



Council of the European Union
General Secretariat

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CM 2408/23

LIMITE

CORLX
CFSP/PESC
PROCED

COMMUNICATION

WRITTEN PROCEDURE

Contact:	relex.counsellors@consilium.europa.eu
Tel./Fax:	+32.2-281.84.89 / +32.2-281.54.69
Subject:	END OF WRITTEN PROCEDURE for the adoption of Council Decision on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces

Delegations are informed that the written procedure opened by CM 1753/23 + COR1 of 12 April 2023 was completed on 13 April 2023 at 12:30.

Apart from four delegations which abstained under the second subparagraph of Article 31(1) TEU, all delegations voted in favour of adopting the Council Decision amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force as set out in document 7342/23 REV 1.

The decision is therefore adopted.

The declarations submitted by the Irish, Austrian, Hungarian, and Maltese delegations are reproduced in the annex to this CM.

Declaration by Ireland under Article 31(1) TEU on Abstention from Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force

Ireland refers to the Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council of 12 March 2023.¹

Recalling its formal declaration of 27 February 2022 on abstention from Council Decision (CFSP) 2022/338, Ireland, in accordance with the second subparagraph of Article 31(1) of the Treaty on European Union, hereby makes a formal declaration and notifies the Council of its decision to abstain from the Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

Accordingly, Ireland will not be contributing to the costs of that Assistance Measure, as amended.

Ireland recalls and reiterates in full its statement of 17 March 2021 to the minutes of COREPER and to the Council at the time of adoption of Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility.

Ireland further recalls Recital 22, Article 27 and Article 57(3) of that Council Decision and hereby signals its preference to contribute instead to Council Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces.

¹ Proposal for a Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

Declaration by Hungary on constructive abstention regarding the Council Decision on the amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

In accordance with the second subparagraph of Article 31.1 of the Treaty of the European Union, Hungary hereby notifies the Council of its decision to constructively abstain from the Council Decision on the amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

In accordance with Article 27(1) of Council Decision (CFSP) 2021/509, Hungary reserves the right to identify an existing or possible future assistance measure or propose a new one, to which it will provide a corresponding contribution pursuant to Article 5(3).

Formal Declaration by Austria on abstention regarding the Council Decision amending Council Decision (CFSP) 2022/338 on an Assistance Measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force:

In accordance with the second subparagraph of Article 31(1) TEU and in line with Austria's declaration on the application of constructive abstention at the time of the adoption of the Council Decision establishing the European Peace Facility, Austria hereby notifies the Council of its decision to abstain from the Council Decision amending Council Decision (CFSP) 2022/338, as last amended by Council Decision (CFSP) 2023/230 of 2 February 2023, on an Assistance Measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force, as she deems this decision sensitive for the specific character of her security and defence policy.

Austria, acting in a spirit of mutual EU solidarity, will refrain from any action likely to conflict with or impede Union action based on that decision.

Therefore, AT will not contribute to the financing of this Assistance Measure. Instead, AT will voluntarily contribute an additional amount to a non-sensitive assistance measure for Ukraine within the framework of the European Peace Facility.

Formal Declaration in accordance with the second subparagraph of Article 31(1) of the TEU by Malta on abstention regarding the Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force

In accordance with the second subparagraph of Article 31(1) of the Treaty of the European Union, Malta hereby notifies the Council of its decision to abstain from adopting the Council Decision amending Council Decision on an assistance measure under the European Peace Facility on the provision of lethal force equipment to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

As stated at the time of adoption of the Council Decision establishing the European Peace Facility, Malta reserves its right to constructively abstain from assistance measures under the European Peace Facility that allow for the supply of military equipment, or platforms, designed to deliver lethal force.

In the spirit of mutual EU solidarity, MT will refrain from any action likely to conflict with or impede Union action based on that decision.

Therefore, through our voluntary elective commitment, Malta will instead provide a corresponding contribution to the budget for an assistance measure in support of Ukraine which does not involve supply of such lethal equipment or platforms.