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⁽¹⁾ Text with EEA relevance.

EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2021/2126

of 29 September 2021

**amending the Annex to Regulation (EU) 2019/452 of the European Parliament and of the Council
establishing a framework for the screening of foreign direct investments into the Union**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union ⁽¹⁾, and in particular Article 8(4) thereof,

Whereas:

- (1) Pursuant to Article 8(3) of Regulation (EU) 2019/452, projects or programmes of Union interest are to include those projects and programmes which involve a substantial amount or a significant share of Union funding, or which are covered by Union law regarding critical infrastructure, critical technologies or critical inputs which are essential for security or public order.
- (2) The list of projects or programmes of Union interest referred to in Article 8(3) of Regulation (EU) 2019/452 is set out in the Annex to that Regulation.
- (3) The Commission has identified several other projects and programmes which are eligible to be included in the list annexed to Regulation (EU) 2019/452.
- (4) The Space Programme ⁽²⁾ aims to ensure investment continuity in Union space activities, encourage scientific and technical progress and support the competitiveness and innovation capacity of the Union space industry. It brings together the existing infrastructure and safeguards continuity and evolution of the EU's Global Navigation Satellite System (Galileo), the European Geostationary Navigation Overlay Service (EGNOS) as well as the Union's free and openly accessible Earth Observation programme (Copernicus). It also aims at developing new security components, such as Space Situational Awareness (SSA), which includes a Space Surveillance and Tracking sub-component (SST) and new Governmental Satellite Communication service for Union and Member State authorities. It fosters a strong and innovative space industry and it aims at maintaining the Union's autonomous access to space.

⁽¹⁾ OJ L 79I, 21.3.2019, p. 1.⁽²⁾ Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69).

- (5) Horizon Europe ⁽³⁾ is the Union's key funding programme for research and innovation and it supports, inter alia, actions critical for security or public order in the Union.
- (6) The Euratom Research and Training Programme 2021-25 ⁽⁴⁾ supports nuclear research and training activities with an emphasis on nuclear safety, security, radioactive waste and spent fuel management, radiation protection and fusion energy. It also aims at improvements in the areas of education, training and access to research infrastructures.
- (7) The Connecting Europe Facility ⁽⁵⁾ funds key projects in the areas of transport, digital and energy. Its actions may provide funding for critical infrastructure, whether physical or virtual, and critical technologies.
- (8) Digital Europe Programme ⁽⁶⁾ is the first financial instrument of the Union focused on bringing digital technology to businesses and citizens. It provides funding for projects in areas that may appear critical for security or public order in the Union, such as supercomputing, artificial intelligence, cybersecurity and advanced digital skills.
- (9) The European Defence Fund ⁽⁷⁾ is intended as an instrument to foster the competitiveness and innovativeness of the Union defence technological and industrial base thereby contributing to the Union's security and strategic autonomy.
- (10) The EU4Health Programme ⁽⁸⁾ is one of the Union's response to the COVID-19 pandemic, therefore it plays an important role in ensuring public order through public health. It aims to make health systems more resilient to deal with cross-border health threats like COVID-19 and improve crisis management capacity and better pandemic preparedness; improving the availability, accessibility and affordability of medicinal products and medical devices and crisis-relevant products in the Union, supporting innovation; and advance digital transformation.
- (11) Regulation (EU) 2019/452 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) 2019/452 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽³⁾ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

⁽⁴⁾ Council Regulation (Euratom) 2021/765 of 10 May 2021 establishing the Research and Training Programme of the European Atomic Energy Community for the period 2021-25 complementing Horizon Europe – the Framework Programme for Research and Innovation and repealing Regulation (Euratom) 2018/1563 (OJ L 167I, 12.5.2021, p. 81).

⁽⁵⁾ Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (OJ L 249, 14.7.2021, p. 38).

⁽⁶⁾ Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1).

⁽⁷⁾ Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 (OJ L 170, 12.5.2021, p. 149).

⁽⁸⁾ Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-27, and repealing Regulation (EU) No 282/2014 (OJ L 107, 26.3.2021, p. 1).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 September 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

‘ANNEX

List of projects or programmes of Union interest referred to in Article 8(3)**1. European GNSS programmes (Galileo & EGNOS) ⁽¹⁾**

Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of the European satellite navigation systems and repealing the Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council (OJ L 347, 20.12.2013, p. 1).

2. Copernicus ⁽²⁾

Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 (OJ L 122, 24.4.2014, p. 44).

3. Preparatory Action on Preparing the new EU GOVSATCOM programme

Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, and in particular Article 58(2)(b) thereof (OJ L 193, 30.7.2018, p. 1).

4. Space Programme

Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69).

5. Horizon 2020 including research and development programmes pursuant to Article 185 TFEU, and joint undertakings or any other structure set up pursuant to Article 187 TFEU

Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-20) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104), including actions therein relating to Key Enabling Technologies such as artificial intelligence, robotics, semiconductors and cybersecurity.

6. Horizon Europe, including research and development programmes pursuant to Article 185 TFEU, and joint undertakings or any other structure set up pursuant to Article 187 TFEU

Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

7. Euratom Research and Training Programme 2021-25

Council Regulation (Euratom) 2021/765 of 10 May 2021 establishing the Research and Training Programme of the European Atomic Energy Community for the period 2021-25 complementing Horizon Europe – the Framework Programme for Research and Innovation and repealing Regulation (Euratom) 2018/1563 (OJ L 167I, 12.5.2021, p. 81).

8. Trans-European Networks for Transport (TEN-T)

Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

⁽¹⁾ Regulation (EU) No 1285/2013 is maintained in this Annex in view of Article 110(1) of Regulation (EU) 2021/696.

⁽²⁾ Regulation (EU) No 377/2014 is maintained in this Annex in view of Article 110(1) of Regulation (EU) 2021/696.

9. Trans-European Networks for Energy (TEN-E)

Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 (OJ L 115, 25.4.2013, p. 39).

10. Trans-European Networks for Telecommunications ⁽³⁾

Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC (OJ L 86, 21.3.2014, p. 14).

11. Connecting Europe Facility

Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (OJ L 249, 14.7.2021, p. 38).

12. Digital Europe Programme

Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1).

13. European Defence Industrial Development Programme

Regulation (EU) 2018/1092 of the European Parliament and of the Council of 18 July 2018 establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovation capacity of the Union's defence industry (OJ L 200, 7.8.2018, p. 30).

14. Preparatory Action on Defence Research

Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, and in particular Article 58(2)(b) thereof (OJ L 193, 30.7.2018, p. 1).

15. European Defence Fund

Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 (OJ L 170, 12.5.2021, p. 149).

16. Permanent structured cooperation (PESCO)

Council Decision (CFSP) 2018/340 of 6 March 2018 establishing the list of projects to be developed under PESCO (OJ L 65, 8.3.2018, p. 24).

Council Decision (CFSP) 2018/1797 of 19 November 2018 amending and updating Decision (CFSP) 2018/340 establishing the list of projects to be developed under PESCO (OJ L 294, 21.11.2018, p. 18).

Council Decision (CFSP) 2019/1909 of 12 November 2019 amending and updating Decision (CFSP) 2018/340 establishing the list of projects to be developed under PESCO (OJ L 293, 14.11.2019, p. 113).

17. European Joint Undertaking for ITER

Council Decision 2007/198/Euratom of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it (OJ L 90, 30.3.2007, p. 58).

⁽³⁾ Regulation (EU) No 283/2014 is maintained in this Annex in view of Article 27(2) of Regulation (EU) 2021/1153 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014.

18. EU4Health Programme

Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-27, and repealing Regulation (EU) No 282/2014 (OJ L 107, 26.3.2021, p. 1).'

COMMISSION DELEGATED REGULATION (EU) 2021/2127**of 29 September 2021****amending Annex IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council
applying a scheme of generalised tariff preferences**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 ⁽¹⁾, and in particular Article 17(2) thereof,

Whereas:

- (1) Pursuant to Article 17(1) of Regulation (EU) No 978/2012, a country which is identified by the United Nations ('UN') as a least-developed country should benefit from the tariff preferences provided under the special arrangement Everything But Arms ('EBA') for the least-developed countries. The list of EBA beneficiary countries is established in Annex IV to Regulation (EU) No 978/2012.
- (2) The UN graduated Vanuatu from the least-developed country category on 4 December 2020. Therefore, Vanuatu no longer qualifies for EBA beneficiary status under Article 17(1) of Regulation (EU) No 978/2012 and should be removed from Annex IV to that Regulation. In accordance with Article 17(2) of Regulation (EU) No 978/2012, the removal of Vanuatu from the list of EBA beneficiary countries should apply following a transitional period of 3 years as from the date on which that Regulation enters into force. Vanuatu should, therefore, be removed from Annex IV, with application from 1 January 2025,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendment to Regulation (EU) No 978/2012**

In the table of Annex IV to Regulation (EU) No 978/2012, the following alphabetical code and the corresponding country is deleted from columns A and B, respectively:

'VU	Vanuatu'
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*Article 2***Entry into force and application**

This Regulation shall enter into force on 1 January 2022.

Article 1 shall apply from 1 January 2025.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 September 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.

COMMISSION DELEGATED REGULATION (EU) 2021/2128**of 1 October 2021****supplementing Regulation (EU) 2021/1529 of the European Parliament and of the Council, as regards setting out certain specific objectives and thematic priorities for assistance under the Instrument for Pre-Accession Assistance (IPA III)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-accession Assistance (IPA III) ⁽¹⁾, and in particular Article 3(6) thereof,

Whereas:

- (1) Annexes II and III of Regulation 2021/1529 set out the thematic priorities for assistance.
- (2) Specific objectives and thematic priorities for assistance should be further developed through additional provisions supplementing Regulation 2021/1529.
- (3) This Regulation covers certain specific objectives and thematic priorities for assistance referred to in Article 3, paragraph 6, of Regulation 2021/1529,
- (4) In order to ensure the adoption of the programming and financing decisions under Regulation 2021/1529 without delay, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The specific objectives and thematic priorities for assistance related to the matters referred to in Article 3, paragraph 3, points (a) to (m) and point (r) and in Article 3, paragraph 4, points (a) to (j) of Regulation (EU) 2021/1529, are set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 October 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ L 330, 20.9.2021, p. 1.

ANNEX

The specific objectives and thematic priorities for assistance, referred to in Article 3(6) and set out specifically in Article 3(3) points (a) to (m) and (r), and Article 3(4), points (a) to (j), of Regulation (EU) 2021/1529 (IPA III) set out by this Delegated Regulation, are the following:

- (1) **Establishing and promoting from an early stage the proper functioning of the institutions necessary in order to secure the rule of law and consolidating further democratic institutions**
 - a) Establishing independent, accountable, impartial, professional, depoliticised, and efficient judicial systems, including through transparent and merit-based recruitment, evaluation and promotion systems and effective disciplinary procedures in cases of wrongdoing, and promote judicial cooperation; ensuring access to justice;
 - b) Strengthening fundamental freedoms, including freedom of expression, freedom of the media, freedom of assembly and association and data protection;
 - c) Promoting and protecting human rights, including non-discrimination and gender equality, the rights of the child and the rights of persons belonging to minorities;
 - d) Promoting and strengthening the fight against corruption;
 - e) Promoting law enforcement cooperation and information exchange; developing effective tools to prevent and fight organised crime, trafficking in human beings and of illicit firearms, small arms and light weapons, drug trafficking, money laundering/financing of terrorism; supporting engagement with the Union on counter-terrorism and preventing radicalisation.
- (2) **Strengthening capacities to face migration challenges at regional and international level and to further consolidate border and migration management**
 - a) Sharing relevant information;
 - b) Ensuring access to international protection, and strengthening asylum management;
 - c) Strengthening capacities for border management, and in the area of return and reintegration, and efforts to tackle irregular migration, including the fight against migrant smuggling;
 - d) Addressing forced displacement.
- (3) **Enhancing capacities of strategic communication, including communicating to the public on necessary reforms for meeting the EU membership criteria**
 - a) Supporting further development of independent and pluralistic media and media literacy;
 - b) Increasing state and societal resilience to disinformation and other forms of hybrid threats, including capacity building in the area of cyber security.
- (4) **Enhancing good governance and reforming public administrations in line with the principles of public administration**
 - a) Strengthening public administration reform frameworks, including in the field of public procurement, improving strategic planning and inclusive and evidence-based policy and legislative development;
 - b) Enhancing professionalisation and de-politicisation of public service by embedding meritocratic principles;
 - c) Promoting transparency and accountability, including public access to information;
 - d) Improving quality and delivery of services, including adequate administrative procedures and the use of interoperable and citizen centred eGovernment;
 - e) Strengthening public financial management and the production of good quality statistics.
- (5) **Strengthening fiscal and economic governance**
 - a) Supporting implementation of the economic reform programmes (ERP) and systematic cooperation with international financial institutions on fundamentals of economic policy and strengthening of economic institutions;

- b) Enhancing the capacity to strengthen macroeconomic stability and social cohesion;
 - c) Supporting sustainable development and progress towards becoming a functioning market economy;
 - d) Advancing towards the Western Balkans Common Regional Market.
- (6) **Strengthening all aspects of good neighbourly relations, regional stability and mutual cooperation**
- (7) **Strengthening the capacity of the Union and its partners to prevent conflict, build peace, address pre- and post-crisis situations**
- a) Promoting people to people networking, reconciliation, peace-building and confidence-building measures, early warning and conflict-sensitive risk analysis, initiatives promoting reconciliation, transitional justice, truth-seeking, reparations and guarantees of non-recurrence;
 - b) Supporting capacity building in support of security and development (CBSD) actions.
- (8) **Strengthening the capacities, independence and plurality of civil society organisations and social partners' organisations, including professional associations**
- a) Strengthening capacity, independence and plurality of civil society organisations and empowering civil society organisations at regional and local levels, including youth organisations;
 - b) Reinforcing social partners' organisations, including professional associations;
 - c) Encouraging networking at all levels among Union-based organisations and those of beneficiaries, enabling them to engage in an effective dialogue with public and private actors.
- (9) **Promoting the alignment of beneficiaries rules, standards, policies and practices to those of the Union, including public procurement and state aid rules**
- (10) **Promoting gender equality and the empowerment of women and girls**
- a) Establishing a more enabling environment for the fulfilment of girls' and women's rights;
 - b) Tackling all forms of gender-based violence, discrimination and inequalities;
 - c) Promoting equal participation and leadership of women and girls, including in policy and decision making;
 - d) Promoting gender budgeting.
- (11) **Strengthening access to and quality of education, training and lifelong learning at all levels, and offering support to cultural and creative sectors and sport**
- a) Promoting equal access to quality early-childhood education and care, primary and secondary education, improving the provision of basic skills;
 - b) Increasing educational attainment levels, tackling brain drain, reducing early school-leaving and reinforcing teachers' training;
 - c) Developing vocational education and training (VET) systems and promoting work-based learning systems to facilitate the transition to the labour market, including for persons with disabilities;
 - d) Improving the quality and relevance of higher education and research;
 - e) Encouraging alumni related activities;
 - f) Enhancing access to lifelong learning and supporting investment in education and accessible training infrastructure particularly with a view to reducing territorial disparities and fostering non-segregated inclusive education including through the use of accessible digital technologies.
 - g) Enhancing cooperation across the cultural, creative and sport sectors.

