Council of the
European Union

Brussels, 13 March 2023
(OR. en)

6778/23

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on an assistance measure under the European Peace Facility to strengthen the capacities of the Army of the Republic of North Macedonia

COUNCIL DECISION (CFSP) 2023/...

of ...

on an assistance measure under the European Peace Facility to strengthen the capacities of the Army of the Republic of North Macedonia

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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) Council Decision (CFSP) 2021/509[1] establishes the European Peace Facility (EPF) 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 is to be used for the financing of assistance measures such as actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.

(2) On 21 March 2022, the Union approved the Strategic Compass with the objective of the EU becoming a stronger and more capable security provider, including through the increased use of the EPF in support of partners' defence capabilities.

(3) 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.

(4) In the Tirana Declaration of 6 December 2022, the Union committed to continuing to work together with the region to further develop its defence capabilities and capacities, including through the EPF.

[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).

(5) The conclusions of the Political and Security Committee (PSC) of 26 October 2022 on the strategic orientations of the EPF for 2023 retained assistance measures for bilateral support to several Western Balkans countries as a key priority for this period.

(6) On 7 December 2022, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') received a request for the Union to assist the Armed Forces of North Macedonia with the procurement of key equipment to strengthen their operational capabilities, specifically in respect of logistics, medical, Chemical, Biological, Radiological and Nuclear (CBRN), engineering, as well as defensive and early warning capabilities.

(7) 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 North Macedonia.

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(8) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, in particular compliance with Council Common Position 2008/944/CFSP[1], in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.

(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, 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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[1] 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 benefiting North Macedonia (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 Armed Forces of North Macedonia by enhancing and upgrading the equipment of its light infantry battalion group. Through the provision of adequate equipment, the assistance measure will contribute to increasing the capacities of the Armed Forces of North Macedonia to contribute to military common security and defence policy missions and operations, complementary to support provided by other international partners bilaterally.

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3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following types of equipment not designed to deliver lethal force:

(a) logistics;

(b) medical equipment;

(c) communication and information systems;

(d) intelligence capacities;

(e) CBRN equipment;

(f) engineering;

(g) equipment for training.

4. The duration of the assistance measure shall be 36 months from the date of conclusion of the contract signed by 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.

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Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 9 000 000.

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) compliance of the units of the Armed Forces of North Macedonia supported under the assistance measure with relevant international law, in particular international human rights law and international humanitarian law;

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(b) proper and efficient use of any assets provided under the assistance measure for the purposes for which they were provided;

(c) 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 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, in line with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

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2. The implementation of the activities referred to in Article 1(3) shall be carried out by ITF - Enhancing Human Security.

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the respect by the beneficiary of the obligations set out in Article 3. That monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations set out in Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by the units supported under the assistance measure.

2. The post-shipment control of equipment and supplies shall be organised as follows:

   (a) delivery verification, whereby EPF 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 the use of designated items until such reporting is no longer deemed necessary by the PSC;

   (c) inspections, whereby the beneficiary is to grant the High Representative access to conduct on-site visits upon request.

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3. The High Representative shall conduct a final evaluation upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the objectives set out in Article 1(2).

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 on 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.

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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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