



Council of the European Union
General Secretariat

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CM 2613/23

LIMITE

CORLX
CFSP/PESC
PROCED

COMMUNICATION

WRITTEN PROCEDURE

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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

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (27.06.2023)

Delegations are informed that the written procedure opened by CM 2613/23 of 4 May 2023 was completed on 5 May 2023 at 16:15.

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 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition as set out in document 7344/23 + COR1.

The decision is therefore adopted.

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

EL Statement regarding the Council Decision on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition

Greece is committed to providing support to the Ukrainian Armed Forces, including through the European Peace Facility. We support the adoption and the implementation of this Assistance Measure on the provision of ammunition, provided that our security and defence interests be duly taken into account.

In this regard, Greece considers that the provisions of this Decision do not constitute a precedent regarding any terms and conditions of future decisions or regulations concerning the European defence industry.

Moreover, the inclusion in the supply chain of operators established or having their production outside of the Union or Norway constitutes a derogation from the relevant provisions of the rules for the implementation of revenue and expenditure under the EPF (“EPF Implementing Rules”), due to the particular current circumstances and will not constitute a precedent to any relevant future decisions.

In addition, in view of the financing of the activities outlined in article 1(3) of the Council Decision on an assistance measure to support the Ukrainian Armed Forces through the provision of ammunition, Greece underscores the obligation of Member States to provide information on the suppliers and subcontractors involved.

Finally, Greece reserves the right to object to any decision concerning this Assistance Measure in case its implementation involves the participation of third countries and/or entities established in or controlled by third countries that contravene the security and defence interests of Greece.

Declaration by Ireland under Article 31(1) TEU on Abstention from Council Decision (CFSP) 2023/7344 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition

Ireland refers to the Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council of 13 March 2023.¹

Recalling again 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 (CFSP) 2023/7344 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition.

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

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 on an assistance measure under the EPF to support the UAF through the provision of ammunition.

Formal Declaration by Hungary on constructive abstention regarding the Council Decision on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition

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 an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition

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 on an Assistance Measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition

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 on an Assistance Measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition, 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, Austria will not contribute to the financing of this Assistance Measure. Instead, Austria 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 [xxxx] on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition

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 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces through the provision of ammunition.

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.