(12) Fostering quality employment and access to the labour market

- a) Tackling high unemployment and inactivity by supporting sustainable labour market integration in particular of young people, women, long-term unemployed and all under-represented groups;
- b) Stimulating quality job creation and support the effective enforcement of labour rules and standards;
- c) Supporting gender equality and youth, promoting employability and productivity, the adaptation of workers and enterprises to change, the establishment of a sustainable social dialogue and the modernisation and strengthening of labour market institutions such as public employment services and labour inspectorates.

(13) Promoting social protection and inclusion and combating poverty

- a) Modernising social protection systems to provide effective, efficient, and adequate protection throughout all stages of a person's life;
- b) Promoting the transition from institutional to family and community-based care;
- c) Fostering social inclusion, promoting equal opportunities and addressing inequalities and poverty;
- d) Integrating marginalised communities such as the Roma;
- e) Combating all forms of discrimination;
- f) Enhancing access to affordable, sustainable and high quality services, such as early childhood education and care, housing, healthcare and essential social services and long term care, including through the modernisation of social protection systems.

(14) Protecting the environment and improving the quality of the environment

- a) Addressing environmental degradation, and halting biodiversity loss;
- b) Promoting the conservation and sustainable management of terrestrial and marine ecosystems and natural resources;
- c) Investing in air quality, water and waste management and sustainable chemical management;
- d) Promoting resource efficiency, sustainable consumption and production and tackling pollution;
- e) Supporting the transition to green and circular economies, contributing to the reduction of greenhouse gas emissions, increasing resilience to climate change, promoting climate action governance and information, and promoting energy efficiency;
- f) Promoting policies to support the shift towards a resource-efficient, safe and sustainable low-carbon economy, energy efficiency and strengthen disaster resilience as well as disaster prevention, preparedness and response.

(15) Thematic priorities for Cross-border cooperation between IPA III beneficiaries

- a) Promoting employment, labour mobility and social and cultural inclusion across borders;
- b) Protecting the environment and promoting adaptation to climate change and mitigation of climate change, risk prevention and management and promoting the use of renewable energy sources;
- c) Promoting sustainable transport and improving public infrastructures;
- d) Promoting the digital economy and society;
- e) Encouraging tourism, especially sustainable tourism, and preserving and promoting cultural and natural heritage;
- f) Investing in youth, sport, education and skills;
- g) Promoting local and regional governance and enhancing the planning and administrative capacity of local and regional authorities;

- h) Promoting cross-border initiatives to foster reconciliation and transitional justice;
 - i) Enhancing competitiveness, the business environment and the development of small and medium-sized enterprises, trade and investment;
 - j) Strengthening research, technological development, innovation and digital technologies.
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COMMISSION IMPLEMENTING REGULATION (EU) 2021/2129**of 2 December 2021****authorising the placing on the market of calcium fructoborate as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Regulation (EU) 2015/2283 provides that only novel foods authorised and included in the Union list may be placed on the market within the Union.
- (2) Pursuant to Article 8 of Regulation (EU) 2015/2283, Commission Implementing Regulation (EU) 2017/2470 ⁽²⁾ establishing a Union list of authorised novel foods was adopted.
- (3) On 25 March 2019, the company VDF FutureCeuticals, Inc. ('the applicant') submitted an application to the Commission pursuant to Article 10(1) of Regulation (EU) 2015/2283 to place calcium fructoborate on the Union market as a novel food. The applicant requested calcium fructoborate to be used in food supplements as defined in Directive 2002/46/EC of the European Parliament and of the Council ⁽³⁾, for the adult population, excluding pregnant and lactating women.
- (4) The applicant also submitted a request to the Commission for the protection of proprietary data for a number of data submitted in support of the application, namely, detailed description of the production process ⁽⁴⁾; methods of analysis ⁽⁵⁾; certificates of analysis ⁽⁶⁾; stability report ⁽⁷⁾; dietary boron intake assessment ⁽⁸⁾; toxicokinetic study ⁽⁹⁾; bacterial reverse mutation test ⁽¹⁰⁾; in vitro mammalian micronucleus assay ⁽¹¹⁾; 90-day toxicity study in rats ⁽¹²⁾;

⁽¹⁾ OJ L 327, 11.12.2015, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2017/2470 of 20 December 2017 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods (OJ L 351, 30.12.2017, p. 72).

⁽³⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

⁽⁴⁾ Section 2.b.1/VDF Calcium Fructoborate - Production Process.pdf.

⁽⁵⁾ Methods of analysis, excluding Thermogravimetric Analysis (TGA) - Annex C - Methods of Analysis - CONF.pdf.

⁽⁶⁾ Annex D - Certificates of Analysis -CONF.pdf.

⁽⁷⁾ Annex E - Stability - CONF.pdf.

⁽⁸⁾ Annex F - Boron Intake Report – CONF.pdf.

⁽⁹⁾ Annex G - Nemzer, 2018 - CONF&PROP.pdf (Unpublished Study report 2018).

⁽¹⁰⁾ Annex G - Schreib et al., 2015 - CONF&PROP.pdf (Unpublished Study report 2015a).

⁽¹¹⁾ Annex G - Donath et al., 2015 - CONF&PROP.pdf (Unpublished Study report 2015b).

⁽¹²⁾ Annex G - Bauter et al 2015 1 CONF&PROP.pdf; Annex G - Bauter et al 2015 2 CONF&PROP.pdf (Unpublished Study report 2015c).

particle size analysis ⁽¹³⁾; particle size method of analysis ⁽¹⁴⁾; fructose analysis ⁽¹⁵⁾; amino acid analysis ⁽¹⁶⁾; microorganisms analysis ⁽¹⁷⁾; physiochemical stability ⁽¹⁸⁾; stability of fructose in the novel food ⁽¹⁹⁾; background dietary boron intakes ⁽²⁰⁾; boron dissociation under varying pH ⁽²¹⁾.

- (5) In accordance with Article 10(3) of Regulation (EU) 2015/2283, the Commission consulted the European Food Safety Authority ('the Authority') on 10 July 2019, requesting it to provide a scientific opinion by carrying out a safety assessment of calcium fructoborate as a novel food.
- (6) On 25 May 2021, the Authority adopted its scientific opinion on the 'Safety of calcium fructoborate as a novel food pursuant to Regulation (EU) 2015/2283' ⁽²²⁾. This opinion is in line with the requirements of Article 11 of Regulation (EU) 2015/2283.
- (7) In that opinion, the Authority concluded that the novel food, calcium fructoborate, is safe for the adult population, excluding pregnant and lactating women, at intake levels up to 220 mg/day (3,14 mg/kg bw per day). Therefore, the opinion of the Authority gives sufficient grounds to establish that calcium fructoborate under the specific conditions of use complies with Article 12(1) of Regulation (EU) 2015/2283.
- (8) Since few data are available regarding the safety of calcium fructoborate in the population under 18 years of age and by pregnant and lactating women, a labelling should be provided in order to properly inform the consumers that the food supplements containing calcium fructoborate should not be consumed by those population groups.
- (9) In its opinion, the Authority considered that all the data for which the applicant requested data protection, except for the dietary boron intake assessment and background dietary boron intakes, served as a basis to establish the safety of the novel food. On this basis, the Commission considers that the conclusions on the safety of calcium fructoborate could not have been reached without the data from the reports of those studies.
- (10) The Commission requested the applicant to further clarify the justification provided with regard to their proprietary claim over those data and to clarify their claim to an exclusive right of reference to those data, as required under Article 26(2)(b) of Regulation (EU) 2015/2283.
- (11) The applicant declared that, at the time of the submission of the application, they held proprietary and exclusive rights of reference to those data under national law, and that therefore third parties cannot lawfully access or use those data or refer to those data.
- (12) The Commission assessed all the information provided by the applicant and considered that the applicant has sufficiently substantiated the fulfilment of the requirements laid down in Article 26(2) of Regulation (EU) 2015/2283. Therefore, detailed description of the production process; methods of analysis; certificates of analysis; stability report; toxicokinetic study; bacterial reverse mutation test; in vitro mammalian micronucleus assay; 90-day toxicity study in rats; particle size analysis; particle size method of analysis; fructose analysis; amino acid analysis; microorganisms analysis; physiochemical stability; stability of fructose in the novel food; boron dissociation under varying pH contained in the applicant's file, on which the Authority based its conclusion on the safety of the novel food and without which it could not have assessed the novel food, should not be used by the Authority for the benefit of any subsequent applicant for a period of 5 years from the date of entry into force of this Regulation. Accordingly, only the applicant should be authorised to place calcium fructoborate on the market within the Union during that period.

⁽¹³⁾ Calcium Fructoborate - Particle Size COAs.pdf.

⁽¹⁴⁾ Calcium Fructoborate - Particle Size MOA.pdf.

⁽¹⁵⁾ Attachment - Response 3 – Fructoborate Analysis.pdf.

⁽¹⁶⁾ Attachment - Response 5 - Amino Acid Analysis.pdf.

⁽¹⁷⁾ Attachment - Response 6 - Micro Analysis.pdf.

⁽¹⁸⁾ Attachment - Response 7 - Physiochem Stability.pdf.

⁽¹⁹⁾ Attachment_Clarification_Resp_Q8_Fructose_Stability_CONF.pdf.

⁽²⁰⁾ Ca Fructoborate_Response EFSA Q9-11_17 Jul 2020.pdf.

⁽²¹⁾ Ca Fructoborate_Response EFSA Q_ADME_06 Apr 2021.pdf.

⁽²²⁾ EFSA Journal 2021;19(6):6661.

- (13) However, restricting the authorisation of calcium fructoborate and of the reference to the data contained in the applicant's file for the sole use of the applicant, does not prevent other applicants from applying for an authorisation to place on the market the same novel food, provided that their application is based on legally obtained information supporting such authorisation under Regulation (EU) 2015/2283.
- (14) Implementing Regulation (EU) 2017/2470 should therefore be amended accordingly.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

1. Calcium fructoborate as specified in the Annex to this Regulation shall be included in the Union list of authorised novel foods established in Implementing Regulation (EU) 2017/2470.
2. For a period of 5 years from 23 December 2021 only the initial applicant,

Company: VDF FutureCeuticals, Inc.,

Address: 300 West 6th Street Mokense, Illinois 60954, the United States,

is authorised to place on the market within the Union the novel food referred to in paragraph 1, unless a subsequent applicant obtains authorisation for that novel food without reference to the data protected pursuant to Article 2 or with the agreement of VDF FutureCeuticals, Inc.

3. The entry in the Union list referred to in paragraph 1 shall include the conditions of use and labelling requirements laid down in the Annex.

Article 2

The data contained in the application file on the basis of which the novel food referred to in Article 1 has been assessed by the Authority, claimed by the applicant as proprietary and without which the novel food could not have been authorised, shall not be used for the benefit of a subsequent applicant for a period of 5 years from 23 December 2021 without the agreement of VDF FutureCeuticals, Inc.

Article 3

The Annex to Implementing Regulation (EU) 2017/2470 is amended in accordance with the Annex to this Regulation.

