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COUNCIL DECISION (CFSP) 2026/2618

of 20 November 2026

on an assistance measure under the European Peace Facility to support the Armed Forces of Ukraine through the joint procurement of military equipment not designed to deliver lethal force

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 18 March 2024, by Council Decision (CFSP) 2024/890 ([2]) on the basis of a proposal of the High Representative of the Union for Foreign and Security Policy for a Ukraine Assistance Fund, the Council amended 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. Military support to Ukraine under that dedicated amount should continue to be driven by the evolving needs of the Armed Forces of Ukraine (AFU), seeking to maximise the Union's added value and complementing bilateral efforts, and should be articulated through a more structured, efficient and pragmatic approach, making use of increased joint procurement from the Union defence industry, Norway, and Ukraine.

(3) The increased joint procurement to meet Ukraine's needs under the dedicated amount should take advantage of well-functioning national procurement structures as well as existing framework contracts. Joint procurement of the required defence equipment from the Union defence industry, Norway, and Ukraine, including from small and medium sized enterprises, should allow for flexibility in supply chains, which may include operators established or having their production outside of the Union, Norway, and Ukraine, ensuring that the security and defence interests of the Union and its Member States are duly taken into account without creating any new reporting obligations.

(4) Under this assistance measure, initiatives that bring together European and Ukrainian defence industry partners, including through joint ventures, should be promoted, taking into account the security and defence interests of the Union and its Member States. In that regard, and for the purposes of this assistance measure, joint procurement will refer to contracts set and orders placed by at least two Member States following a lead-nation approach, or by at least one Member State and Ukraine, or through procurement by one Member State involving the defence industries of at least one Member State and Ukraine, or through procurement by Ukraine financed by at least one Member State. Joint procurement should also be able to include related European Defence Agency projects.

([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) 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).

(5) This assistance measure is driven by the AFU's priority needs, which take into account priority requirements as communicated by the Mission of Ukraine to the EU through the Clearing House Cell of the EU Military Staff. In addition, on 7 October 2026, the High Representative of the Union for Foreign Affairs and Security Policy received a request from Ukraine for the Union to assist the AFU with key equipment in the categories of drones, air defence equipment, ammunition, electronic warfare equipment, radar equipment and explosives.

(6) This assistance measure is 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 ([3]), and in line with the rules for the implementation of revenue and expenditure financed under the EPF, unless otherwise specified in this Decision. In accordance with Article 26(7) of Decision (CFSP) 2021/509, it is appropriate that the Council authorises the financing of this assistance measure through additional contributions exceeding 50 % of its reference amount.

(7) 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,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefiting Ukraine (the 'beneficiary') to be financed under the European Peace Facility (EPF) (the 'assistance measure') is hereby established.

2. The objectives of the assistance measure are:

(a) to contribute to strengthening the capabilities and resilience of the Armed Forces of Ukraine to defend the independence, sovereignty and territorial integrity of Ukraine; and

(b) to protect the civilian population against the ongoing military aggression, through the provision of military equipment not designed to deliver lethal force, jointly procured in the fastest possible way.

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

(a) drones;

(b) air defence equipment;

(c) electronic warfare equipment;

(d) radar equipment.

The assistance measure shall also finance related training and transportation costs.

([3]) 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).

4. By derogation from Articles 50 and 50a of Book 3 of the rules for the implementation of revenue and expenditures financed under the EPF (the 'Implementing Rules'), the military equipment referred to in paragraph 3 of this Article shall be jointly procured from economic operators, including small and medium sized enterprises, established in the Union, Norway or Ukraine, and shall originate in the Union, Norway or Ukraine. The rules on acquisition of origin laid down in Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ([4]) shall apply. Military equipment which has undergone an important stage of manufacture in the Union, Norway or Ukraine, which consists of final assembly, shall also be deemed eligible. Supply chains of those operators may include economic operators established or having their production outside of the Union, Norway, or Ukraine. The security and defence interests of the Member States shall be taken into account in that regard.

5. Joint procurements carried out under the assistance measure shall be carried out by the entities listed in Article 4(2), through joint procurement by at least two Member States, or by at least one Member State and Ukraine, or through procurement by one Member State involving the defence industries of at least one Member State and Ukraine, or through procurement by Ukraine financed by at least one Member State. In the three latter cases, the participation in the joint procurement of economic operators established or producing equipment in Ukraine shall be allowed, except where those economic operators are owned for more than 50 % by a third country or a third-country entity, which affects the security and defence interests of Member States. Supply chains of these economic operators may include economic operators established or having their production outside of Ukraine. The security and defence interests of the Member States shall be taken into account in that regard. Joint procurement may also be carried out through related European Defence Agency projects.

6. The duration period of the assistance measure shall be from the date of entry into force of this Decision until 30 June 2028.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 100 000 000.

2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and in line with the rules for the implementation of revenue and expenditure financed under the EPF. By way of derogation from Article 50 and 50a of Book 3 of the EPF Implementing Rules, participation in joint procurement procedures shall be open only to economic operators as referred to in Article 1(4) of this Decision as regards military equipment originating as referred thereunder.

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 67 000 000 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. This assistance measure may be financed through additional contributions exceeding 50 % of the reference amount referred to in paragraph 1.

4. Procurement contracts or orders related to the implementation of the assistance measure shall be concluded or placed in the fastest way possible. Expenditure related to the implementation of the assistance measure shall be eligible from the date of adoption of this Decision and until 31 December 2027. In duly justified cases of unforeseen or exceptional circumstances, such as a case of force majeure, deliveries shall take place no later than 30 June 2028.

([4]) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/952/oj).

Article 3

Arrangements with the beneficiary

1. The High Representative of the Union for Foreign Affairs and Security Policy (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 Armed Forces of Ukraine supported under the assistance measure with relevant international law, in particular international human rights law and international humanitarian law;

(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) continued implementation of adequate measures to prevent and counter possible diversion of assets provided under the assistance measure;

(e) that any assets provided under the assistance measure are not lost or transferred to persons or entities other than those identified in those arrangements without prior consent of the High Representative.

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 in line with the rules for the implementation of revenue and expenditure financed under the EPF and 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) may be carried out by the following:

(a) the Ministry of Defence of the Czech Republic;

(b) the Ministry of Defence of Denmark;

(c) the Ministry of Defence of France;

(d) the Ministry of Defence of Germany;

(e) the Ministry of Defence of Italy;

(f) the Ministry of Defence or State Centre for Defence Logistics and Procurement of Latvia;

(g) the Ministry of Defence of the Netherlands;

(h) the Ministry of Defence, Ministry of Internal Affairs and Administration or the Governmental Strategic Reserves Agency of Poland;

(i) the Ministry of Defence of Portugal;

(j) the Ministry of Defence of Sweden or the Swedish Defence Material Administration.

Article 5

Support by Member States

The Member States shall permit the transit of the military equipment specified in Article 1 of this Decision, including accompanying personnel, through their territories, including their airspace, consistent with Article 56(3) of Decision (CFSP) 2021/509.

Article 6

Monitoring, control and evaluation

1. The High Representative shall monitor the compliance by the beneficiary with 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 units of the Armed Forces of Ukraine supported under the assistance measure.

2. The post-shipment control of equipment 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 inventory, whereby the beneficiary is to report annually on the inventory of designated items until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);

(c) on-site visits, whereby the beneficiary is to grant the High Representative and the EPF auditors access to conduct on-site checks and EPF audits, upon request.

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 7

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 8

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 9

Entry into force

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

Done at Brussels, 20 November 2026.

For the Council

The President

T. BYRNE