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COUNCIL DECISION (CFSP) 2026/2367

of 26 October 2026

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 Article 28(1) and Article 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 (CFSP) to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty on European Union (TEU). 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 28 February 2022, in response to the war of aggression by the Russian Federation against Ukraine, the Council adopted Decision (CFSP) 2022/339 ([2]), which established an assistance measure to cover the financing of the provision to the Armed Forces of Ukraine of equipment and supplies not designed to deliver lethal force.

(3) On 18 March 2024, on the basis of a proposal by the High Representative of the Union for Foreign Affairs and Security Policy to establish a Ukraine Assistance Fund (UAF), the Council adopted Decision (CFSP) 2024/890 ([3]) amending Decision (CFSP) 2021/509 to increase the overall financial ceiling of the EPF by EUR 5 000 000 000 in 2024 (in current prices), an amount specifically dedicated to Ukraine, and aimed at ensuring sustainable and predictable military support to Ukraine.

(4) On 26 October 2026, the Council adopted Decision (CFSP) 2026/2365 ([4]), which increased the financial reference amount of the assistance measure under Decision (CFSP) 2022/339 by EUR 372 115 534,32 to EUR 752 115 534,32. In light of the ongoing war of aggression by the Russian Federation against Ukraine, that financial reference amount should be increased by an additional EUR 420 940 000,00 from the UAF, intended to cover the financing of the provision to the Armed Forces of Ukraine of equipment and supplies not designed to deliver lethal force, such as personal protective equipment, first aid kits and fuel, including for the coverage of existing reimbursement requests communicated to the European Union Military Staff Clearing House Cell before the date of establishment of the UAF, 18 March 2024, and until 15 November 2024.

([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, ELI: http://data.europa.eu/eli/dec/2021/509/oj).

([2]) Council Decision (CFSP) 2022/339 of 28 February 2022 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces (OJ L 61, 28.2.2022, p. 1, ELI: http://data.europa.eu/eli/dec/2022/339/oj).

([3]) Council Decision (CFSP) 2024/890 of 18 March 2024 amending Decision (CFSP) 2021/509 establishing a European Peace Facility (OJ L, 2024/890, 19.3.2024, ELI: http://data.europa.eu/eli/dec/2024/890/oj).

([4]) Council Decision (CFSP) 2026/2365 of 26 October 2026 amending Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces (OJ L, 2026/2365, 27.10.2026, ELI: http://data.europa.eu/eli/dec/2026/2365/oj).

(5) On 21 May 2024, the Council adopted Decision (CFSP) 2024/1470 ([5]), which amended Decision 2014/512/CFSP ([6]) in order to provide that central securities depositories holding assets and reserves with a total value of more than EUR 1 000 000 are to contribute from their extraordinary net profits arising from the immobilisation of Russian assets a financial contribution equivalent to 99,7 % of those net profits accumulating since 15 February 2024. That Decision provides that a specific percentage of the amounts of the financial contribution paid to the Union, which is to be reviewed yearly, is to be used to support Ukraine, through the EPF.

(6) Also on 21 May 2024, the Council adopted Decision (CFSP) 2024/1471 ([7]) on the allocation of the amounts of the financial contribution paid to the EPF pursuant to Decision (CFSP) 2024/1470. That Decision specifies that the amounts allocated to the EPF pursuant to Decision 2024/1470 are to be allocated to assistance measures for the supply of military support to the Armed Forces of Ukraine, and that the allocation of the received amounts between assistance measures is to be determined and periodically reviewed by the Facility Committee established under Decision (CFSP) 2021/509 in accordance with a dedicated strategic orientation provided by the Political and Security Committee pursuant to Article 9(2) of Decision (CFSP) 2021/509. This assistance measure should remain available for future allocations of the received amounts.

(7) Exceptionally, pursuant to Article 73(10) of Decision (CFSP) 2021/509, where a Member State has made a formal declaration under the second subparagraph of Article 31(1) of the TEU and has abstained from the adoption of an assistance measure to be financed with the dedicated amount provided for in the first subparagraph of Article 73(10) of Decision (CFSP) 2021/509, that Member State does not contribute to the costs of that assistance measure.

(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 ([8]), and 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 Charter of the United Nations, with the Universal Declaration of Human Rights and with international law, in particular international human rights law and international humanitarian law.

(10) 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 4 is replaced by the following:

‘4. The duration of the Assistance Measure shall be 82 months from the adoption of this Decision.’;

([5]) Council Decision (CFSP) 2024/1470 of 21 May 2024 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine (OJ L, 2024/1470, 22.5.2024, ELI: http://data.europa.eu/eli/dec/2024/1470/oj).

([6]) Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 13, ELI: http://data.europa.eu/eli/dec/2014/512/oj).

([7]) Council Decision (CFSP) 2024/1471 of 21 May 2024 on the allocation of the amounts of the financial contribution paid to the European Peace Facility pursuant to Decision (CFSP) 2024/1470 (OJ L, 2024/1471, 22.5.2024, ELI: http://data.europa.eu/eli/dec/2024/1471/oj).

([8]) 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, ELI: http://data.europa.eu/eli/compos/2008/944/oj).

(2) Article 2 is amended as follows:

(a) 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 1 173 055 534,32.’;

(b) paragraphs 3 and 4 are 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 of up to EUR 1 173 055 534,32 following the adoption of this Decision. The funds called for by the administrator for assistance measures shall be used only to pay expenditure within the limits approved by the Facility Committee established by Decision (CFSP) 2021/509 in the related amending and annual budgets corresponding to the Assistance Measure.

4. Expenditure related to the implementation of the Assistance Measure shall be eligible from 1 January 2022 and until 15 November 2024. Without prejudice to the additional expenditure that could be financed under this Assistance Measure with the additional contributions made available by Member States which abstained from an assistance measure pursuant to Article 5(3) of Decision (CFSP) 2021/509, the financial reference amount shall be used as follows:

(a) the maximum eligible expenditure incurred before 11 March 2022 shall be EUR 50 000 000;

(b) the maximum amount eligible for the period from 11 March 2022 to 20 July 2022 shall be EUR 110 000 000;

(c) the maximum amount eligible for the period from 21 July 2022 to 20 November 2022 shall be EUR 20 000 000;

(d) the maximum amount eligible for the period from 21 November 2022 to 28 February 2023 shall be EUR 200 000 000;

(e) the maximum amount eligible for the period from 1 March 2023 to 31 May 2023 shall be EUR 103 450 411,87;

(f) the maximum amount eligible for the period from 1 June 2023 to 15 February 2024 shall be EUR 372 115 534,32;

(g) the maximum amount of EUR 420 940 000,00 shall be eligible for the period from 16 February 2024 to 15 November 2024;

(h) expenditure related to maintenance and repair shall be eligible from 17 October 2022, and expenditure related to refit shall be eligible from 2 February 2023.’;

(c) the following paragraph is added:

‘5. Without prejudice to the exhaustion of the amounts in paragraph 4 of this Article and to the duration established in Article 1(4) of this Decision, this assistance measure shall remain available for the allocation of amounts received by the EPF pursuant to Article 1a(11) of Council Decision (CFSP) 2014/512 (*).

(*) Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 13, ELI: http://data.europa.eu/eli/dec/2014/512/oj).’.

Article 2

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

Done at Luxembourg, 26 October 2026.

For the Council

The President

M. HEYDON