Article 4

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

The Annex to Implementing Regulation (EU) 2017/2470 is amended as follows:

(1) in Table 1 (Authorised novel foods), the following entry is inserted:

'Authorised novel food	Conditions under which the novel food may be used		Additional specific labelling requirements	Other requirements	Data protection
	Specified food category	Maximum levels			
Calcium fructoborate	Food supplements as defined in Directive 2002/46/EC for the adult population, excluding food supplements for pregnant and lactating women	220 mg/day	1. The designation of the novel food on the labelling of the foodstuffs containing it shall be 'calcium fructoborate'. 2. The labelling of food supplements containing calcium fructoborate shall bear a statement that those food supplements should not be consumed by population under 18 years of age and by pregnant and lactating women.		Authorised on 23 December 2021. This inclusion is based on proprietary scientific evidence and scientific data protected in accordance with Article 26 of Regulation (EU) 2015/2283. Applicant: VDF FutureCeuticals, Inc., 300 West 6th Street Mokense, Illinois 60954, the United States. During the period of data protection, the novel food calcium fructoborate is authorised for placing on the market within the Union only by VDF FutureCeuticals, Inc., unless a subsequent applicant obtains authorisation for the novel food without reference to the proprietary scientific evidence or scientific data protected in accordance with Article 26 of Regulation (EU) 2015/2283 or with the agreement of VDF FutureCeuticals, Inc. End date of the data protection: 23 December 2026'

(2) in Table 2 (Specifications), the following entry is inserted:

'Authorised Novel Food'	Specifications
Calcium fructoborate	<i>Description/Definition</i> The novel food is calcium fructoborate, a calcium salt tetrahydrate of a bis(fructose) ester of boric acid in the form of a powder, represented by $\text{Ca}[(\text{C}_6\text{H}_{10}\text{O}_6)_2\text{B}]_2 \cdot 4\text{H}_2\text{O}$, with a molecular mass of 846 Da. The novel food is produced by chemical synthesis whereby fructose is combined with boric acid in water to produce a bis(fructose) ester of boric acid through various heating and mixing processes. Calcium carbonate is then added to produce a solution containing the calcium salt of fructoborate (tetrahydrate). The solution is freeze-dried, ground to produce the final powdered product, and then packaged and stored under representative storage conditions ($22 \pm 1^\circ\text{C}$ RH 55-60 %). <i>Characteristics/composition</i> Free moisture: < 5,0 % Calcium: 4,5-5 % Boron: 2,5-2,9 % Fructose: 80-85 % Ash: 15-16 % <i>Heavy metals</i> Arsenic: $\leq 1 \text{ mg/kg}$ <i>Microbiological criteria</i> Total plate count: $\leq 1\,000 \text{ CFU/g}$ ^(a) Yeast and mould: < 100 CFU/g Coliforms: $\leq 10 \text{ CFU/g}$ <i>Escherichia coli</i>: < 10 CFU/g <i>Salmonella</i> spp.: Absence in 25 g Coagulase-positive staphylococci: Absence in 1 g

(a) CFU: colony forming units'

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2130**of 2 December 2021****amending Implementing Regulation (EU) 2020/1201 as regards the lists of plants known to be susceptible to *Xylella fastidiosa***

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC ⁽¹⁾, and in particular Article 28(1) and (2) thereof,

Whereas:

- (1) Since the adoption of Commission Implementing Regulation (EU) 2020/1201 ⁽²⁾, the European Food Safety Authority updated its database of host plants susceptible to *Xylella fastidiosa* (Wells et al.) by including the species *Salvia rosmarinus* as host of all the *Xylella* subspecies.
- (2) That species should therefore be listed under Annex II to that Regulation, as specified plant susceptible to *Xylella fastidiosa* subspecies *pauca*, as it is already listed for the subspecies *multiplex* and *fastidiosa*.
- (3) Moreover, the genus *Rosmarinus* should be removed from Annexes I and II to Regulation (EU) 2020/1201, as its denomination is no longer in use and has been replaced with the denomination *Salvia rosmarinus*.
- (4) Implementing Regulation (EU) 2020/1201 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendments to Implementing Regulation (EU) 2020/1201**

Implementing Regulation (EU) 2020/1201 is amended as follows:

- (1) Annex I is replaced by the text set out in Annex I to this Regulation;
- (2) Annex II is replaced by the text set out in Annex II to this Regulation.

*Article 2***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Commission Implementing Regulation (EU) 2020/1201 of 14 August 2020 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (OJ L 269, 17.8.2020, p. 2).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex I to Implementing Regulation (EU) 2020/1201 is replaced by the following:

‘ANNEX I

List of plants known to be susceptible to one or more subspecies of the specified pest (“host plants”)

Acacia

Acer

Adenocarpus lainzii

Albizia julibrissin Durazz.

Alnus rhombifolia Nutt.

Amaranthus retroflexus L.

Ambrosia

Ampelopsis arborea (L.) Koehne

Ampelopsis brevipedunculata (Maxim.) Trautv.

Ampelopsis cordata Michx.

Anthyllis hermanniae L.

Artemisia

Asparagus acutifolius L.

Athyrium filix-femina

Baccharis

Brassica

Calicotome spinosa (L.) Link

Calicotome villosa (Poirot) Link

Callicarpa americana L.

Callistemon citrinus (Curtis) Skeels

Calluna vulgaris (L.) Hull

Carya

Catharanthus roseus

Celtis occidentalis L.

Cercis canadensis L.

Cercis occidentalis Torr.

Cercis siliquastrum L.

Chamaecrista fasciculata (Michx.) Greene

Chenopodium album L.

Chionanthus

Chitalpa tashkentensis T. S. Elias & Wisura

Cistus

Citrus

Clematis cirrhosa L.

Coelorachis cylindrica (Michx.) Nash *Coffea*

Conium maculatum L.

Convolvulus cneorum L.

Coprosma repens A.Rich.

Coronilla

Cyperus eragrostis Lam.

Cytisus

Digitaria

Diospyros kaki L.f.

Diplocyclos palmatus (L.) C.Jeffrey

Dodonaea viscosa (L.) Jacq.

Echium plantagineum

Elaeagnus angustifolia L.

Encelia farinosa A. Gray ex Torr.

Eremophila maculata (Ker Gawler) F. von Müller.

Erigeron

Erodium moschatum (L.) L'Hérit.

Erysimum hybrids

Euphorbia chamaesyce L.

Euphorbia terracina L.

Euryops chrysanthemoides (DC.) B.Nord

Euryops pectinatus (L.) Cass.

Fagus crenata Blume

Fallopia japonica (Houtt.) Ronse Decr.

Fatsia japonica (Thunb.) Decne. & Planch.

Ficus carica L.

Fortunella

Frangula alnus Mill.

Fraxinus

Genista

Ginkgo biloba L.

Gleditsia triacanthos L.

Grevillea juniperina Br.

Hebe

Helianthus

Helichrysum

Heliotropium europaeum L.

Hemerocallis

Hevea brasiliensis (Willd. ex A.Juss.) Müll.Arg.

Hibiscus

Humulus scandens (Lour.) Merr.

Ilex aquifolium L.

Ilex vomitoria Sol. ex Aiton

Iva annua L.

Jacaranda mimosifolia D. Don

Juglans

Juniperus ashei J. Buchholz

Koelreuteria bipinnata Franch.

Lagerstroemia

Laurus nobilis L.

Lavandula

Lavatera cretica

Ligustrum lucidum L.

Liquidambar styraciflua L.

Lonicera implexa

Lonicera japonica Thunb.

Lupinus aridorum

Lupinus villosus

Magnolia grandiflora L.

Mallotus paniculatus (Lam.) Müll.Arg.

Medicago arborea L.

Medicago sativa L.

Metrosideros

Mimosa

Modiola caroliniana (L.) G. Don

Morus

Myoporum insulare R. Br.

Myrtus communis L.

Nandina domestica Murray

Neptunia lutea (Leavenw.) Benth.

Nerium oleander L.

Olea

Osteospermum ecklonis DC.

Osteospermum fruticosum (L.) Norl.

Parthenocissus quinquefolia (L.) Planch.

Paspalum dilatatum Poir.

Pelargonium

Perovskia abrotanoides

Persea americana Mill.

Phagnalon saxatile (L.) Cass.

Phillyrea angustifolia L.

Phillyrea latifolia L.

Phlomis fruticosa L.

Phoenix

Pinus taeda L.

Pistacia vera L.

Plantago lanceolata L.

Platanus

Pluchea odorata (L.) Cass.

Polygala grandiflora

Polygala myrtifolia L.

Prunus

Psidium

Pteridium aquilinum

Pyrus

Quercus

Ratibida columnifera (Nutt.) Wooton & Standl.

Rhamnus

Rhus

Robinia pseudoacacia L.

Rosa

Rubus

Ruta chalepensis

Salvia mellifera Greene

Salvia officinalis

Salvia rosmarinus

Sambucus

Santolina chamaecyparissus L.

Santolina magonica

Sapindus saponaria L.

Sassafras

Setaria magna Griseb.

Solidago fistulosa Mill.

Solidago virgaurea L.

Sorghum halepense (L.) Pers.

Spartium

Stewartia pseudocamellia

Strelitzia reginae Aiton

Streptocarpus

Symphotrichum divaricatum (Nutt.) G.L.Nesom

Teucrium capitatum L.

Trifolium repens L.

Ulex

Ulmus

Vaccinium

Vinca

Vitis

Westringia fruticosa (Willd.) Druce

Westringia glabra R.Br.

Xanthium strumarium L.'

ANNEX II

Annex II to Implementing Regulation (EU) 2020/1201 is replaced by the following:

‘ANNEX II

List of plants known to be susceptible to specific subspecies of the specified pest (“specified plants”)**Specified plants susceptible to *Xylella fastidiosa* subspecies *fastidiosa***

Acer

Ambrosia artemisiifolia L.

Calicotome spinosa (L.) Link

Cercis occidentalis Torr.

Cistus monspeliensis L.

Citrus sinensis (L.) Osbeck

Coffea

Erysimum

Genista lucida L.

Juglans regia L.

Lupinus aridorum

Magnolia grandiflora L.

Medicago sativa L.

Metrosideros

Morus

Nerium oleander L.

Pluchea odorata (L.) Cass.

Polygala myrtifolia L.

Prunus

Psidium

Rhamnus alaternus L.

Rubus rigidus Sm.

Rubus ursinus Cham. & Schldl.

Ruta chalepensis

Salvia rosmarinus

Sambucus

Spartium junceum L.

Streptocarpus

Teucrium capitatum L.

Ulmus americana L.

Vaccinium corymbosum

Vinca

Vitis

Specified plants susceptible to *Xylella fastidiosa* subspecies *multiplex*

Acacia

Acer griseum (Franch.) Pax

Acer pseudoplatanus L.

Acer rubrum L.

Adenocarpus lainzii

Alnus rhombifolia Nutt.

Ambrosia

Ampelopsis cordata Michx.

Anthyllis hermanniae L.

Artemisia

Asparagus acutifolius L.

Athyrium filix-femina

Baccharis halimifolia L.

Calicotome spinosa (L.) Link

Calicotome villosa (Poir.) Link

Callistemon citrinus (Curtis) Skeels

Calluna vulgaris (L.) Hull

Carya

Celtis occidentalis L.

Cercis canadensis L.

Cercis occidentalis Torr.

Cercis siliquastrum L.

Chionanthus

Cistus

Clematis cirrhosa L.

Convolvulus cneorum L.

Coprosma repens A. Rich.

Coronilla

Cytisus

Dodonaea viscosa (L.) Jacq.

Echium plantagineum

Elaeagnus angustifolia L.

Encelia farinosa Gray ex Torr.

Erigeron

Erodium moschatum

Euryops chrysanthemoides (DC.) B.Nord.

Euryops pectinatus (L.) Cass.

Fallopia japonica (Houtt.) Ronse Decr.

Ficus carica L.

Frangula alnus Mill.

Fraxinus

Genista

Ginkgo biloba L.

Gleditsia triacanthos L.

Grevillea juniperina Br.

Hebe

Helianthus

Helichrysum

Hibiscus syriacus

Ilex aquifolium L.

Iva annua L.

Koelreuteria bipinnata Franch.

Lagerstroemia

Laurus nobilis L.

Lavandula

Lavatera cretica

Liquidambar styraciflua L.

Lonicera

Lupinus aridorum

Lupinus villosus Willd.

Magnolia grandiflora L.

Medicago arborea L.

Medicago sativa L.

Metrosideros

Myrtus communis L.

Nerium oleander

Olea

Osteospermum ecklonis (DC.) Norl.

Pelargonium

Perovskia abrotanoides

Phagnalon saxatile (L.) Cass.

Phillyrea angustifolia L.

Phillyrea latifolia

Phlomis fruticosa L.

Pistacia vera L.

Plantago lanceolata L.

Platanus

Polygala grandiflora

Polygala myrtifolia L.

Prunus

Pteridium aquilinum

Quercus

Ratibida columnifera (Nutt.) Wooton & Standl.

Rhamnus

Robinia pseudoacacia L.

Rosa

Rubus

Salvia mellifera Greene

Salvia officinalis

Salvia rosmarinus

Sambucus

Santolina chamaecyparissus L.

Santolina magonica

Sapindus saponaria L.

Solidago virgaurea L.

Spartium

Strelitzia reginae Aiton

Ulex

Ulmus

Vaccinium

Vinca

Westringia fruticosa Guerin.

Xanthium strumarium L.

Specified plants susceptible to *Xylella fastidiosa* subspecies *pauca*

Acacia

Amaranthus retroflexus L.

Asparagus acutifolius L.

Catharanthus roseus (L.) G. Don

Chenopodium album L.

Cistus albidus L.

Cistus creticus L.

Citrus

Coffea

Dodonaea viscosa (L.) Jacq.

Eremophila maculata (Ker Gawler) F. von Müller.

Erigeron

Euphorbia chamaesyce L.

Euphorbia terracina L.

Grevillea juniperina Br.

Hebe

Heliotropium europaeum L.

Hibiscus

Laurus nobilis L.

Lavandula

Myoporum insulare Br.

Myrtus communis L.

Nerium oleander L.

Olea europaea L.

Osteospermum fruticosum (L.) Norl.

Pelargonium

Phillyrea latifolia L.

Pistacia vera

Polygala myrtifolia L.

Prunus

Rhamnus alaternus L.

Salvia rosmarinus

Spartium junceum L.

Ulex parviflorus

Vinca minor L.

Westringia fruticosa (Willd.) Druce

Westringia glabra Br.'

DECISIONS

COUNCIL DECISION (EU) 2021/2131

of 25 November 2021

on the position to be adopted on behalf of the European Union within the EEA Joint Committee concerning the amendment of Protocol 32 on financial modalities for implementation of Article 82, annexed to the EEA Agreement

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 122 and Article 322(1), in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the European Economic Area Joint Committee ('the EEA Joint Committee') may decide to amend, inter alia, Protocol 32 on financial modalities for implementation of Article 82, annexed to the EEA Agreement ('Protocol 32').
- (3) Council Regulation (EU) 2020/2094 ⁽³⁾, which established the European Union Recovery Instrument, allocates additional external assigned revenue to the Horizon Europe Programme established by Regulation (EU) 2021/695 of the European Parliament and of the Council ⁽⁴⁾, and to the Union Civil Protection Mechanism governed by Decision No 1313/2013/EU of the European Parliament and of the Council ⁽⁵⁾. It is appropriate to clarify in Protocol 32 that, for the purpose of calculating the EFTA States' financial contributions, the basis for calculation should be increased by appropriations corresponding to external assigned revenue under Article 3(1) of Regulation (EU) 2020/2094 in relation to their participation in that programme and that mechanism.
- (4) Protocol 32 should therefore be amended accordingly.
- (5) The position of the Union in the EEA Joint Committee should therefore be based on the draft decision of the EEA Joint Committee,

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433I, 22.12.2020, p. 23).

