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# COUNCIL DECISION (CSFP) 2023/2682

## of 27 November 2023

## on an assistance measure under the European Peace Facility to support military actors and navies of coastal states involved in maritime security operations in the Gulf of Guinea

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 the occasion of the tenth anniversary of the Yaoundé Code of Conduct, the Union and its Member States reiterated their support for the Gulf of Guinea (GoG) region and renewed their commitment to enhancing maritime security in the area.

(3) On 4 May 2022, the Council approved the concept of a possible assistance measure benefiting the GoG coastal states, with the overarching objective of supporting African-led maritime security and anti-piracy activities conducted by military actors in the GoG to ultimately reduce the incidence, duration and intensity of violence and criminality, and to protect navy vessels and coastal populations, and their livelihoods.

(4) As part of that concept, the Council approved a preparatory measure that would serve as a basis for a future proposal by the High Representative for Foreign Affairs and Security Policy (the 'High Representative') in respect of an assistance measure to enhance maritime security in the GoG. The preparatory measure was conducted between September and December 2022 with the twofold objective of, first, identifying and developing technical specifications for an Intelligence, Surveillance and Reconnaissance (ISR) system and of providing objective and transparent criteria to enable the choice for its location, and, second, of assessing the navies of the GoG coastal states in order to identify among them the most technically and politically suitable to achieve the objectives of the assistance measure. The results of the preparatory measure identified a manned aerial vehicle as the optimal solution for an ISR system, while Cameroon, Ghana, Congo and Benin were identified as the most appropriate GoG coastal states with sufficient marine, regulatory and political capacity to be able to participate in the assistance measure.

(5) During January and June 2023, a series of scoping and outreach events, including missions on the ground, were carried out in order to further streamline and refine the findings of the preparatory measure, as well as to ensure full coordination and collaboration with the pre-identified GoG coastal states and with the regional organisations that are part of the Yaoundé Architecture, notably the Regional Center For Maritime Security in Central Africa (CRESMAC), the Regional Center for Maritime Security in West Africa (CRESMAO), the Interregional Coordination Centre (ICC) and the Multinational Maritime Coordination Centres (MMCCs) of Douala, Accra and Pointe Noire. As a result of that outreach and on the basis of expressed readiness by the pre-identified GoG coastal states, Cameroon and Ghana were chosen as beneficiaries of the assistance measure.

([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).

(6) Given the complexity of the assistance measure and in order to limit any potential political or technical risk, the assistance for the GoG coastal states on maritime security will follow a gradual approach. On the basis of the six-monthly assessment of the assistance measure, a decision can be made to continue and expand the support to other GoG coastal states, possibly in 2024.

(7) On 16 June 2023, the High Representative received a request from Ghana for the Union to assist the Navy of Ghana with the procurement of key equipment to strengthen its operational capabilities as regards patrolling the high seas.

(8) On 19 September 2023, the High Representative received a request from Cameroon for the Union to assist the Navy of Cameroon with the procurement of key equipment to strengthen its operational capabilities as regards patrolling the high seas, as well as to assist the Yaoundé Architecture with the provision of ISR services via a manned aerial asset, in order to enhance the operational capacities of the Yaoundé Architecture's member states in their surveillance of the GoG, with the ultimate aim of improving maritime security in the region.

(9) 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 ([2]), and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.

(10) 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:

*Article 1*

**Establishment, objectives, scope and duration**

1. An assistance measure benefiting the Yaoundé Architecture, Cameroon and Ghana (the 'beneficiaries') 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 anti-piracy and maritime security operations and deterrence activities in the Gulf of Guinea by strengthening the capacities of the Yaoundé Architecture and of its member states, notably by enhancing their maritime situational awareness, and by increasing the capacity of selected coastal navies to patrol the high seas, to ultimately reduce the incidence of criminality, and to protect maritime vessels and resources and coastal populations, and their livelihoods.

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

(a) provision of ISR services via a manned aerial asset, for a period of one year; the National Maritime Operations Centre of the Cameroon navy of Douala shall be responsible for receiving, further processing, and sharing the ISR information with the other regional centres and maritime coordination centres of the Yaoundé Architecture via the Yaoundé Architecture Regional Information System;

(b) support to patrolling vessels of:

  (i) Cameroon, via the provision of intervention speedboats;

  (ii) Ghana, via the provision of naval unmanned air systems for surveillance at sea, engineering materiel for boats services and scuba diving equipment;

(c) a technical assistant to assist each of the navies of Cameroon and Ghana;

([2]) 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).

(d) one naval assistant to liaise with the structures of the Yaoundé Architecture, namely the ICC, CRESMAC, CRESMAO, and the MMCCs of Douala, Cameroon and Accra, Ghana.

4. The duration of the assistance measure shall be 48 months from the adoption of this Decision.

*Article 2*

**Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 21 000 000.

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 beneficiaries**

1. The High Representative shall make the necessary arrangements with the beneficiaries to ensure their 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 Cameroon and Ghana 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 or maintained 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 a 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 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.

2. The implementation of the activities referred to in Article 1(3) shall be carried out by Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIIAPP) – Cooperación Española.

*Article 5*

**Monitoring, control and evaluation**

1. The High Representative shall monitor the compliance by the beneficiaries with the obligations set out in Article 3. This 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 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, whereby the beneficiary is to report annually on the activities conducted with the equipment, supplies and services provided under the assistance measure and 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 EPF auditors access to conduct on-site controls 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 objective referred to 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 also 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 Brussels, 27 November 2023.

*For the Council*
*The President*
Y. DÍAZ PÉREZ