regards the condition set out in Article 3(h) of Decision (CFSP) 2020/1639, the UK has committed to seeking to conclude a project-specific administrative arrangement and any other necessary documentation in accordance with Decision (CFSP) 2017/2315 and Council Decision (CFSP) 2018/909 ⁽⁷⁾, concerning PESCO governance rules.
- (9) Finally, in its opinion, the PSC recommended that the Council take a positive decision as to whether the participation of the UK in the PESCO project Military Mobility meets the conditions set out in Article 3 of Decision (CFSP) 2020/1639.
- (10) The Council should therefore decide that the participation of the UK in the PESCO project Military Mobility meets the conditions set out in Article 3 of Decision (CFSP) 2020/1639. The UK will join that project on the date specified in the administrative arrangement to be entered into by the UK and the project members, in accordance with Article 2(7) of Decision (CFSP) 2020/1639. The Council will exercise its oversight in accordance with Article 5(2) of Decision (CFSP) 2020/1639 and may take further decisions in accordance with Article 6(2) and (3) thereof,

HAS ADOPTED THIS DECISION:

Article 1

The participation of the United Kingdom of Great Britain and Northern Ireland in the PESCO project Military Mobility meets the conditions set out in Article 3 of Decision (CFSP) 2020/1639.

Article 2

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

Done at Brussels, 14 November 2022.

For the Council
The President
J. BORRELL FONTELLES

⁽⁷⁾ Council Decision (CFSP) 2018/909 of 25 June 2018 establishing a common set of governance rules for PESCO projects (OJ L 161, 26.6.2018, p. 37).

COUNCIL DECISION (CFSP) 2022/2245**of 14 November 2022****on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces trained by the European Union Military Assistance Mission in support of Ukraine with military equipment, and platforms, designed to deliver lethal force**

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 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 (CFSP) to preserve peace, prevent conflicts and strengthen international security pursuant to 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 can finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) Deepening dialogue and cooperation in the field of security and defence is one of the main objectives of the Association Agreement with Ukraine. ⁽²⁾ The enhanced cooperation in the area of Common Security and Defence Policy (CSDP) and alignment with the CFSP between the Union and Ukraine was one of the outcomes of the 22nd summit between the European Union and Ukraine of 6 October 2020, that was further strengthened at the 23rd summit between the European Union and Ukraine which took place in Kyiv on 12 October 2021.
- (3) Russia's aggression against Ukraine since 2014 dramatically escalated in February 2022 with the unprovoked invasion of Ukraine. The Ukrainian Armed Forces continue to defend the territorial integrity of Ukraine and to protect its civilians with the available limited resources.
- (4) On 30 September 2022, the Minister for Foreign Affairs and the Minister of Defence of Ukraine jointly welcomed the Union's support to the Ukrainian Armed Forces and requested the Union to launch a European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine) for strengthening the capabilities of the Ukrainian Armed Forces.
- (5) On 17 October 2022, the Council adopted Decision (CFSP) 2022/1968 on a European Union Military Assistance Mission in support of Ukraine. ⁽³⁾ As underlined in that Decision, the Mission is part of the EU Integrated Approach in providing support to Ukraine, which includes assistance measures supporting the Ukrainian Armed Forces.
- (6) EUMAM Ukraine is to be entrusted with the implementation of the Assistance Measure. It is to be responsible for the reimbursement of the ammunition and equipment or platforms designed to deliver lethal force provided by Member States to support the training activities, as well as of services, including transportation, custody and maintenance and repair of that military equipment. Close coordination will be required between the EU Military Staff, EUMAM Ukraine and other headquarters of the mission, as well as between Member States engaged in the training activities.

⁽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⁾ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L 161, 29.5.2014, p. 3).

⁽³⁾ Council Decision (CFSP) 2022/1968 of 17 October 2022 on a European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine) (OJ L 270, 18.10.2022, p. 85).