⁽⁴⁾ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

⁽⁵⁾ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the EEA Joint Committee on the proposed amendment of Protocol 32 on financial modalities for implementation of Article 82, annexed to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee ⁽⁶⁾.

Article 2

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

Done at Brussels, 25 November 2021.

For the Council
The President
Z. POČIVALŠEK

⁽⁶⁾ See document ST 13509/21 at <http://register.consilium.europa.eu>.

COUNCIL DECISION (EU) 2021/2132**of 29 November 2021****on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China, as regards the adoption of the rules of procedure of the Joint Committee**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China ⁽¹⁾ ('the Agreement') was approved on behalf of the Union by Council Decision (EU) 2020/1075 ⁽²⁾ and entered into force on 1 September 2020 ⁽³⁾.
- (2) Article 11(1) of the Agreement provides for a Joint Committee of the Parties to be established for the effective functioning of the Agreement.
- (3) Article 11(3) of the Agreement further provides that the Joint Committee is to draw up and adopt its rules of procedure.
- (4) The Commission and the Civil Aviation Administration of China have cooperated in drawing up draft rules of procedure.
- (5) It is appropriate to establish the position to be taken on behalf of the Union within the Joint Committee as regards the adoption of the rules of procedure of the Joint Committee, as they will be binding on the Union. The position of the Union within the Joint Committee should be based on the draft Joint Committee Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on behalf of the Union at the first meeting of the Joint Committee established by the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China as regards the adoption of the rules of procedure of the Joint Committee shall be based on the draft Decision of the Joint Committee ⁽⁴⁾.

2. The representatives of the Union within the Joint Committee may agree to minor changes to the draft Decision of the Joint Committee without a further decision of the Council.

Article 2

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

⁽¹⁾ OJ L 240, 24.7.2020, p. 4.

⁽²⁾ Council Decision (EU) 2020/1075 of 26 June 2020 on the conclusion of the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China (OJ L 240, 24.7.2020, p. 1).

⁽³⁾ OJ L 3, 7.1.2021, p. 3.

⁽⁴⁾ See document ST 13626/21 on <http://register.consilium.europa.eu>

Done at Brussels, 29 November 2021.

For the Council
The President
S. KUSTEC

COUNCIL DECISION (CFSP) 2021/2133**of 2 December 2021****in support of the comprehensive programme on supporting efforts to prevent and combat illicit trafficking of Small Arms and Light Weapons (SALW) and Conventional Ammunition (CA) in South-Eastern Europe**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the European Union, and in particular Articles 28(1) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 19 November 2018, the Council adopted the EU Strategy against illicit firearms, small arms & light weapons ('SALW') and their ammunition, entitled 'Securing Arms, Protecting Citizens' (the 'EU SALW Strategy').
- (2) For more than three decades, states in South-Eastern Europe (SEE) have been facing significant risks and challenges related to the destabilising accumulation and uncontrolled spread of illicit Small Arms and Light Weapons (SALW) and Conventional Ammunition (CA) across their borders and throughout their territories. Those risks have wider negative implications for Europe as a whole, and beyond. The EU SALW Strategy states that while significant progress has been made in recent years, especially in South-Eastern Europe, the scale of accumulation of SALW and ammunition, inadequate storage conditions, widespread illicit possession, and gaps in implementation continue to limit the effectiveness of firearms and SALW control efforts in parts of the Western Balkans.
- (3) At regional level, the EU SALW Strategy commits the Union and its Member States to provide assistance in strengthening law enforcement capabilities in order to identify, disrupt and prohibit trafficking networks and to prevent firearms from reaching terrorists and criminals via the illicit market, inter alia, by blocking the illicit financing and transport of arms and by enhancing the role of border police, customs and port authorities in tackling illicit arms flows by maritime transport. The Union and its Member States are committed to helping other countries to improve the management and security of state-held stockpiles by strengthening national legislative and administrative frameworks, and by strengthening institutions that regulate the legitimate supply and stockpile management of SALW and ammunition for defence and security forces.
- (4) In line with the EU SALW Strategy, the Union will strengthen its dialogue and cooperation with regional organisations working on SALW control, by aligning its activities with regional strategies and action plans.
- (5) In 2000, the States participating in the Organisation for Security and Cooperation in Europe (OSCE) adopted the OSCE Document on SALW ⁽¹⁾ by which they committed themselves to combatting illicit trafficking of SALW in all its aspects. That Document also emphasises the destabilising effects that the excessive accumulation of SALW and the poor stockpile management and security thereof can have on national, regional and international security.
- (6) Furthermore, in 2003, the States participating in the OSCE adopted the OSCE Document on Stockpiles of Conventional Ammunition (SCA) ⁽²⁾ recognising thereby the security and safety risks posed by the excessive accumulation of conventional ammunition. In order to address those risks, they decided to establish a practical procedure for the provision of assistance for the destruction of surplus conventional ammunition and/or upgrading stockpile management and security practices.
- (7) The OSCE Documents on SALW and SCA identify destruction as the preferred method for the disposal of surplus SALW and conventional ammunition.

⁽¹⁾ FSC.DOC/1/00/Rev.1

⁽²⁾ FSC.DOC/1/03/Rev.1

- (8) The project supported by this Council Decision will take into account other regional initiatives, in particular the Western Balkans Roadmap ⁽³⁾, the work of the United Nations Development Programme, (UNDP)/the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), and relevant European Commission activities in SEE related to arms control and illicit arms trafficking.

The project will take place in coordination with the Union's related assistance to jurisdictions in SEE (Council Decisions (CFSP) 2018/101 ⁽⁴⁾ and (CFSP) 2017/915 ⁽⁵⁾), the regional cooperation with the Western Balkans in the field of SALW-control implemented by UNDP/SEESAC (Council Decisions (CFSP) 2019/2111 ⁽⁶⁾, (CFSP) 2018/1788 ⁽⁷⁾ and (CFSP) 2016/2356 ⁽⁸⁾), and the EU-SEE law enforcement cooperation in the field of firearms trafficking supported by the DG HOME of the European Commission, the European Union Agency for Law Enforcement Cooperation (Europol), and the European Multidisciplinary Platform Against Criminal Threats (EMPACT).

- (9) The Union previously supported OSCE activities by means of Council Decision 2012/662/CFSP ⁽⁹⁾ in support of activities to reduce the risk of illicit trade in, and excessive accumulation of SALW in the region covered by the OSCE. On 4 August 2017, the Council adopted Decision (CFSP) 2017/1424 in support of OSCE activities to reduce the risk of illicit trafficking and excessive accumulation of small arms and light weapons and conventional ammunition in the Republic of North Macedonia, and in Georgia ⁽¹⁰⁾. On 2 December 2019, the Council adopted Decision (CFSP) 2019/2009 ⁽¹¹⁾ in support of Ukraine's efforts to combat illicit trafficking in weapons, ammunition and explosives, in cooperation with the OSCE.
- (10) On 30 June 2018, the third United Nations Conference to Review Progress Made in the Implementation of the UN Programme of Action against illicit Small Arms and Light Weapons adopted an outcome document in which States renewed their commitment to preventing and combating the diversion of small arms and light weapons. States reaffirmed their willingness to pursue international cooperation and to reinforce regional cooperation through improved coordination, consultation, information exchange and operational cooperation, involving relevant regional and sub-regional organisations, as well as law enforcement, border control and export and import licensing authorities.
- (11) The United Nations' General Assembly resolution of 25 September 2015 entitled 'Transforming our world: the 2030 Agenda for Sustainable Development' affirms that combating the illicit trade in small arms and light weapons is necessary for the achievement of many sustainable development goals, including those relating to peace, justice and strong institutions, the reduction of poverty, economic growth, health, gender equality and safe cities. Therefore, in Sustainable Development Goal 16.4 thereof, all States have committed to significantly reducing illicit financial and arms flows.

⁽³⁾ On 10 July 2018, the Western Balkans Summit in London adopted the 'Regional Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/firearms and their ammunition in the Western Balkans by 2024'.

⁽⁴⁾ Council Decision (CFSP) 2018/101 of 22 January 2018 on the Promotion of Effective Arms Export Controls (OJ L 17, 23.1.2018, p. 40).

⁽⁵⁾ Council Decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty (OJ L 139, 30.5.2017, p. 38).

⁽⁶⁾ Council Decision (CFSP) 2019/2111 of 9 December 2019 in support of SEESAC disarmament and arms control activities in South-East Europe reducing the threat of illicit small arms and light weapons and their ammunition (OJ L 318, 10.12.2019, p. 147).

⁽⁷⁾ Council Decision (CFSP) 2018/1788 of 19 November 2018 in support of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans (OJ L 293, 20.11.2018, p. 11).

⁽⁸⁾ Council Decision (CFSP) 2016/2356 of 19 December 2016 in support of SEESAC disarmament and arms control activities in South-East Europe in the framework of the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition (OJ L 348, 21.12.2016, p. 60).

⁽⁹⁾ Council Decision 2012/662/CFSP of 25 October 2012 in support of activities to reduce the risk of illicit trade in, and excessive accumulation of, Small Arms and Light Weapons in the region covered by the Organisation for Security and Cooperation in Europe (OSCE) (OJ L 297, 26.10.2012, p. 29).

⁽¹⁰⁾ OJ L 204, 5.8.2017, p. 82.

⁽¹¹⁾ Council Decision (CFSP) 2019/2009 of 2 December 2019 in support of Ukraine's efforts to combat illicit trafficking in weapons, ammunition and explosives, in cooperation with the OSCE (OJ L 312, 3.12.2019, p. 42).

- (12) The Agenda for Disarmament entitled 'Securing our Common Future', presented on 24 May 2018 by the UN Secretary-General called for addressing the excessive accumulation of and illicit trade in conventional arms and for supporting country-level approaches on small arms,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the Union Small Arms and Light Weapons Strategy, the purpose of this Decision is to reduce risks of illicit trafficking in, and the uncontrolled spread of, SALW in, to or from South-Eastern Europe that undermine safety and security by impeding sustainable peacebuilding and socioeconomic development as well as by contributing to a breakdown in order, fuelling terrorism and criminal violence or leading to a resumption of conflict.
2. Pursuant to paragraph 1, the objectives of this Decision are the following:
 - a) to reduce the risk of SALW proliferation and misuse in the Republic of Albania;
 - b) to support Bosnia and Herzegovina in mitigating security and safety risks related to the illegal possession, misuse and trafficking of SALW and their ammunition;
 - c) to support the strengthening of the existing K-9 capability of the Kosovo * Police and its direct contribution towards the prevention, suppression and investigation of SALW, ammunition, and explosives misuse and trafficking in the Western Balkans;
 - d) to reduce the risk of weapon proliferation and misuse of SALW in the Republic of North Macedonia, through increasing the prevention, detection, analysis and investigative capacity of the Ministry of Internal Affairs, and other governmental organisations;
 - e) to reduce the risk of unplanned explosions at munitions sites and to reduce the diversion of SALW/SCA from the Ministry of Defence of Montenegro storage sites;
 - f) to reduce safety and security risks related to SALW in illegal possession, abuses of legal SALW, and the illicit trafficking of SALW in Serbia;
 - g) to assist the OSCE participating States to better plan, implement and, if necessary, strengthen their commitments against the illicit proliferation of SALW/SCA.
3. The beneficiaries of the project shall be:
 - a) authorities in SEE mandated and responsible for preventing and combatting the illicit trafficking of SALW and CA, namely SALW commissions/boards, Ministries of Internal Affairs, and law-enforcement agencies such as the police. Other engaged authorities are the Ministries of Security, prosecutors' offices, courts and penitentiary services in Bosnia and Herzegovina, as well as the Ministry of Defence in Montenegro. In Serbia, the project also foresees engagement with civil society organisations dealing with SALW control issues (direct beneficiaries);
 - b) populations of jurisdictions in SEE and its European neighbourhood that are at risk by the use of illicit SALW and CA in criminal activities, terrorism and violent misuse (indirect beneficiaries);
 - c) mandated authorities in the Union and its Member States benefiting from enhanced SALW and CA control capacities in SEE through, inter alia, better information exchanges, as well as coordination and cooperation measures such as risk identification, investigation and tracing, detection and seizure of illicit SALW and CA (indirect beneficiaries).
4. A detailed description of the project is set out in the Annex to this Decision.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy ('HR') shall be responsible for implementing this Decision.

(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

2. The technical implementation of the project referred to in Article 1 (the 'project') shall be carried out by the OSCE Secretariat.
3. The OSCE Secretariat shall perform its tasks under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with the OSCE Secretariat.

Article 3

1. The financial reference amount for the implementation of the project financed by the Union shall be EUR 4 208 827.
2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For that purpose, it shall conclude the necessary financing agreement with the OSCE Secretariat. The financing agreement shall stipulate that the OSCE Secretariat has to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular narrative reports prepared by the OSCE Secretariat. Those reports shall form the basis of the evaluation to be carried out by the Council.
2. The Commission shall report on the financial aspects of the project referred to in Article 1.

Article 5

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 36 months after the date of conclusion of the financing agreement referred to in Article 3(3). However, it shall expire 6 months after the date of its entry into force if no agreement has been concluded within that period.

Done at Brussels, 2 December 2021.

For the Council
The President
J. VRTOVEC

ANNEX

PROJECT DOCUMENT

OSCE COMPREHENSIVE PROGRAMME ON SUPPORTING EFFORTS TO PREVENT AND COMBAT ILLICIT TRAFFICKING OF SALW AND CA IN SOUTH-EASTERN EUROPE- HR(2021) 138**1. Background**

For more than three decades, states in South-Eastern Europe (SEE) have been facing significant risks and challenges related to destabilizing accumulation and uncontrolled spread of illicit Small Arms and Light Weapons (SALW) and Conventional Ammunition (CA) across their borders and throughout their territories. These risks have wider negative implications for Europe as a whole, and beyond.

