

COUNCIL DECISION (CFSP) 2023/2062**of 25 September 2023****on an assistance measure under the European Peace Facility to support the Beninese Armed Forces**

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) The northern regions of the coastal countries in the Gulf of Guinea, namely Ghana, Côte d'Ivoire, Benin and Togo, have been experiencing deteriorating security conditions in connection with the crisis affecting the central Sahel.
- (3) In light of the deteriorating security environment in the region, strengthening Benin's defence and security forces is important in order to enable and support stabilisation efforts in that country. In that context, and fully cognisant of the need for an integrated response to the situation, ensuring long-term peace and security in Benin is a key priority for the Union.
- (4) On 3 July 2023, the High Representative of the Union for Foreign Affairs and Security Policy received a request from Benin for the Union to assist the Beninese Armed Forces. The requested assistance relates to the procurement of key equipment to strengthen the operational capabilities of the Beninese military units that are deployed in the north of Benin within the framework of Operation Mirador to fight non-State armed groups and to counteract and reduce the opportunities for those groups to commit terrorist attacks.
- (5) 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.
- (6) 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,

⁽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).

⁽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).

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefitting Benin (the 'beneficiary') to be financed under the European Peace Facility (EPF) (the 'assistance measure') is hereby established.
2. The objective of the assistance measure is to enhance the capabilities of the Beninese Armed Forces to protect the territorial integrity and sovereignty of Benin and its civilian population against internal and external aggression and to contribute to peace and stability in the region.
3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following types of equipment not designed to deliver lethal force:
 - (a) one intelligence, surveillance and reconnaissance aircraft;
 - (b) intelligence, surveillance and reconnaissance unmanned air systems.
4. The duration of the assistance measure shall be 30 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 11 750 000.
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.
3. Expenditure related to the implementation of the assistance measure shall be eligible as from the date of adoption of this Decision.

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 Beninese Armed Forces deployed within the framework of Operation Mirador and 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 under the assistance measure will not be lost, or 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, including 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 line with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

2. The provision of the equipment referred to in Article 1(3) shall be carried out by *Défense Conseil International* - DCI Group.

Article 5

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 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 of the Beninese Armed Forces deployed within the framework of Operation Mirador.

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

(a) delivery verification, whereby delivery certificates are to be signed by the end-user upon transfer of ownership;

(b) reporting, whereby the beneficiary is to report annually on the activities conducted with equipment provided by 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 inspections, whereby the beneficiary is to grant the High Representative access to conduct on-site checks 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 set out 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 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, 25 September 2023.

For the Council
The President
H. GÓMEZ HERNÁNDEZ
