



Council of the
European Union

Brussels, 10 October 2022
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CSDP/PSDC 619
CSC 432
EUMC 317
COPS 439**

PROPOSAL

From:	High Representative of the Union for Foreign Affairs and Security Policy, signed by Mr Stefano SANNINO, Secretary-General
date of receipt:	10 October 2022
To:	Secretary-General of the Council of the European Union
Subject:	Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council for a Council Decision amending Council Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces

Delegations will find attached document HR(2022) 232.

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EUROPEAN EXTERNAL ACTION SERVICE



**Proposal of the High Representative of the Union
for Foreign Affairs and Security Policy
to the Council**

of 07/10/2022

**for a Council Decision amending Council Decision (CFSP) 2022/339 on an
assistance measure under the European Peace Facility to support the
Ukrainian Armed Forces**

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EXPLANATORY MEMORANDUM

On 28 February 2022, the Council adopted Decision (CFSP) 2022/339 to establish an assistance measure under the European Peace Facility with the objective to contribute to strengthening the capabilities and resilience of the Ukrainian Armed Forces to defend the territorial integrity and sovereignty of Ukraine and protect the civilian population against the ongoing war of aggression by Russia. The reference amount of this assistance measure was EUR 50 million.

On 23 March 2022, the Council adopted Decision (CFSP) 2022/472 amending Council Decision 2022/339 doubling the EU military assistance to EUR 100 million in total. On 13 April, on 23 May and, later, on 21 July, the Council adopted Decisions (CFSP) 2022/637, 2022/810 and 2022/1284 increasing the overall EU military assistance under this assistance measure to EUR 170 million.

The unprovoked war of aggression by Russia continues. The proposed amendment foresees additional support to the Ukrainian Armed Forces to the amount of EUR 10 million.

The objective is to be achieved through the financing of the provision of equipment and supplies not designed to deliver lethal force, such as personal protective equipment, first aid kits, fuel and other non-lethal items to the Ukrainian Armed Forces.

In addition, the scope of this assistance measure is expanded to cover the provision of maintenance and repair of equipment and supplies not designed to deliver lethal force to the Ukrainian Armed Forces. As the high-intensity war of aggression continues, the Ukrainian Armed Forces need to devote considerable resources to ensuring that as far as possible equipment remains available for operational purposes. The amended assistance measure would allow for maintenance and repair services, provided by EU Member States, to be eligible for EPF reimbursement, thus offering an extra incentive for Member States to further address Ukrainian needs. Maintenance includes all actions taken to retain equipment or material in/or to restore it to a specified condition. This includes inspection, testing, servicing and classification as to serviceability, repair, rebuilding and

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reclamation. Maintenance embraces all supply and repair action taken to keep a force in condition to accomplish its mission¹.

The equipment to be provided and its maintenance and repair under the proposed amendment of the assistance measure must be in line with the priorities communicated by Ukraine via the Clearing House Cell (established in EUMS). The implementing actors remain unchanged. The High Representative's assessment as outlined in the Explanatory Memorandum of the High Representative's initial proposal (ST 6658/22) remains valid and applicable to the proposed amended assistance measure.

¹ EU Concept for Logistic Support for EU-led Military Operations and Missions (ST 12628 2018 INIT, EEAS (2018) 626 REV3, p. 24).

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Proposal for a
COUNCIL DECISION
of [dd/mm/2022]

amending Decision (CFSP) 2022/339 on an assistance measure
under the European Peace Facility to support the Ukrainian Armed Forces

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) On 28 February 2022, the Council adopted Decision (CFSP) 2022/339 which established an assistance measure with a financial reference amount of EUR 50 000 000 intended to cover the financing of the provision of equipment and supplies not designed to deliver lethal force, such as personal protective equipment, first aid kits and fuel, to the Ukrainian Armed Forces.
- (2) On 23 March 2022, the Council adopted Decision (CFSP) 2022/472 amending Decision (CFSP) 2022/339, which increased the financial reference amount to EUR 100 000 000.
- (3) On 13 April 2022, the Council adopted Decision (CFSP) 2022/637 amending Decision (CFSP) 2022/339, which increased the financial reference amount to EUR 150 000 000.
- (4) On 23 May 2022, the Council adopted Decision (CFSP) 2022/810 amending Decision (CFSP) 2022/339, which increased the financial reference amount to EUR 160 000 000.
- (5) On 21 July 2022, the Council adopted Decision (CFSP) 2022/1284 amending Decision (CFSP) 2022/339, which increased the financial reference amount to EUR 170 000 000.
- (6) In light of the ongoing armed aggression by the Russian Federation against Ukraine, the financial reference amount should be increased by an additional EUR 10 000 000 intended to cover the financing of the provision of equipment and supplies not designed to deliver

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lethal force, such as personal protective equipment, first aid kits and fuel, to the Ukrainian Armed Forces.

(7) Decision (CFSP) 2022/339 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION

Article 1

Decision (CFSP) 2022/339 is amended as follows:

(1) in Article 1, paragraph 3 is replaced by the following:

“3. To achieve the objective set out in paragraph 2, the Assistance Measure shall finance the provision to the Ukrainian Armed Forces of equipment and supplies not designed to deliver lethal force, such as personal protective equipment, first aid kits and fuel, as well as the provision of maintenance and repair of EPF donated equipment and supplies not designed to deliver lethal force, as requested by Ukraine.”;

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

“1. The financial reference amount intended to cover the expenditure related to the Assistance Measure shall be EUR 180 000 000.”;

(3) in Article 2, paragraph 3 is replaced by the following:

“3. In accordance with Article 29(5) of Decision (CFSP) 2021/509, the administrator for assistance measures may call for contributions following the adoption of this Decision, up to EUR 180 000 000. The funds called by the administrator for assistance measures shall only be used to pay expenditure within the limits approved by the Committee established by Decision (CFSP) 2021/509 in the 2022 amending budget and in the budgets for subsequent years corresponding to the Assistance Measure.”;

(4) in Article 2, paragraph 4 is replaced by the following:

“4. Expenditure related to the implementation of the Assistance Measure shall be eligible as from 1 January 2022 and until a date to be determined by the Council. The maximum eligible expenditure incurred before 11 March 2022 shall be EUR

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50 000 000. The amount of EUR 20 000 000 shall be eligible from 21 July 2022.
Expenditure related to the maintenance and repair shall be eligible from [...²].

Article 2

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

Done at Brussels,

For the Council
The President

² Please insert the date of adoption of this Decision.