SEE remains an area of concern and an important challenge in the EU Strategy against illicit firearms, Small Arms & Light Weapons (SALW) and their ammunition (the “EU SALW Strategy”). The EU SALW Strategy states that “while significant progress has been made in recent years, especially in south east Europe, the scale of accumulation of SALW and ammunition, inadequate storage conditions, widespread illicit possession and gaps in implementation continue to limit the effectiveness of firearms/SALW control efforts in parts of the western Balkans.”

Thus, with the reference to Western Balkans the EU SALW strategy sets out the comprehensive set of actions such as [...] “to reduce surplus stocks of SALW and ammunition, to reduce illicit possession, to counter diversion and arms trafficking, to improve border controls, to enhance marking, record-keeping and tracing of SALW as well as disposal capacities, to increase awareness, and to support law enforcement capacities, [...], and maintain support for national control systems and take into account relevant regional initiatives for countering illicit SALW and their ammunition such as the Regional Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/firearms and their ammunition in the Western Balkans by 2024; an initiative that has been supported by France and Germany.”

The legacy of the past conflicts in the region, failures in timely and due implementation of demobilization, disarmament, and reintegration, as well as poorly implemented centralized SALW and SCA control systems manifested in:

- illicit SALW and CA trade and proliferation in and across SEE borders;
- illegal diversion of SALW and CA;
- use of illicit/smuggled SALW and CA in terrorist, criminal activities and violent crimes within the region and beyond;
- loss and theft of SALW and CA from official storage sites and caches (and, thereby, their illicit proliferation);
- low accountability and transparency in prevention, management, enforcement, and control of SALW and CA.

The OSCE participating States (pS) have agreed to cooperate to address these problems and to do so in a comprehensive way. Specifically, pS have committed themselves to combat illicit trafficking and uncontrolled spread of SALW and CA in line with the provisions of the OSCE documents on SALW (FSC.DOC/1/00/Rev.1) and Stockpiles of CA (FSC.DOC/1/03/Rev.1).

In order to address these challenges and concerns the states of SEE have addressed official assistance requests to the OSCE in the field of SALW and CA control in 2019 ⁽¹⁾. These came from the Ministry of Interior of Albania, the Ministry of Security of Bosnia and Herzegovina, the Ministry of Interior of the Republic of North Macedonia, the Ministry of Defence of Montenegro, and the Ministry of Internal Affairs of Serbia.

⁽¹⁾ With respect to Kosovo*, due to status considerations, the restrictions and requirements of the formal OSCE procedure do not apply as such for potential projects there. Therefore, under the guidance of the OSCE Mission in Kosovo (OMIK) several projects will be implemented in support to assistance requests from the local authorities/institutions. (*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence).

2. Overall objective

To reduce risks of illicit trafficking and uncontrolled spread of SALW in/to/from SEE that undermine safety and security by impeding sustainable peace-building and socio-economic development as well as by contributing to a breakdown in order, fuelling terrorism and criminal violence or leading to a resumption of conflict.

3. Description of Action

The action is based through on systematic needs assessment processes implemented in the period of 2019 – 2021. These processes verified assistance requests and confirmed the needs for the OSCE support, namely in strengthening mandated authorities' capabilities in:

- information management and exchanges on preventing and combatting illicit trafficking of SALW;
- canine (K-9) capacities in detecting and seizing illicit SALW and CA;
- awareness raising and advocacy in support of preventing and combatting illicit trafficking of SALW and CA;
- SALW deactivation regulative and operational frameworks;
- SALW stockpiles management and security.

The action - OSCE comprehensive programme on supporting efforts to prevent and combat illicit trafficking of SALW and CA in South-eastern Europe - consisting of seven OSCE projects, responds to the above requirements in a comprehensive manner also through reinforcing cross-border / regional dynamics in order to prevent and combat illicit trafficking of SALW and CA more efficiently, effectively and with a greater impact. The projects were developed in close cooperation among mandated authorities/institutions, the OSCE Conflict Prevention Centre and the OSCE field operations in SEE.

The OSCE comprehensive programme through its projects supports EU SALW Strategy in particular international cooperation and assistance related to the Western Balkans.

The projects also aim to mitigate and prevent negative effects on sustainable development from the illicit trade in SALW and their ammunition thus reinforce UN Sustainable Development Goals such as:

- Goal 05. Achieve gender equality and empower all women and girl (e.g. target 5.2); and
- Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (e.g. targets 16.1, 16.4 & 16.a).

Furthermore, the proposals have been harmonized with the “Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW and their ammunition in the Western Balkans by 2024” ⁽²⁾ as well as coordinated with the relevant stakeholders supporting the Roadmap, and monitoring its implementation. The proposal is also complementary to, and thus supporting the SEE authorities in complying with, the EU Strategy against illicit firearms, SALW and their ammunition (2018) in particular actions in the Western Balkans.

3.1. Project 1: Assisting the national authorities of the Republic of Albania to decrease the risk of proliferation and misuse of SALW

3.1.1. Objective

The project objective is to reduce risk of SALW proliferation and misuse in the Republic of Albania.

⁽²⁾ The Roadmap was developed based on the Joint Statement of the Deputy Ministers of Interior and Deputy Ministers of Foreign Affairs in South-Eastern Europe, and the Roadmap elements, both adopted in the Podgorica Meeting on 1 February 2018. It was officially adopted at the EU-Western Balkans Summit in London on 10 July 2018.

3.1.2. Description

The impact of uncontrolled proliferation and possession of SALW, ammunition and explosives continue to constitute a major threat to public safety, social, and economic development in Albania. Poorly controlled and illegal SALW sustain criminal elements and organized crime, by enabling violence and insecurity. All of these aspects have detrimental effects on security and confidence-building measures in the country and the region. Albania requested assistance in October 2019 at the OSCE Forum for Security Cooperation.

The OSCE verified capacities gaps in:

- a) legislative and regulative framework for the deactivation of firearms, and its due implementation with improving infrastructure, equipping and training elements;
- b) canine (K9) services of Albanian State police in detecting SALW, ammunition, and explosives;
- c) raising public awareness on the dangers of misuse and proliferation of SALW.

The EU Council funding will be used to address capacities gaps under items a) through c).

The beneficiaries of the project, in addition to population of Albania, are numerous national authorities with the mandate in the field of SALW control in particular the National SALW commission, the Ministry of Interior of the Republic of Albania (MoI) and the Albanian State Police (ASP).

3.1.3. Expected Results

Result 1: The legislative framework of the Republic of Albania on matters of SALW and deactivation is enhanced.

Indicators:

- Existence of a normative framework for SALW control in line with international standards
- Existence of facilities and practice on SALW deactivation operating in line with OSCE commitments and international standards
- Number of trainings and number of people trained to deactivate or oversee deactivation process

Result 2: The capacities of Albanian Police in detecting weapons and explosives are enhanced.

Indicators:

- Existence of a normative framework advancing the K9 capability in line with international standards
- Existence of K9 facilities and infrastructure in line with international standards and OSCE recommendations
- Number of trainings and number of people trained

Result 3: Public awareness on the dangers and SALW and matters of SALW control is increased.

Indicators:

- Number of guidance or regulation document on public awareness and outreach in place (i.e. Communication Strategy on SALW)
- Number of up-to date public awareness and outreach campaigns on the importance of SALW, ammunition and explosives control and on the risks related to their illegal possession and misuse in line with the adopted Communication Strategy on SALW
- Percentage of target audience (disaggregated by sex) who are aware of SALW risks of misuse

3.1.4. Activities

- 3.1.4.1 Activity related to enhancing legislative framework of the Republic of Albania on matters of SALW and deactivation.

The activity will include:

- Support to the development of an bylaw on deactivation and an action plan for its implementation
- Support to the establishment of mechanisms for due implementation and oversight of SALW deactivation
- Support to the development of a Training Manual on SALW deactivation, and provide national and international trainings for the local practitioners

3.1.4.2 Activity related to enhancing the capacities of Albanian Police in detecting illicit weapons and explosives.

The activity will include:

- Developing SOP for the use of K9 capacity in detecting SALW, as well as the K9 Master Plan for the modernization of this capability
- Training programme on the application of the SOP for the use of K9 capacity in detecting SALW
- Equipment assistance and infrastructure upgrades of the K9 unit
- Implementation of infrastructure upgrades for kennels, office facilities and K9 perimeter as well as procurement and handover of equipment for K9 units to increase detection capacity
- Providing platform to promote use of K9 capacities through organization of competitions on national and regional level

3.1.4.3 Activity related to increasing public awareness on the SALW dangers and matters of SALW control

The activity will include:

- Support to the design of a coordinated Awareness Raising and Communication Strategy
- Support to the implementation of the Awareness Raising and Communication Strategy

3.2. **Project 2: Addressing security and safety risks of illegal possession, misuse and trafficking of SALW and their ammunition in Bosnia and Herzegovina**

3.2.1. **Objective**

The project objective is to support Bosnia and Herzegovina (BiH) in mitigating security and safety risks related to illegal possession, misuse and trafficking of SALW and their ammunition.

3.2.2. **Description**

The project addresses high-priority needs specified in the assistance request of the Ministry of Security (2019) and aims to support BiH in mitigating security and safety risks related to illegal possession, misuse and trafficking of SALW, ammunition and explosives – thus contributing to security and stability in the country and the wider region.

The OSCE verified capacities gaps in:

- a) law-enforcement agencies' (LEA) SALW and ammunition storage infrastructure, including physical security and stockpile management procedures and practices;
- b) institutional awareness raising and outreach on SALW control in support of SALW Control Co-ordination Board (CCB) including methodological approach and monitoring and evaluation toolkit;
- c) LEA canine capabilities for detecting SALW, ammunition and explosives, including their planning, legislative and operational frameworks, equipment and infrastructure as well as training elements;

- d) accessibility to and comparability of SALW-related data necessary for effective policy making and operational response;
- e) SALW deactivation, including legislative and regulative frameworks, training, equipment and infrastructure elements.

The EU Council funding will be used to address capacities gaps under items c) and d).

The beneficiaries of the project, in addition to population of BiH, are numerous national authorities with the mandate in the field of SALW control, namely law enforcement agencies (LEAs) including entity and cantonal ministries of interior (MoIs)/police agencies, SALW CCB, BiH Ministry of Security (MoS), as well as prosecutors' offices, courts and penitentiary services.

3.2.3. Expected Results

Result 1: Law enforcement K9 capabilities for detecting SALW, ammunition, and explosives are strengthened.

Indicators:

- Rate of implementation of developed Master Plan on developing the necessary legislative, infrastructural, and operational framework for K9 units
- Percentage of trainees that demonstrate skills required for effective application of the SOPs
- Number of K9 units/sites upgraded in accordance with OSCE needs assessment

Result 2: An integrated SALW and ammunition inter-institutional case database and tracking system is developed.

Indicators:

- Degree of interoperability/compatibility of data collection methodologies
- Existence of a functional inter-institutional IT system that enables integrated collection and analysis of data from SALW- and ammunition-related cases

3.2.4. Activities

3.2.4.1. Activity related to strengthening law enforcement K9 capabilities for detecting SALW, ammunition, and explosives.

The activity will include:

- Supporting the organization of working groups and co-ordination meetings to develop a Master Plan for K9 capacity building
- Supporting development of required legislative and operational frameworks for use of K9 capacity in detecting SALW
- Upgrading K9 infrastructure and providing required equipment
- Organizing a training programme on application of the SOP for use of K9 capacity in detecting SALW
- Establishing a platform for promoting use of K9 capacities through organization of competitions on national and regional level

3.2.4.2. Activity related to developing an integrated SALW and ammunition inter-institutional case database and tracking system.

The activity will include:

- Supporting an assessment of relevant legal and statistical models of law enforcement and judiciary in establishing an integrated SALW and ammunition inter-institutional track record
- Supporting establishment of the BiH SALW track record system
- Organizing training for judiciary and law enforcement users of the SALW tracking system

3.3. Project 3: Support to the strengthening of the K-9 capacity of Kosovo * police to detect and confiscate SALW, ammunition and explosives

3.3.1. Objective

The project objective is to support the strengthening of the existing K-9 capability of Kosovo Police and its direct contribution towards prevention, suppression and investigation of SALW, ammunition, and explosives misuse and trafficking in the Western Balkans.

3.3.2. Description

The project was developed against a backdrop of the Kosovo Strategy on Control of SALW accompanying Action Plan. It aims to support the strengthening of the existing K-9 capability of Kosovo Police and its direct contribution towards prevention suppression and investigation of SALW, ammunition, and explosives misuse and trafficking in the Western Balkans.

The project will aim to address verified capacities gaps in K9 services in prevention, suppression and investigation of SALW misuse and trafficking, including regulatory framework, operational use of K9 teams, shortage of human, infrastructural, and transportation resources.

The beneficiaries of the project, in addition to population of Kosovo, is Kosovo police.

3.3.3. Expected Result

Result 1: Regulatory and training framework, as well as the infrastructure and equipment of the K-9 unit towards a more efficient and effective prevention, suppression and investigation of SALW, ammunition, and explosives misuse and trafficking is enhanced

Indicators:

- Existence of regulatory and training framework of the K-9 unit
- Existence of upgraded infrastructure and equipment of the K9 unit

3.3.4. Activities

- 3.3.4.1. Activity related to enhancing regulatory, and training framework, as well as the infrastructure and equipment of the K-9 unit towards a more efficient and effective prevention, suppression and investigation of SALW, ammunition, and explosives misuse and trafficking.

The activity will include:

- Establishment and activities of the Working Group for the improvement of the K-9 capability
- Conduct study visits with counterparts that have an advanced system for using detection dogs for SALW, ammunition and explosives
- Provide support to the Training Division of the beneficiary in drafting the Training Plan, develop a training methodology that will be fully integrated into the K9 Units SOP for training and K9 operations, and build a training expert circle
- Support the provision of necessary infrastructure and equipment necessary for the training, tactical, and operational performance of the K- 9 Unit
- Delivering specialized and advanced training for dog handlers

(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

3.4. **Project 4: Assisting the national authorities of the Republic of North Macedonia to decrease the risk of weapon proliferation and misuse of SALW**

3.4.1. **Objective**

The project objective is to reduce the risk of weapon proliferation and misuse of SALW in the Republic of North Macedonia through increasing the prevention, detection, analysis and investigative capacity of the Ministry of Internal Affairs and other Governmental organizations.