- (7) The 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⁽⁴⁾, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (8) As soon as needed and at the latest when the initially allocated financial reference amount of EUR 16 000 000 is fully committed, the Political and Security Committee will consider the issue of further allocations in order to continue financing support to the training needs based on a swift assessment by EUMAM Ukraine and its regular reports, under the Assistance Measure.
- (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, the Universal Declaration of Human Rights and international law, in particular international human rights law and international humanitarian law,

HAS ADOPTED THIS DECISION:

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 support the capacity building of the Ukrainian Armed Forces by the European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine), in order to allow the Ukrainian Armed Forces to defend the territorial integrity and sovereignty of Ukraine as well as to 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 by Member States of:
 - (a) ammunition, military equipment, and platforms, designed to deliver lethal force, as required to meet the operational requirements of EUMAM Ukraine; and,
 - (b) services, including transportation, custody and maintenance and repair of the items under point (a) made available by Member States, for the training under EUMAM Ukraine.
4. Upon completion of the training or when EUMAM Ukraine is terminated, the custody of the ammunition, military equipment, and platforms, designed to deliver lethal force, which were provided under the Assistance Measure, shall be transferred back to the beneficiary.
5. The duration of the Assistance Measure shall be 24 months from the adoption of this Decision.

Article 2

Financial arrangements

1. The initial financial reference amount intended to cover the expenditure related to the Assistance Measure shall be EUR 16 000 000.
2. All expenditure shall be managed in accordance with the rules for the implementation of revenue and expenditure for operations financed under the EPF.

⁽⁴⁾ 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).

3. In accordance with Article 29(5) of Decision (CFSP) 2021/509, the administrator for operations may call for contributions following the adoption of this Decision, up to EUR 16 000 000. The funds called for by the administrator for operations shall be used only to pay expenditure within the limits approved by the Committee established by Decision (CFSP) 2021/509 in the related amending budget corresponding to the Assistance Measure.

4. Expenditure related to the implementation of the Assistance Measure shall be eligible from the date of the launch of EUMAM Ukraine.

Article 3

Arrangements with the beneficiary

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall make the necessary arrangements with the beneficiary to ensure its compliance with international law, in particular international human rights law and international humanitarian law, and with 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 obliging the beneficiary to ensure:

- (a) compliance of the units of the Ukrainian Armed Forces supported under the Assistance Measure with relevant international law, in particular international human rights law 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 maintenance of any assets provided under the Assistance Measure sufficient to ensure their usability and their operational availability over their life-cycle; and,
- (d) that any assets provided under the Assistance Measure are neither lost, nor transferred at the end of their life-cycle to persons or entities other than those identified in the arrangements referred to in paragraph 1 without the consent of the Facility Committee established under Decision (CFSP) 2021/509.

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

2. EUMAM Ukraine shall implement the activities referred to in Article 1(3), relating to the reimbursement and monitoring of the ammunition, military equipment, and platforms, designed to deliver lethal force, provided by Member States.

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the compliance of the beneficiary with its obligations established in accordance with Article 3. That monitoring shall be used to provide awareness of the context and the risks of non-compliance with those obligations, and shall contribute to the prevention of such non-compliance, including violations of international human rights law and international humanitarian law by units of the Ukrainian Armed Forces supported under the Assistance Measure.

2. The post-shipment control of equipment shall be organised consistent with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.
3. The High Representative shall conduct a final evaluation upon completion of the Assistance Measure, to assess whether the Assistance Measure contributed to achieving the stated objectives.

Article 6

Reporting

During the period of implementation, the High Representative shall provide the Political and Security Committee (PSC) with six-monthly reports on the implementation of the Assistance Measure, in accordance with Article 63 of Decision (CFSP) 2021/509, as well as a report in good time before the initial financial reference amount has been fully committed. The administrator for operations, with the support of the Mission Commander, 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 available information on the equipment supplied.

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 date of its adoption.

Done at Brussels, 14 November 2022.

For the Council
The President
J. BORRELL FONTELLES

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