DECISIONS

COUNCIL DECISION (EU) 2021/1210

of 22 July 2021

on an assistance measure taking the form of a general programme for support to the African Union under the European Peace Facility in 2021

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) In accordance with Decision (CFSP) 2021/509 ([1]), a European Peace Facility (EPF) was established 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 in accordance with Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2), point (b)(ii), of Decision (CFSP) 2021/509, the EPF can finance assistance measures to support the military aspects of peace support operations led by a regional or international organisation.

(2) Assistance measures under the EPF may take the form of a specific measure or of a general programme for support with a given geographical or thematic focus.

(3) The Council acknowledges the continued strategic importance of the Africa-EU Peace and Security Partnership, under the Joint Africa-EU Strategy, in particular the cooperation framework established under the African Peace Facility (APF) and the leading role of the African Union (AU) in preserving peace and security on the African continent as specified in Article 16 of the Protocol relating to the establishment of the Peace and Security Council of the African Union. The Council remains committed to building AU capacities in this area, providing assistance to African-led peace support operations and strengthening the African Peace and Security Architecture towards its full operationalisation, in line with the Memorandum of Understanding between the African Union and the European Union on Peace, Security and Governance of 23 May 2018, as well as to sustaining established cooperation mechanisms, in particular an integrated approach based on partnership, consultation and enhanced strategic coordination.

(4) A seamless transition of Union support from the APF to the EPF should be ensured through the adoption of an assistance measure taking the form of a general programme for support to the AU, covering the second half of 2021 (the 'Assistance Measure'). It is expected that the Assistance Measure is to be followed by further support to the African Union for the period 2022-2024. A general programme allows for the continued provision of reliable and predictable financing to African-led peace support operations mandated or authorised by the AU Peace and Security Council, while also ensuring the flexibility necessary to effectively and efficiently react to conflict developments on the African continent. It is expected that actions under the Assistance Measure might be implemented by entities that have experience in the implementation of actions under the APF. Actions under this assistance measure will be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509 and in accordance with the Rules for the implementation of revenue and expenditure financed under 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) By its letter of June 2021 addressed to the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the AU requested the Union to provide continued support from 1 July 2021 onwards to African-led peace support operations mandated or authorised by the AU Peace and Security Council.

(6) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles, to strengthen the rule of law and good governance in compliance with the United Nations Charter, the Universal Declaration of Human Rights and international law, in particular international human rights and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives and scope

1. An assistance measure taking the form of a general programme for support to the African Union is hereby established, to be financed under the European Peace Facility (EPF) (the 'Assistance Measure'). The Assistance Measure shall finance actions approved by the Political and Security Committee (PSC) before 31 December 2021.

2. The objectives of the Assistance Measure are to reduce the incidence, duration and intensity of violent conflicts in Africa and to strengthen the role of the African Union (AU) regarding peace and security on the African continent.

3. To achieve the objectives set out in paragraph 2, the Assistance Measure shall finance the military aspects of African-led peace support operations mandated or authorised by the AU Peace and Security Council.

Article 2

Approval of support for actions under the Assistance Measure

1. In accordance with Article 59(7) of Decision (CFSP) 2021/509, support for any action under the Assistance Measure shall be preceded by a request from the AU Commission, as the beneficiary of the Assistance Measure (the 'beneficiary').

2. Following a request as referred to in paragraph 1, the High Representative, following a consultation of the administrator for assistance measures appointed under Decision (CFSP) 2021/509 (the 'administrator for assistance measures') as regards matters of financial implementation, shall present a recommendation for the examination and approval by the PSC, outlining the proposed support, including its budget, the entity or entities selected among those listed in Article 5(2) of this Decision that are to implement the proposed support, and considerations relating to conflict sensitivity and risk analyses, as well as measures for monitoring and control as referred to in Article 6 of this Decision, as required.

Article 3

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the Assistance Measure shall be EUR 130 000 000. 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 104 000 000, to the extent that the funds available for assistance measures are insufficient to finance payments in 2021. The funds called by the administrator shall only be used to pay expenditure within the limits approved by the Committee established by Decision (CFSP) 2021/509 in the 2021 amending budget corresponding to this assistance measure.

2. All expenditure shall be managed in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.

3. Expenditure related to actions approved for implementation under the Assistance Measure shall be eligible for financing for 60 months as of 1 July 2021.