3.4.2. **Description**

The project was developed to respond to the assistance request by the Government of the Republic of North Macedonia (2019) to strengthen the capacities of the National Commission on SALW and building the capabilities of the Police department, K9 Unit in detecting weapons and explosives.

The OSCE verified capacities gaps in:

- a) operational K9 capacity of the Ministry of Internal Affairs in detecting illicit proliferation of SALW;
- b) intra- and, inter-institutional and cross-border co-operation and coordination mechanism in prevention and combating illicit trafficking of SALW;
- c) analysis of the SALW control issues on strategic and operational levels;
- d) coordinated public outreach and awareness on risks related to misuse of SALW in the Republic of North Macedonia, including efforts being made by the National SALW commission.

The EU Council funding will be used to address capacities gaps under items a), b) and c).

The beneficiaries of the project, in addition to population of the Republic of North Macedonia, are numerous national authorities with the mandate in the field of SALW control, namely the national SALW commission ⁽³⁾, the Ministry of Internal Affairs (MoIA) and Police.

3.4.3. **Expected Result**

Result 1: The Republic of North Macedonia's Ministry of Internal Affairs (MoIA) and SALW Commission regulatory, operational and inter-agency co-operation capacities to combat/address SALW proliferation are enhanced.

Indicators:

- Existence of a regulatory framework on K9
- Number of K9 regional services in place and with a functional capacity
- Real time information exchange is in place within the police and with PCCC-SEE countries
- Percentage of target audience (disaggregated by sex) who are aware of SALW risks of misuse of firearms
- Number of women and men reached by awareness raising events

3.4.4. **Activities**

3.4.4.1. Support to increasing illicit SALW detection capacity of the MoIA through the efficient deployment of K9 assets

The activity will include:

- Equipment assistance and infrastructure upgrades of the K9 service units at central and regional level, including upgraded SALW storage and IT infrastructure at up to five (5) sites (armouries), collocated with K-9 units of the Ministry of Interior of the Republic of North Macedonia

⁽³⁾ National authorities participating in the national SALW commission: Ministry of Economy, Ministry of Justice, Ministry of Trade and Social Policy, Ministry of Defence, Ministry of Education and Science, Ministry of Finance, Customs, Ministry of Agriculture, Forestry & Water Economy.

- Developing SOP and updating regulations for the use of K9 capacity in detecting SALW
- Training programme on the application of the SOP for the use of K9 capacity in detecting SALW
- Providing platform to promote use of K9 capacities through organization of competitions on national and regional level

3.4.4.2. Support to piloting of the real-time information exchange system in combatting illicit trafficking in SALW

The activity will include:

- Equipment assistance, physical infrastructure and ICT upgrades of the information exchange systems at five (5) selected Police and Customs Cooperation Centres (PCCC)
- Developing SOP on real time information exchange related to SALW incidents
- Training programme on the application of the SOP on real time information exchange related SALW incidents
- Staff exchange program (traineeship)
- Organising Police and Customs Cooperation Centre conference

3.4.4.3. Support to advancing National SALW Commission's operational and analytical capabilities in combatting illicit trafficking in SALW

The activity will include:

- Organizing inter-agency co-operation workshop on SALW control regime
- Developing Orientation Manual for the members of the Commission
- Analysis of the state of the control of SALW, including elaborating SOP on data collection, information tracking and reporting as well as developing Case Management System to facilitate analysis on SALW

3.5. **Project 5: Mitigation of safety and security risks related to SALW/SCA in Montenegro**

3.5.1. **Objective**

The project objective is to reduce the risk of unplanned explosions at munitions sites and diversion of SALW/SCA from the Ministry of Defence of Montenegro storage sites.

3.5.2. **Description**

Montenegro faces the risks of unplanned explosions at munitions sites, illicit trafficking and uncontrolled spread of SALW/SCA. This has been confirmed throughout various OSCE expert visits in recent years. The MoD Montenegro has addressed those issues in its Master Document which provides the desired end state. The transparent disposal of surplus Weapons and Explosive Ordnance and the development of a sustainable Life-Cycle Management system for weapons, explosives and ordnance (WEO). Montenegro has requested assistance in 2019 at the OSCE FSC.

The OSCE verified capacities gaps in:

- a) ensuring life cycle management approach for SALW and conventional ammunition, including continuous training and knowledge transfer, ammunition surveillance framework and inter-institutional coordination and cooperation;
- b) safe conventional ammunition transportation in line with international standards.

The EU Council funding will be used to address capacities gaps under items a) and b).

The beneficiaries of the project, in addition to population of Montenegro, are the Ministry of Defence and Armed Forces of Montenegro.

3.5.3. Expected Results

Result 1: Strategic, training and coordination capacities of the Ministry of Defence and other accountable and equitable government bodies in the field of SALW/SCA management is enhanced

Indicators:

- Number of MoD personnel in the relevant educational / training institutions and operational units with advanced capacities in supporting the management and handling of SALW/SCA;
- Number of SALW/SCA activities co-ordinated by Montenegro through designated bodies;
- Existence of an ad interim control body

Result 2: Capabilities to transport SALW/SCA in a safe and secure way according to the ADR treaty are increased.

Indicators:

- Number of project beneficiary personnel with increased competency in SALW/SCA transportation
- Existence of a SALW/SCA transportation system embedded in the organisational framework
- ADR compliance requirements analysis with recommendations presented to MoD Montenegro

3.5.4. Activities

3.5.4.1 Activity related to enhancing strategic, training and coordination capacities of the Ministry of Defence and other accountable and equitable government bodies in the field of SALW/SCA management.

The activity will include:

- Transfer of knowledge on international good practice within the area of SALW/SCA management
- Advisory and Co-ordination for MoD Montenegro Program in selected areas of a sustainable life cycle management of SALW/SCA
- Technical Advisory on national SALW/SCA management control mechanisms

3.5.4.2 Activity related to train and equip programme in establishing SALW/SCA transportation capabilities in Montenegro, in conformity with ADR treaty (European Agreement concerning the International Carriage of Dangerous Goods by Road).

The activity will include:

- Generate jointly with the MoD Montenegro a requirements analysis in order to fully comply with the ADR treaty
- Procurement of two ADR compliant trucks including familiarisation training, maintenance and spare parts contract

3.6. Project 6: Addressing safety and security risks related to illicit possession, misuse and trafficking of SALW in Serbia

3.6.1. Objective

The project objective is to reduce safety and security risks related to SALW in illegal possession, abuses of legal SALW and illicit trafficking of SALW.

3.6.2. Description

The project was developed to respond to the assistance request by the Ministry of Interior (MoI) of Serbia (2019) to address the challenges of uncontrolled proliferation and illicit possession of SALW that creates a major threat to security and safety in Serbia. These challenges contribute to the spread of crime and serious organized crime, by acting as the enablers of violence, threatening behaviour and terrorism. They also have a similarly negative effect on confidence-building measures in the country and as a threat in the context of gender-based violence.

The OSCE verified needs in combatting illicit trafficking in SALW:

- a) strengthening the police capacities to conduct awareness-raising on SALW control and collection campaigns, thus contributing to decreasing the amount of weapons in illegal possession, hindering the misuse of SALW, while increasing the safety of Serbia's citizens;
- b) strengthening the K9 capacity of the Ministry of Interior in detecting weapons and explosives, by i) establishing the necessary legal framework, ii) assessing and developing capacities, and iii) procurement of special equipment and building infrastructure,
- c) amendments to the Law on Weapons and Ammunition, and the Rulebook on Deactivation of Weapons, by a) assessing capacities and technical possibilities; and b) providing technical assistance in the drafting of the rulebook.

The EU Council funding will be used to address capacities gaps under items a) through c).

The beneficiaries of the project, in addition to population of Serbia, are the SALW council, the Ministry of Interior, the Police and civil society organizations engaged in SALW control issues.

3.6.3. Expected Results

Result 1: The Ministry of the Interior (MoI) partnership with civil society organizations and a mechanism for public awareness for preventing the misuse of SALW are established.

Indicators:

- Number of awareness initiatives at national and local level on the dangers of SALW proliferation
- Existence and use of mechanisms for multi-agency co-operation
- Number of public social announcements broadcasted on national and local TV and radio stations
- Number of young individuals from targeted cities that are informed on the dangers of SALW through seminars and informative materials

Result 2: The legal framework on deactivation is improved and harmonized with international standards and best practices

Indicators:

- International standards and best practices are shared with the Working Group
- Existence of draft regulations that incorporate inputs and recommendations
- The drafts regulations are consulted with CSO

Result 3: The MoI's K9 units' capacities in detection of SALW, ammunition and explosives are enhanced in compliance with human rights standards.

Indicators:

- Existence of a work plan for the capacities improvement of the MoI's K9 units
- Number of meetings on inter-agency cooperation, information sharing and interoperability of K9 Police Units and other key law enforcement stakeholders in detection of SALW, ammunition and explosives
- Existence of an improved K9 training methodology and curricula in line with international standards
- Number of K9 training instructors and handlers trained in line with international standards

3.6.4. Activities

3.6.4.1. Activity related to establishing MoI partnership with CSO and a mechanism for public awareness in preventing the misuse of SALW.

The activity will include:

- Expert meeting on building partnerships with electronic and print media, and identifying mechanisms for preventing misuse of SALW
- Establish a Social Media Platform and support media campaigns on prevention of SALW proliferation and responsible gun ownership
- Conduct advocacy activities at national and community level

3.6.4.2. Activities related to the legal framework on deactivation is improved and harmonized with international standards and best practices

The activity will include:

- Providing expert advice and logistical support to the working group meetings on deactivation
- Assessment of the current deactivation legislation and an evaluation of its practical implementation
- Workshop on best practices and lessons learned in the drafting and implementation of deactivation normative framework
- Train and equip programme for SALW deactivation

3.6.4.3. Activities related to enhancing the MoI's K9 units' capacities in detection of SALW, ammunition and explosives in compliance with human rights standards

The activity will include:

- Providing expert advice and support to the WG meetings for improving K9 capabilities
- Developing work plan for the capacities improvement of the MoI's K9 units
- Construction, procurement and delivery of equipment and services for K9 units
- Capacity building for the use and deployment of K9 units in prevention and investigation of trafficking of SALW, ammunition and explosives through advisory support, exchange programme and training methodology development
- Organization of specialized training courses for the service dogs and handlers on deployment and detection of SALW, ammunition, and explosives
- Conduct a Regional Consultation Workshop on good practices in deployment and participation in police actions

3.7. Project 7: Strengthening OSCE action against the Illicit proliferation of SALW and SCA - Phase 2 ⁽⁴⁾

3.7.1. Objective

The project objective is to assist the OSCE participating States to be able to better plan, implement and, if necessary, strengthen their commitments against the illicit proliferation of SALW/SCA.

3.7.2. Description

The project was developed against the backdrop of the OSCE Ministerial Council tasking of the Forum for Security Co-operation (MC.DEC/10/17), in accordance with its mandate, in particular to:

- continue to strengthen efforts to fully implement the existing measures and commitments set out in the OSCE Document on SALW, the OSCE Document on SCA, and related FSC decisions;

⁽⁴⁾ Project elements supporting SALW/SCA efforts in SEE.

- continue further steps to improve the efficiency and outcome of SALW and SCA projects to ensure the maximum possible value in dealing with the challenges associated with SALW and SCA in line with the OSCE assistance mechanisms as outlined in the OSCE Documents on SALW and SCA and relevant FSC decisions;
- explore ways to prevent the diversion of SALW and SCA to illicit markets;
- explore ways to complement the existing OSCE measures aimed at addressing the illicit trafficking of SALW;
- continue providing extra-budgetary contributions on a voluntary basis to support FSC assistance projects on SALW and SCA;
- explore possibilities to provide, where appropriate, voluntary expert advice in OSCE assistance projects on SALW and SCA by pS having specific knowledge.

Even though the project setup entails wider engagement with all pS in relation to SEE it aims to support assessing the needs and requirements of OSCE pS and field operations (FOs) in the region in support of implementation of SALW/SCA practical assistance projects and advisory programmatic support. The pS and FOs in SEE will also benefit from the project's IT system to support the monitoring, overview, and implementation of SALW/SCA practical assistance projects.

Additionally, the project will provide coordination and project management support to six (6) OSCE FOs in implementing the OSCE comprehensive programme on supporting efforts to prevent and combat illicit trafficking of SALW and CA in SEE.

The beneficiaries of the project, in addition to population of pS in SEE, are mandated government authorities in the field of SALW control (such as SALW commission, Ministry of Interior, Police, Ministry of Defence) and the OSCE Field Operations.

3.7.3. Expected Result

Result 1: OSCE SALW/SCA normative framework and implementation of corresponding practical assistance projects is advanced.

Indicators:

- Existence of a baseline and a mechanism for continuous verification of needs and requirements in the field of SALW/SCA
- Existence of a web-based IT platform containing real-time information related to the portfolio of OSCE SALW/SCA assistance projects

3.7.4. Activities

3.7.4.1. Assessment of the needs and requirements of OSCE pS, OSCE Secretariat and field operations in support of the implementation of SALW/SCA practical assistance projects in SEE

The activity will include:

- Needs assessment of OSCE SALW/SCA practical assistance requesting states and supporting the overview process
- Needs assessment of OSCE SALW/SCA donor / resources providing states and supporting the overview process
- Strategic advisory and programmatic support to OSCE pS and OSCE FOs' through practical assistance projects' lessons learnt mechanism
- Overall coordination and management support to SALW/SCA control projects and activities in SEE

3.7.4.2. Developing, testing and rolling out of the IT system to support the monitoring, overview, and implementation of SALW/SCA practical assistance projects

The activity will include:

- Developed modern and accessible web application to integrate information about all OSCE assistance projects from multiple sources, including technical, financial, geographic and thematic data as well as supporting documents. This information will allow the donors to and participating States in SEE to better plan, implement, and strengthen their political and financial commitments against the illicit proliferation of SALW and SCA

4. **Project management and administrative support for the implementation of the action**

Dedicated project personnel in the OSCE Secretariat's Conflict Prevention Centre (CPC) /Forum for Security Cooperation (FSC) Support Unit (SU) and in six (6) OSCE field missions in SEE will manage the implementation of the action and its related projects' activities as set out in Section 3. The CPC/FSC Support Unit will ensure coordination with and provide subject-matter advisory support to the OSCE field missions in SEE through the Project 7; this will include monitoring and evaluation of the programme.

