



2024/2840

6.11.2024

COUNCIL DECISION (CFSP) 2024/2840

of 5 November 2024

**on an assistance measure under the European Peace Facility to strengthen the capacities of the Navy
of the Republic of the Congo in the framework of the Yaoundé Architecture**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) and Article 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 that was signed in Yaoundé on 25 June 2013, 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 to support 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, protect maritime vessels, coastal populations, and their livelihoods.
- (4) On 13 September 2024, the High Representative of the Union for Foreign Affairs and Security Policy received a request from the Ministry of Foreign Affairs, Francophonie and Congolese Abroad of the Republic of the Congo to assist the Navy with the procurement of additional key equipment, services and training to enhance its operational capabilities, with the aim to strengthen its capacity to patrol the exclusive economic zone of the Republic of the Congo and conduct operational activities, including in the framework of the Yaoundé Architecture.
- (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 line 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 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 the Republic of the Congo (the 'beneficiary') to be financed under the European Peace Facility (EPF) (the 'assistance measure') is hereby established.

⁽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 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>).

2. The objective of the assistance measure is to enhance the operational capabilities of the Congolese Navy, with the aim to strengthen its capacity to patrol the exclusive economic zone of the Republic of the Congo and conduct operational activities, to ultimately reduce the incidence of criminality, protect maritime vessels and resources, 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 not designed to deliver lethal force, and the following services, including technical training, where needed:
 - (a) implementation of a resilience plan for the patrol boats, through the provision of training in naval education and equipment for specialised workshops, as well as the restoration of maritime capabilities to operating conditions;
 - (b) provision of functional intelligence, surveillance and reconnaissance (ISR) assets for a radio command post, and complementary equipment for the operations and crisis management rooms;
 - (c) provision of specialised equipment for visit, board, search and seizure teams and for naval divers.
4. The duration of the assistance measure shall be 36 months from the date of 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 5 000 000.
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.

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) compliance of the units of the Congolese Navy 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 operational availability over their life cycle;
 - (d) that any assets provided or maintained under the assistance measure are not lost, or transferred to persons or entities other than those identified in those arrangements.
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) 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 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 the units of the Armed Forces of the Republic of the Congo 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 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 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 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 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 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, 5 November 2024.

For the Council

The President

VARGA M.