Article 4

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 the Council, including compliance with international law, in particular international human rights and international humanitarian law, 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 proper and efficient use of any assets provided under the Assistance Measure for the purposes for which they were provided;

(b) the sufficient maintenance of any assets provided under the Assistance Measure to ensure their usability and their operational availability over their life cycle;

(c) 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 or at the expiry or termination of the Assistance Measure.

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.

4. The administrator for assistance measures shall conclude a financing agreement with the beneficiary covering the Assistance Measure. The administrator for assistance measures shall inform the Committee established by Decision (CFSP) 2021/509 of the agreement to be concluded.

Article 5

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 and consistently with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

2. The actions under the Assistance Measure as referred to in Article 2 may be fully or partially implemented by any of the following entities, including through grants that may be awarded without a call for proposals:

(a) the AU Commission;

(b) the Arab Maghreb Union;

(c) the Community of Sahelo-Saharian States;

(d) the Common Market for East and Southern Africa;

(e) the East African Community;

(f) the Eastern Africa Standby Force;

(g) the Economic Community of Central African States;

(h) the Economic Community of West African States;

(i) the Intergovernmental Authority on Development;

(j) the North Africa Regional Capability;

(k) the Southern African Development Community;

(l) the G5 Sahel;

(m) the Lake Chad Basin Commission;

(n) the United Nations (UN) Office of the High Commissioner for Human Rights;

(o) the UN Secretariat;

(p) the UN Office for Project Services;

(q) the UN Support Office in Somalia;

(r) such Member State ministries, government departments, or other public law bodies and agencies, or bodies governed by private law with a public service mission, as set out in the Annex, to the extent that the latter are provided with adequate financial guarantees.

3. The administrator for assistance measures shall confirm the capacity of a specific entity to implement an action or part thereof before the approval of support for the action by the PSC.

Article 6

Monitoring, evaluation and control

1. Measures for the monitoring, evaluation and control of actions under the Assistance Measure shall be established consistently with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

2. The measures referred to in paragraph 1 shall serve in particular to ensure the compliance of the beneficiary and any other entities directly benefiting from support under the Assistance Measure with international human rights and international humanitarian law, as well as the compliance of the beneficiary with any other commitments and obligations established under the arrangements referred to in Article 4.

3. Depending on the approved support for an action under the Assistance Measure, the measures referred to in paragraph 1 may include the monitoring of progress in relation to conditions and benchmarks agreed with the beneficiary, the establishment and monitoring of international human rights and international humanitarian law compliance frameworks and due diligence requirements, the post-shipment control of assets to ensure appropriate use and avoid diversion, and the identification of disengagement and exit strategies.

Article 7

Suspension and termination

1. In accordance with Article 64 of Decision (CFSP) 2021/509, the PSC may decide to suspend or terminate support to actions under the Assistance Measure, or to suspend the whole Assistance Measure, at the request of a Member State or the High Representative, in the following cases:

(a) if the beneficiary is in breach of its obligations under international law, in particular human rights and international humanitarian law, or if it does not fulfil the commitments made under the arrangements referred to in Article 4;

(b) if the contract with an implementing actor has been suspended or terminated following a breach of its obligations under the contract;

(c) if the situation in the geographic area of concern no longer allows for the measure to be implemented while ensuring sufficient guarantees;

(d) if the pursuit of the measure no longer serves its objectives or is no longer in the interest of the Union.

In urgent and exceptional cases, the High Representative may provisionally suspend wholly or partially the implementation of the Assistance Measure pending a decision by the PSC.

2. The PSC may recommend to the Council the termination of the Assistance Measure.

Article 8

Consistency of Union action

In accordance with Article 8 of Decision (CFSP) 2021/509, consistency shall be ensured between actions under the Assistance Measure and other actions in the area of the Common Foreign and Security Policy and measures under instruments in other areas of Union external action, as well as other Union policies, including the Integrated Approach to external conflicts and crises.

Article 9

Entry into force

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

It shall apply from 1 July 2021.

Done at Brussels, 22 July 2021.

For the Council
The President
G. DOVŽAN

ANNEX

List of Member State ministries, government departments, and other public law bodies and agencies, and bodies governed by private law with a public service mission that have been provided with adequate financial guarantees, that may fully or partially implement actions under the Assistance Measure ([1]):

— Deutsche Gesellschaft für Internationale Zusammenarbeit

— Expertise France

([1]) This list only relates to the assistance measure established by this Decision, and does not preclude the possibility that other entities may be designated for future assistance measures, including those taking the form of a general programme.