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European Union

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#### LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on an assistance measure under the European Peace Facility to strengthen the capacities of the Armed Forces of Bosnia and Herzegovina

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**COUNCIL DECISION (EU) 2022/...**

**of ...**

**on an assistance measure under the European Peace Facility  
to strengthen the capacities of the Armed Forces of Bosnia and Herzegovina**

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 Council Decision (CFSP) 2021/509<sup>1</sup>, the European Peace Facility (EPF) was established for the financing by Member States of Union actions under the common foreign and security policy to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) 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) In the Brdo Declaration of 6 October 2021, the leaders of the Union and its Member States, in consultation with Western Balkans leaders, called for the further development of Western Balkans partners' capabilities through the EPF.
- (3) The conclusions of the Political and Security Committee of 17 March 2022 on the strategic orientations of the EPF for 2022 retained as a key priority for this period an assistance measure for bilateral support to a Western Balkans country.

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<sup>1</sup> 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).

- (4) On 21 March 2022, the Council approved the Strategic Compass with the objective of the Union becoming a stronger and more capable security provider, including through the increased use of the EPF in support of partners' defence capabilities, among others in Bosnia and Herzegovina.
- (5) The Union repeatedly reiterated its commitment to the European perspective of Bosnia and Herzegovina, including in the European Council conclusions in March and June 2022, underlining the need for stability and the full functioning of the country to allow it to implement all key reforms, including constitutional and electoral reforms, and to advance decisively on its European path.
- (6) Since their creation in 2005, the Armed Forces of Bosnia and Herzegovina ('AFBiH') have played an essential stabilising role as one of the most successful State institutions in maintaining a safe and secure environment in the country. The High Representative for Bosnia and Herzegovina reiterated, in his 61st report to the Secretary-General of the United Nations, the need to maintain the focus of defence reforms enabling the country to take the lead in preserving peace and security. This entails strengthening the AFBiH in particular at the current juncture, which is marked by political tensions and divisive rhetoric.

- (7) The purpose of this measure is to improve the capacities of the AFBiH, contribute in a balanced way to strengthening Bosnia and Herzegovina's ownership of its processes and increase military interoperability with Union capabilities with a view to increasing the AFBiH's participation in future missions and operations under the common security and defence policy (CSDP), without prejudice to any other possible support funded by the North Atlantic Treaty Organization (NATO) or other international partners.
- (8) The equipment provided will improve the security and deployment conditions of the AFBiH and upgrade a limited number of operational capabilities, specifically chemical, biological, radiological and nuclear (CBRN) capabilities and defensive and early-warning capabilities. By increasing the capacity of the tactical support brigade, the assistance measure will also allow for better protection of the civilian population and a swift and sustainable deployment of the NATO designated battalion, whether as part of a Union CSDP mission or operation, or as part of another format under the auspices of, inter alia, the United Nations (UN), NATO or the Organization for Security and Co-operation in Europe (OSCE), or as part of military field-training exercises
- (9) On 29 June 2022, the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') received a request from Bosnia and Herzegovina for the Union to assist the AFBiH further with the procurement of key equipment to strengthen their capacity.

- (10) Upon completion of the assistance measure, the High Representative will conduct an evaluation of its impact, as well as on the management and use of the equipment provided. This exercise will inform a lessons-learned process which will be aimed at assessing the effectiveness of the assistance measure and its consistency with the overall Union strategy and policies in Bosnia and Herzegovina.
- (11) Assistance measures are 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<sup>1</sup>, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (12) 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, with the Universal Declaration of Human Rights and with international law, in particular international human rights law and international humanitarian law,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> 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).

## *Article 1*

### *Establishment, objectives, scope and duration*

1. An assistance measure benefitting Bosnia and Herzegovina ('the beneficiary'), to be financed under the European Peace Facility (EPF) ('the assistance measure'), is hereby established.
2. The objective of the assistance measure is to strengthen the capacities of the AFBiH by enhancing and upgrading the equipment of its tactical support brigade. Through the provision of adequate equipment, the assistance measure will contribute to increasing the AFBiH's contribution to military CSDP missions and operations, as well as UN peace-keeping operations, while strengthening Euro-Atlantic cooperation, and better protecting civilians.
3. To achieve the objective stated in paragraph 2, the assistance measure shall finance the following types of equipment not designed to deliver lethal force:
  - (a) field equipment;
  - (b) key tools for military engineering;
  - (c) CBRN materiel.

4. The duration of the assistance measure shall be 36 months from the date of conclusion of the contract between the administrator for assistance measures, acting as authorising officer, and the entity referred to in Article 4(2) of this Decision in accordance with Article 32(2), point (a), of Decision (CFSP) 2021/509.
5. The contract for the implementation of the Assistance Measure shall be concluded no earlier than after the adoption of an amendment of the EPF Implementing Rules by the Facility Committee.

## *Article 2*

### *Financial arrangements*

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 10 000 000.
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.



### *Article 3*

#### *Arrangements with the beneficiary*

1. The High Representative shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision 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) the compliance of the units of the AFBiH 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 sufficient maintenance of any assets provided under the assistance measure to ensure their usability and their operational availability over their life cycle;

- (d) that any assets provided under the assistance measure will not be lost, or that they will not be transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 to persons or entities other than those identified in those arrangements, at the end of their life cycle.
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, consistently with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.
2. The implementation of the activities referred to in Article 1(3) shall be carried out by the Central Project Management Agency (CPMA).

## *Article 5*

### *Monitoring, control and evaluation*

1. The High Representative shall monitor the compliance of the beneficiary with the obligations established in accordance with Article 3. That monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by units of the AFBiH supported under the assistance measure.
2. The post-shipment control of equipment and supplies shall be organised as follows:
  - (a) delivery verification, whereby delivery certificates are to be signed by the end-user forces upon transfer of ownership;
  - (b) reporting on the activities, whereby the beneficiary is to report annually on activities conducted with the equipment, supplies and services provided under the assistance measure until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);

- (c) on-site control, whereby the beneficiary is to grant the High Representative access to conduct on-site control upon request.
3. The High Representative shall conduct an evaluation, in the form of a structured first assessment of the assistance measure, 12 months after the delivery of the equipment. This may entail on-site visits to check the equipment, supplies and services delivered under the assistance measure, or any other forms of independently provided information. A final evaluation shall be conducted upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the stated objectives.

## *Article 6*

### *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. The administrator for assistance measures shall regularly inform the Facility Committee established by Decision (CFSP) 2021/509 of the implementation of revenue and expenditure, in accordance with Article 38 of that Decision, including by providing information on the suppliers and subcontractors involved.

*Article 7*

*Suspension and termination*

1. 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.
2. The PSC may 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 ...,

*For the Council*

*The President*

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