DECISIONS

COUNCIL DECISION (CFSP) 2022/906

of 9 June 2022

on an assistance measure under the European Peace Facility to strengthen the capacities of the Balkan Medical Task 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) In accordance with Council 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 (CFSP) 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)(i), of Decision (CFSP) 2021/509, the EPF can finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.

(2) The Balkan Medical Task Force (BMTF) was set up as a regional initiative bringing together six Western Balkan countries, namely Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Slovenia, with the aim of providing a quick and effective response to disaster-struck countries or regions by using already existing military medical capacities of participating nations. Each of the six participating nations take over the role of 'Framework Nation' on a two-year rotating basis. North Macedonia covers that role for the period from June 2020 until June 2022. In the second half of 2021, the organisation introduced new internal rules allowing longer-term deployment in support of missions and operations, including as part of common security and defence policy (CSDP) missions and operations outside the Western Balkans.

(3) By equipping the medical units of the non-EU Armed Forces participating in the BMTF with the needed equipment and material, the Union would strengthen the military medical capabilities of the Western Balkan countries involved and reinforce a multinational military medical unit that could potentially support military aspects of peace operations beyond the region, and contribute to achieving NATO capability targets and partnership goals under Partnership for Peace (PfP).

(4) This assistance measure should also strengthen the Western Balkans' ability to respond to crises and increase the region's resilience, thus ultimately contributing to regional stability, and enabling the countries in the region to better protect their populations. It should contribute to regional cooperation and cohesion, and promote good neighbourly relations in the Western Balkans.

(5) In his letter of 18 April 2022 addressed to the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the Minister of Defence of the Republic of North Macedonia, on behalf of the BMTF, requested the Union to support the BMTF with the procurement of key equipment to strengthen the capacity of its medical units.

([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) In line with the Council's conclusions on the EPF, this assistance measure would empower the BMTF non-EU participating nations to respond autonomously to crises. By bringing together five Western Balkans countries, this assistance measure would also feed into the broader goals of CFSP/CSDP in the region, such as promoting regional cooperation and dialogue.

(7) Upon completion of this assistance measure, the High Representative will conduct an evaluation of its impact and of the management and use of the equipment provided. This exercise will lead to a lessons-learned process, which aims at assessing the effectiveness of the assistance measure and its consistency with the overall Union strategy and policies in the beneficiary country.

(8) Assistance measures are to be implemented in accordance with the principles and requirements set out in Decision (CFSP) 2021/509, and, in particular, in 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.

(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 and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

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

2. The objective of the assistance measure is to support capacity building of the BMTF by procuring the necessary equipment and materiel for the medical units of the Armed Forces of the participating countries, namely Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia, in order to strengthen the military medical capabilities of the region and ultimately civilian relief efforts.

3. In order to achieve the objective set out in paragraph 2, the assistance measure shall finance:

(a) mobility assets (medical and terrain vehicles);

(b) role 2 hospitals;

(c) laboratory equipment and supplies;

(d) IT and communication equipment.

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

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 6 000 000.

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.

([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).

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 BMTF with relevant international law, in particular international human rights 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 throughout their life cycle;

(d) that any assets provided under the assistance measure are not lost, or that they are not transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 (the 'Facility Committee') 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 the rules for the implementation of revenue and expenditure financed under the EPF, in compliance 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 ITF Enhancing Human Security (ITF).

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the respect of the obligations provided for in Article 3 by the beneficiary. The monitoring shall be used to provide awareness of the context and risks of breaches of the obligations provided for in Article 3, and contribute to the prevention of such breaches, including violations of international human rights and international humanitarian law by the BMTF units.

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

(a) delivery verification, whereby 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 activities conducted with the equipment, supplies and services provided under the assistance measure until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);

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

3. The High Representative shall conduct an evaluation, in the form of a structured first assessment of the assistance measure 12 months after the delivery of the equipment. This may entail on-site visits to control the equipment, supplies and services delivered under the assistance measure, or any other forms of independently provided information. A final evaluation shall be conducted upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the stated objectives.

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 of 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 Luxembourg, 9 June 2022.

For the Council
The President
Éric DUPOND-MORETTI