The CPC/FSC SU and field missions will through their dedicated project personnel — organised in project implementation teams —further support cooperation and coordination with the international community at the regional and jurisdiction levels, inter alia, within the framework of the Western Balkans SALW Control Roadmap.

The dedicated project personnel will perform the following tasks:

- managing projects through all steps of the project cycle,
- carrying out day-to-day financial oversight of the projects,
- providing technical and legal expertise, supporting projects' procurements,
- engaging and coordinating with other international organisations and programmes,
- carrying out quality assurance and quality control of the approved projects' deliverables,
- supporting jurisdictions in SEE in developing new measures to strengthen capacities and collective efforts in preventing and combating illicit trafficking of SALW and CA.

5. **Gender**

The gender mainstreaming perspectives have been integrated in all stages of the projects' design, development and implementation. The main premise applied has been that the use, misuse, and the effects of SALW and CA affect women and men, boys and girls differently. Mainstreaming gender needs has been tailored to the specific contexts and type of assistance foreseen within the projects as well as has been based on a situational analysis that takes gender perspectives into account.

The OSCE's 'gender marker' tool has been applied in design of projects, but also in tracking progress in implementation of gender mainstreaming through project management cycle. Great majority of proposed projects have gender equality as a significant objective or are fully gender mainstreamed.

6. **Beneficiaries**

The direct beneficiaries of the action will be authorities in SEE mandated and responsible for preventing and combatting illicit trafficking of SALW and CA. Primarily targeted authorities are: SALW commission/board, the Ministry of Internal Affairs and law-enforcement agencies such as police. Other engaged authorities are the Ministry of Security, prosecutors' offices, courts and penitentiary services in Bosnia and Herzegovina as well as the Ministry of Defence in Montenegro. While in Serbia, the project foresees engagement with civil society organizations dealing with SALW control issues.

The indirect beneficiaries of the action are populations of jurisdictions in SEE and its European neighbourhood that are at risk by the use of illicit SALW and CA in criminal activities, terrorism and violent misuse.

The EU and its Member States mandated authorities will also be indirect beneficiaries of the projects as they will benefit from enhanced SALW and CA control capacities in SEE through, inter alia, better information exchanges as well as coordination and cooperation measures such as risk identification, investigation and tracing, detection and seizure of illicit SALW and CA.

7. Union visibility

OSCE shall take all appropriate measures to publicise the fact that the action has been funded by the Union. Such measures will be carried out in accordance with the Commission's Communication and Visibility Manual for European Union External Actions. OSCE will thus ensure the visibility of the Union's contribution with appropriate branding and publicity, highlighting the role of the Union, ensuring the transparency of its actions and raising awareness of the reasons for the Decision as well as Union support for the Decision and the results of this support. Material produced by the project will prominently display the European Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

Given that planned activities vary greatly in scope and character, a range of promotional tools will be used, including: traditional media; websites; social media; and informational and promotional materials including infographics, leaflets, newsletters, press releases and others, as appropriate. Publications, public events, campaigns, equipment and construction works procured under each project will be branded accordingly. To further amplify the impact by raising awareness among various jurisdictions and populaces, the international community and local and international media, each of the project target groups will be addressed using the appropriate language.

Union visibility will be implemented on the level of jurisdictions through engagement of the OSCE field missions as well as OSCE-wide through the Secretariat.

8. Duration

Based on the experience of implementing Council Decisions (CFSP) 2017/1424 and (CFSP) 2019/2009, and taking into consideration the broad scope of the action, the number of beneficiaries and the number and the complexity of planned activities, the timeframe for implementation is 36 months.

9. Technical implementing entity

The technical implementation of this programme is entrusted to the OSCE Secretariat's CPC / FSC SU and six (6) OSCE field missions in SEE with the former also holding the coordination role. Where applicable, advisory support will be provided by the Transnational Threats Department (TNTD) within the OSCE Secretariat. The OSCE Secretariat's CPC / Programming and Evaluation Support Unit is engaged as an observer in the Steering Committee.

10. Steering Committee

The Steering Committee for this action will be composed of representatives of the High Representative, of the EU Delegations in jurisdictions and of the implementing entities referred to in the chapter 4 of this Annex.

The implementing entity, thereby helped by the Steering Committee will ensure that the implementation of the project happens in coordination with the EU's other related assistance to jurisdictions in SEE, such as German Federal Office for Economic Affairs and Export Control (BAFA) (supported by the Council Decisions (CFSP) 2018/101 ⁽³⁾ and (CFSP) 2017/915 ⁽⁶⁾), the regional cooperation with the Western Balkans in the field of SALW-control implemented by UNDP/SEESAC (supported by Council Decisions (CFSP) 2019/2011 ⁽⁷⁾, (CFSP) 2018/1788 ⁽⁸⁾ and (CFSP) 2016/2356 ⁽⁹⁾), and the EU-SEE law enforcement cooperation in the field of firearms trafficking (supported by the Commission's DG HOME, Europol and EMPACT firearms).

The Steering Committee will on a regular basis invite representatives from jurisdictions' partners in SEE. The Steering Committee can also invite representatives of entities involved in projects in SEE that have a similar or related objective. The Steering Committee will review the implementation of this Decision regularly, at least once every 6 months, including by the use of electronic means of communication.

11. Reporting

Reporting, narrative as well as financial, shall cover the whole of the action described in the relevant contribution-specific agreement and its attached budget, regardless of whether this action is wholly financed or co-financed by the Council Decision.

The OSCE will mainstream reporting to the EC/EU through the CPC / FSC SU, namely the project implementation team within the Project 7.

⁽³⁾ Council Decision (CFSP) 2018/101 on the Promotion of Effective Arms Export Controls (OJ L 17, 23.01.2018, p. 40).

⁽⁶⁾ Council Decision (CFSP) 2017/915 on Union outreach activities in support of the implementation of the Arms Trade Treaty (OJ L 139, 30.05.2017, p. 38).

⁽⁷⁾ Council Decision (CFSP) 2019/2111 of 9 December 2019 in support of SEESAC disarmament and arms control activities in South-East Europe reducing the threat of illicit small arms and light weapons and their ammunition (OJ L 318, 10.12.2019, p. 147).

⁽⁸⁾ Council Decision (CFSP) 2018/1788 of 19 November 2018 in support of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans (OJ L 293, 20.11.2018, p. 11).

⁽⁹⁾ Council Decision (CFSP) 2016/2356 of 19 December 2016 in support of SEESAC disarmament and arms control activities in South-East Europe in the framework of the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition (OJ L 348, 21.12.2016, p. 60).

COUNCIL DECISION (CFSP) 2021/2134**of 2 December 2021****on an assistance measure under the European Peace Facility to support the Georgian Defence 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) 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 to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, in pursuant to Article 1(2), point (b)(i), of Decision (CFSP) 2021/509, the EPF may finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) The framework of the Global Strategy on the European Union's Foreign and Security Policy set the objectives of strengthening security and defence, investing in the resilience of states and societies to the east of the Union, developing an integrated approach to conflict and crises, promoting and supporting cooperative regional orders, and reinforcing global governance based on international law, including compliance with international human rights law and international humanitarian law.
- (3) The Union is committed to a close relationship in support of a strong, independent and prosperous Georgia, based on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part ⁽²⁾, including the Deep and Comprehensive Free Trade Area, and to promote political association and economic integration while firmly supporting Georgia's territorial integrity within its internationally recognised borders. In accordance with Article 5 of the EU-Georgia Association Agreement, the Union and Georgia are to continue to intensify their dialogue and cooperation and promote gradual convergence in the area of foreign and security policy, including the common security and defence policy, and are to address in particular issues of conflict prevention, peaceful conflict resolution and crisis management, regional stability, disarmament, non-proliferation, arms control and export control.
- (4) The Union recognises Georgia's important contribution to the Union's common security and defence policy, including Georgia's continued contribution to CSDP crisis management operations and missions in the Central African Republic and the Republic of Mali.
- (5) In his letter of 28 October 2021 addressed to the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the Minister of Foreign Affairs of Georgia requested the Union, in accordance with Article 59(1) of Decision (CFSP) 2021/509, to provide medical and engineering equipment, as well as mobility assets of civilian type.
- (6) This assistance measure is to 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).

⁽²⁾ OJ L 261, 30.8.2014, p. 4.

- (7) 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 Georgia (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 contribute to the Union policy towards Georgia by supporting the Georgian Defence Forces' capacities to enhance national security and resilience by supporting the strengthening of the capacities of the Georgian Land Forces' military medical units, engineering units and logistics units, and thereby to better protect civilians, as well as to enhance Georgia's capacity to contribute to CSDP military missions and operations.
3. To achieve the objective set out in paragraph 2, the Assistance Measure shall finance the provision of the following equipment not designed to deliver lethal force, supplies and services to the units of the Georgian Defence Forces referred to in that paragraph:
 - (a) medical equipment for Role 2 medical treatment facilities;
 - (b) engineer equipment for engineer squads and platoons;
 - (c) ground mobility assets of civilian type (pick-up trucks).
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 a maximum of EUR 12 750 000. 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 11 475 000. 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 Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

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 Georgian Land Forces equipped by the Assistance Measure 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 be 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 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 with the rules for the implementation of revenue and expenditure financed under the EPF, consistently 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 the Central Project Management Agency (CPMA) of Lithuania.

Article 5

Monitoring, control and evaluation

1. The High Representative shall ensure that the respect of the obligations established in accordance with Article 3 by the beneficiary is monitored. This monitoring shall provide awareness of the context and risks of breaches of the obligations established in accordance with Article 3, and shall contribute to the prevention of such breaches, including violations of international human rights and international humanitarian law by units of the Georgian Land Forces supported under the Assistance Measure.
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 Georgian Defence 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 control upon request.
3. The High Representative shall conduct an evaluation, in the form of a structured first assessment of the Assistance Measure, 6 months after the first delivery of equipment. This may entail on-site visits to control the equipment, supplies and services delivered under the Assistance Measure, or any other effective forms of independently provided information. A final evaluation shall be conducted upon completion of the delivery of equipment, supplies and services under 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 6-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**

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 PSC may also recommend that the Council terminate the Assistance Measure.

*Article 8***Entry into force**

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

Done at Brussels, 2 December 2021.

For the Council
The President
J. VRTOVEC

COUNCIL DECISION (CFSP) 2021/2135**of 2 December 2021****on an assistance measure under the European Peace Facility to support the Ukrainian 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) 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 pursuant to 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 may finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) Intensifying dialogue and cooperation and promoting gradual convergence in the area of foreign and security policy, including the Common Security and Defence Policy (CSDP), is one of the objectives of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽²⁾.
- (3) The importance of further enhancing cooperation in the area of CSDP and the importance of Ukraine's increased convergence with the Common Foreign and Security Policy (CFSP), including through exploring possibilities for further supporting the resilience of Ukraine, was one of the outcomes of the 2021 EU-Ukraine Summit.
- (4) In their letter of 28 October 2021 addressed to the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the Minister of Foreign Affairs of Ukraine and the Minister of Defence of Ukraine requested the Union, in accordance with Article 59(1) of Decision (CFSP) 2021/509, to support the military medical units, engineering (demining) units, mobility and logistics units, and cyber defence units of the Ukrainian Armed Forces.
- (5) This assistance measure is to 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 and in compliance with Council Common Position 2008/944/CFSP ⁽³⁾.
- (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 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⁾ OJ L 161, 29.5.2014, p. 3.

⁽³⁾ 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 benefiting the Republic of Ukraine (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 contribute to strengthening the capacities of the Ukrainian Armed Forces (UAF), including their ability to provide their respective services to civilians, including persons belonging to national minorities, in crises or emergency situations, as well as to enhance Ukraine's capacity to contribute to CSDP military missions and operations.
3. To achieve the objective set out in paragraph 2, the Assistance Measure shall finance the delivery of equipment not designed to deliver lethal force to the UAF to strengthen the capacities of the UAF with respect to its:
 - (a) military medical units (including field hospitals);
 - (b) engineering units (including demining);
 - (c) mobility and logistics units; and
 - (d) cyber defence units.
4. The duration of the Assistance Measure shall be 36 months from the date of conclusion of the first agreement between the administrator for assistance measures acting as authorising officer and an 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 a maximum of EUR 31 000 000. 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 27 900 000. The funds called by the administrator for assistance measures 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 Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

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 UAF supported under the Assistance Measure 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 be 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 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 with the Rules for the implementation of revenue and expenditure financed under the EPF, consistently 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:
- (a) the Lithuanian Central Project Management Agency (CPMA) as regards Article 1(3), points (a), (b) and (c); and
 - (b) the Estonian e-Government Academy (eGA) as regards Article 1(3), point (d).

Article 5

Monitoring, control and evaluation

1. The High Representative shall ensure that the respect of the obligations established in accordance with Article 3 by the beneficiary is monitored. This monitoring shall provide awareness of the context and risks of breaches of the obligations established in accordance with Article 3, and shall contribute to the prevention of such breaches, including violations of international human rights and international humanitarian law by units of the UAF supported under the Assistance Measure.
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 inventory, whereby the beneficiary is to report annually on the inventory of designated items until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);
 - (c) on-site control, whereby the beneficiary is to grant the High Representative access to conduct on-site control upon request.
3. The High Representative shall conduct an evaluation, in the form of a structured first assessment of the Assistance Measure, 6 months after the first delivery of equipment. This may entail on-site visits to control the equipment, supplies and services delivered under the Assistance Measure, or any other effective forms of independently provided information. A final evaluation shall be conducted upon completion of the delivery of equipment, supplies and services under 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 6-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**

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 PSC may also recommend that the Council terminate the Assistance Measure.

