

DECISIONS

COUNCIL DECISION (EU) 2021/1923

of 4 November 2021

on an Assistance Measure under the European Peace Facility to support capacity building for the Armed Forces of Bosnia and Herzegovina

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⁾ established a 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, in accordance with 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) Bosnia and Herzegovina remains one of the most mine-contaminated countries in the world, primarily as a result of the 1992–1995 conflict. The presence of mines and unexploded ordnance continues to pose a major problem to the country's security, is a direct threat to the population and severely hampers post-conflict rehabilitation and economic recovery. Such items also pose a threat to deployed common security and defence policy (CSDP) and other EU personnel.
- (3) The Dayton Peace Accords, Annex 1-A on Military Aspects of the Peace Agreement, and the Commander EUFOR's Instructions to the Parties, Change 25, Chapter 5, provide for an obligation for the Bosnia and Herzegovina authorities with regard to mine clearing. The Law on Defence of Bosnia and Herzegovina defines countermining actions as one of the five main missions of the Armed Forces of Bosnia and Herzegovina (AFBiH). The AFBiH is the largest demining organisation in Bosnia and Herzegovina; their standard operating procedures have been established with a view to mine and unexploded ordnance (UXO) clearance and UXO risk-awareness training programmes. They have been harmonised with both the Standard of BiH for Mine and UXO Clearance and the relevant international standards, including the International Mine Action Standards.
- (4) The 1 July 2021 Conclusions of the Political and Security Committee on European Peace Facility strategic orientations for July – December 2021 retained as a key priority for that period an Assistance Measure to support AFBiH. The purpose of the Assistance Measure is to improve the capacities of the AFBiH, with a view to using those capacities in the context of Bosnia and Herzegovina's participation in CSDP military missions and without prejudice to any other demining support funded by the European Union, and humanitarian demining in general.
- (5) In his regular Operation Althea six-monthly report, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') has consistently underlined the need for assistance to the Demining Battalion of the AFBiH.

⁽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) On 9 September 2021, on the presentation of the 36th six-monthly report on Operation EUFOR Althea, the Political and Security Committee (PSC) noted the continuing urgent need to find a solution to improve the operational capability of the Demining Battalion of the AFBiH. To that end, the PSC invited the High Representative to present proposals for consideration, including proposals under the EPF.
- (7) On 18 October 2021, the Council adopted conclusions on Bosnia and Herzegovina/Operation EUFOR Althea urging the authorities of Bosnia and Herzegovina, with the support of the international community, to strengthen their efforts with regard to the further disposal of surplus ammunition, weapons and explosives, and to humanitarian demining.
- (8) By letter of 8 January 2020 addressed to EUFOR Commander, the Minister of Defence of Bosnia and Herzegovina requested urgent support for the AFBiH in the form of key equipment for demining, pointing to the advanced obsolescence of the existing material and the impossibility to comply with the set objective of fully demining the country by 2027.
- (9) In its letter of 7 October 2021 addressed to the High Representative, the Ministry of Defence of Bosnia and Herzegovina renewed its request to the Union to support the AFBiH with the procurement of key equipment for demining with the aim of enhancing the efficiency of demining activities carried out by the AFBiH.
- (10) The Assistance Measure will 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 ^(*), and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (11) 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, 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, scope and duration

1. An Assistance Measure benefiting the Ministry of Defence of Bosnia and Herzegovina (the 'beneficiary') is hereby established, to be financed under the European Peace Facility.
2. The objective of the Assistance Measure is to enhance and upgrade the capabilities of the Demining Battalion of the AFBiH through the provision of adequate equipment. This will contribute to enabling Bosnia and Herzegovina to protect its civilian population better and increase the AFBiH's contribution to military CSDP operations and missions, while strengthening Euro-Atlantic cooperation and cooperation with the United Nations by enhancing and upgrading the capabilities of the Demining Battalion of the AFBiH.
3. To achieve the objective referred to in paragraph 2, the Assistance Measure shall finance the following types of equipment:
 - (a) Mobility: 34 (4×4) transportation vehicles;
 - (b) Support: 34 (4×4) medical vehicles;
 - (c) Technology: 150 metal detectors.
4. The duration of the Assistance Measure shall be 30 months from the adoption of this Decision.

^(*) 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 2***Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the Assistance Measure shall be EUR 10 000 000.
2. All expenditure shall be managed in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
3. Expenditure under the Assistance Measure shall be eligible for financing for 48 months from the adoption of this Decision.

*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 Demining Battalion of the AFBiH 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 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 to persons or entities other than those identified in the 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 provided for in paragraph 2.

*Article 4***Implementation**

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 in line with the Integrated Methodological Framework for assessing and identifying the required measures and controls for Assistance Measures under the EPF.

*Article 5***Monitoring, control and evaluation**

1. The High Representative shall ensure the monitoring of the beneficiary's respect for the obligations provided for in Article 3. That monitoring shall 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 units of the AFBiH supported under the Assistance Measure.

2. Post-shipment control of equipment shall be organised as follows:
 - (i) delivery verification, whereby EPF Assistance Measure delivery certificates are to be signed by the end-user forces upon the transfer of ownership;
 - (ii) on-site control, whereby the beneficiary shall grant the High Representative the possibility to conduct on-site control at the latter's request.
3. The High Representative shall conduct a first assessment of the Assistance Measure 18 months after the delivery of the equipment. Where necessary, this may entail an on-site visit of the delivered equipment. A final evaluation shall be conducted upon completion of the Assistance Measure. It shall include a broader lessons learned exercise.

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 of the implementation of revenue and expenditure, in accordance with Article 38 of that Decision.

Article 7

Suspension and termination

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.

The Political and Security Committee 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, 4 November 2021.

For the Council
The President
G. DOVŽAN