*Article 8***Entry into force**

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

Done at Brussels, 2 December 2021.

For the Council
The President
J. VRTOVEC

COUNCIL DECISION (CFSP) 2021/2136**of 2 December 2021****on an Assistance Measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova**

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 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), point (b)(i), of Decision (CFSP) 2021/509, the EPF may finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) The Union firmly supports the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognised borders, with a special status for Transnistria. The Union is committed to a comprehensive, peaceful and sustainable settlement of the Transnistrian conflict within the framework of the 5 + 2 format.
- (3) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ⁽²⁾, aims to deepen dialogue and cooperation in the area of foreign and security policy, including the Common Security and Defence Policy (CSDP), and addresses, inter alia, the issues of conflict prevention, crisis management and regional stability.
- (4) The March 2020 Joint Communication, 'Eastern Partnership policy beyond 2020: Reinforcing Resilience – an Eastern Partnership that delivers for all', and the July 2021 Joint Staff Working Document, 'Recovery, resilience and reform: post 2020 Eastern Partnership priorities', highlight strengthening resilience for the Eastern Partnership region during the next years.
- (5) The Armed Forces of the Republic of Moldova play an important role in ensuring security and stability within the country. The security situation requires the strengthening of military capacities which can also be used during crisis responses to ensure the safety and security of the civilian population.
- (6) The Government of the Republic of Moldova is engaged in implementing reforms, including in the security and defence sector, with significant financial and material expenditures. To support these efforts, the Union seeks to contribute to strengthening identified military capacities of the Armed Forces of the Republic of Moldova.
- (7) In his letter of 11 October 2021 addressed to the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the Deputy Prime Minister and Minister of Foreign Affairs and European Integration of the Republic of Moldova requested, in accordance with Article 59(1) of Decision (CFSP) 2021/509, support for the Armed Forces through strengthening the capacities of the Military Medical Service and Engineer Battalion.

⁽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⁾ OJ L 260 30.8.2014, p. 4.

- (8) This assistance measure is to 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 and in compliance with Council Common Position 2008/944/CFSP ⁽³⁾.
- (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 Republic of Moldova (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 increase the capacities of the Military Medical Service and Engineer Battalion of the Armed Forces of the Republic of Moldova ('Armed Forces'), including their ability to provide their respective services to civilians in crises or emergency situations as well as enhance Moldova's capacity to contribute to CSDP military missions and operations.
3. To achieve the objective set out in paragraph 2, the Assistance Measure shall finance the provision of the following equipment not designed to deliver lethal force and supplies to the units of the Armed Forces referred to in that paragraph:
 - (a) medical equipment for the Military Medical Service; and
 - (b) explosive ordnance disposal equipment for the Engineer Battalion.
4. The duration of the Assistance Measure shall be 36 months from the date of conclusion of the agreement 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 a maximum of EUR 7 000 000. 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 6 300 000. The funds called by the administrator for assistance measures 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 Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

⁽³⁾ 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 Armed Forces supported under the Assistance Measure 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 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.
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 with the Rules for the implementation of revenue and expenditure financed under the EPF, consistently 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 the Lithuanian Central Project Management Agency (CPMA).

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

1. The High Representative shall ensure that the respect of the obligations established in accordance with Article 3 by the beneficiary is monitored. This monitoring shall provide awareness of the context and risks of breaches of the obligations established in accordance with Article 3, and shall contribute to the prevention of such breaches, including violations of international human rights and international humanitarian law by units of the Armed Forces supported under the Assistance Measure.
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 activities, whereby the beneficiary is to report annually on the activities involving designated equipment provided under the Assistance Measure until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);
 - (c) on-site control, whereby the beneficiary is to grant the High Representative access to conduct on-site control upon request.

3. The High Representative shall conduct an evaluation, in the form of a structured first assessment of the Assistance Measure, 6 months after the first delivery of equipment. This may entail on-site visits to control the equipment, supplies and services delivered under the Assistance Measure, or any other effective forms of independently provided information. A final evaluation shall be conducted upon completion of the delivery of equipment, supplies and services under 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 6-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

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 PSC may also recommend that the Council terminate the Assistance Measure.

Article 8

Entry into force

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

Done at Brussels, 2 December 2021.

For the Council
The President
J. VRTOVEC

COUNCIL DECISION (CFSP) 2021/2137**of 2 December 2021****on an Assistance Measure under the European Peace Facility to support the armed forces of the Republic of Mali in conjunction with the EU Training Mission in Mali**

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 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 may finance actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) The current crisis in Mali and the Sahel region is multidimensional, with a severe risk of spillover to neighbouring countries, and specifically to the Gulf of Guinea. The international community, including the Union as well as Member States, has recently invested considerable efforts to support the Republic of Mali in its fight against terrorism. The European Union Training Mission in Mali (EUTM Mali) continues its support to the capacity building of the Malian armed forces, as part of the EU Integrated Approach to the crisis in Mali.
- (3) In its Resolution 2391 (2017) as well as Resolutions 2480 (2019) and 2584 (2021) with regard to Mali, the United Nations Security Council affirmed its strong commitment to the sovereignty, independence, unity and territorial integrity of the countries of the Group of Five for the Sahel (G5 Sahel), namely Burkina Faso, Chad, Mali, Mauritania and Niger, commended the contribution of bilateral and multilateral partners to strengthening security capacities in the Sahel region, in particular the role of the European Union missions (EUTM Mali, EUCAP Sahel Mali and EUCAP Sahel Niger) in providing training and strategic advice to national security forces in the Sahel region, welcomed the efforts of the French Forces to support the operations of the G5 Sahel Joint Force, and called for adequate coordination, exchange of information and, when applicable, support between the United Nations Multidimensional Integrated Stabilisation Mission in Mali, the Malian Armed Forces, the G5 Sahel Joint Force, the French Forces and the European Union missions in Mali.
- (4) In his letter of 4 November 2021 addressed to the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the Malian Minister of Foreign Affairs requested the Union to continue and enhance its support to the Malian armed forces in three key areas, in conjunction with EUTM Mali.
- (5) This assistance measure is to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, and 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.

⁽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).

- (6) The implementation will also be subject to the regular assessment of political developments in Mali, in accordance with the integrated methodological framework for assessing and identifying the required mitigating measures and controls for assistance measures under the EPF. The implementation should, in particular, not contravene the security and defence interests of the Union and its Member States.
- (7) 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 to be financed under the European Peace Facility (EPF) (the 'Assistance Measure') is hereby established, benefiting the Republic of Mali (the 'beneficiary').
2. The objective of the Assistance Measure is to strengthen the overall capacities of the Malian armed forces with a view to enabling them to conduct military operations aiming at restoring Malian territorial integrity and reducing the threat posed by terrorist groups. This should benefit the population, and contribute to an enhanced presence of the State services in remote areas and to the better protection of civilians.
3. To achieve the objectives set out in paragraph 2, the Assistance Measure aims to further professionalise supported units of the Malian armed forces through relevant and adequate training and equipment provided through three projects:
 - (a) support to the Non-Commissioned Officers' (NCO) Academy in Banankoro;
 - (b) renovating training infrastructure in Sévaré-Mopti; and
 - (c) providing equipment not designed to deliver lethal force for three companies of the 23rd Regiment of the 2nd military region of Mali, according to the needs of the *Unité légère de reconnaissance et d'intervention* (ULRI).
4. The duration of the Assistance Measure shall be 30 months from the date of conclusion of the contract between the Administrator for Assistance Measures and the entity referred to in Article 4(3) 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 a maximum of EUR 24 000 000. 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 21 600 000. The funds called by the Administrator for Assistance Measures 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 Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

*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 with relevant international law, in particular international human rights and international humanitarian law, as well as the commitment of the Malian government to enhance the fight against impunity, in particular regarding human rights violations, and to take the necessary steps to strengthen the accountability of units benefiting from the Assistance Measure;
 - (b) the proper and efficient use of any assets provided under the Assistance Measure, for the purposes for which they were provided, by units and personnel that are trained under the supervision of EUTM or accompanied by international forces which are EU partners and that have not been reported as having committed abuses or violence;
 - (c) that any assets provided under this Assistance Measure will be used only by Malian forces and, in case of any form of collaboration, exclusively with state actors which are armed forces of EU partners, in particular the G5 Sahel Joint Force and G5 Sahel armed forces;
 - (d) the sufficient maintenance of any assets provided under the Assistance Measure to ensure their usability and their operational availability over their life cycle;
 - (e) that any assets provided under the Assistance Measure will not be lost, or be transferred at the end of their life-cycle to persons or entities other than those identified in the arrangements referred to in paragraph 1 without the consent of the Facility Committee established under Decision (CFSP) 2021/509.
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. In case of breaches of the arrangements referred to in paragraph 1 or of the provisions and obligations set out in this Article, the High Representative shall, in response, take proportionate steps in the context of the integrated approach, up to or including requiring the return of the relevant assets provided under the Assistance Measure.

*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 with the rules for the implementation of revenue and expenditure financed under the EPF, consistently with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.
2. The High Representative shall authorise the delivery of the assistance only after the acceptance by the beneficiary of the various contracts, arrangements, requirements, obligations and conditions referred to or set out in this Decision.
3. The implementation of the activities referred to in Article 1(3) shall be carried out by *Expertise France*.
4. In accordance with Article 61(4) of Decision (CFSP) 2021/509, the Administrator for Assistance Measures shall conclude the necessary contracts with the implementing actors.

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

1. The High Representative shall ensure monitoring of compliance by the beneficiary with the obligations established in Article 3. That monitoring shall provide awareness about the context and the risks of breaches of those obligations, and shall contribute to the prevention of such breaches, including violations of international human rights and international humanitarian law, involving the use of equipment provided under the Assistance Measure. In such cases, the High Representative shall report to the Political and Security Committee (PSC) and propose proportionate measures.

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 inventory, whereby the beneficiary is to report annually on the inventory and state of designated items throughout their life-cycle or until such reporting is no longer deemed necessary by the PSC;
- (c) on-site controls, whereby the beneficiary is to grant the High Representative access to conduct on-site controls upon request.

3. Taking into account the provisions set out in Article 3(2), the High Representative shall conduct an evaluation, in the form of a first assessment of the Assistance Measure in three parts, six months after the delivery of the equipment to the three companies of the 23rd Regiment, six months after the end of the first graduating class of the NCO Academy, and six months after the completion of the construction of the training facility in Sévaré-Mopti. The evaluation will entail on-site visits to check the equipment and supplies delivered under the Assistance Measure, or any other effective forms of independently provided information.

A final evaluation shall be conducted at the end of the implementation period of the Assistance Measure to assess whether the Assistance Measure has contributed to achieving the stated objectives.

*Article 6***Reporting**

At the beginning of and during the implementation period, the High Representative shall provide the PSC with six-monthly reports that shall include up-to-date information on the state of implementation of the Assistance Measure, in accordance with Article 63 of Decision (CFSP) 2021/509, as well as upon request and in the event of any substantial reported breaches of the arrangement or in the event of any relevant political or security developments. 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 High Representative shall assess information on possible breaches or infringements of the commitments and obligations under the arrangement between the beneficiary and the High Representative, leading to an examination by the High Representative of the possible suspension or termination at any time of the Assistance Measure.

2. In accordance with Article 64 of Decision (CFSP) 2021/509, at the request of a Member State or the High Representative, the PSC may decide to suspend wholly or partially the implementation of the Assistance Measure in any of the following cases:

- (a) if the beneficiary is in breach of its obligations under international law, in particular those under international human rights or international humanitarian law, or if the beneficiary does not observe its obligations or commitments under the arrangements referred to in Article 3;
- (b) if the contract with an implementing actor has been suspended or terminated following a breach of its obligations thereunder;
- (c) if the situation in the country or area of concern no longer allows for the measure to be implemented whilst ensuring sufficient guarantees;
- (d) if pursuing the Assistance Measure no longer contributes to achieving the stated objectives thereof, or is no longer in the interests of the Union.

3. In urgent and exceptional cases the High Representative may provisionally suspend wholly or partially the implementation of an assistance measure pending a decision by the PSC.

4. 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 day of its adoption.

Done at Brussels, 2 December 2021.

For the Council
The President
J. VRTOVEC

COUNCIL DECISION (CFSP) 2021/2138**of 2 December 2021****amending Decision (CFSP) 2018/2011 in support of gender mainstreamed policies, programmes and actions in the fight against small arms trafficking and misuse, in line with the Women, Peace and Security agenda**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the European Union, and in particular Articles 28(1) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 17 December 2018, the Council adopted Decision (CFSP) 2018/2011 ⁽¹⁾.
- (2) Decision (CFSP) 2018/2011 provides for a 36-month implementation period for the activities referred to in Article 1 thereof from the date of the conclusion of the agreement referred to in Article 3(3) thereof.
- (3) The United Nations Office for Disarmament Affairs has requested an extension of the implementation period of Decision (CFSP) 2018/2011 by 7 months, until 31 October 2022, in view of the delay in the implementation of project activities under Decision (CFSP) 2018/2011 due to the impact of the COVID-19 pandemic.
- (4) The continuation of the activities referred to in Article 1 of Decision (CFSP) 2018/2011 until 31 October 2022 can be performed without any consequences as regards financial resources.
- (5) Article 5(2) of Decision (CFSP) 2018/2011 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 5(2) of Decision (CFSP) 2018/2011 is replaced by the following:

- ‘2. This Decision shall expire on 31 October 2022.’.

Article 2

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

Done at Brussels, 2 December 2021.

For the Council
The President
J. VRTOVEC

⁽¹⁾ Council Decision (CFSP) 2018/2011 of 17 December 2018 in support of gender mainstreamed policies, programmes and actions in the fight against small arms trafficking and misuse, in line with the Women, Peace and Security agenda (OJ L 322, 18.12.2018, p. 38).

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