

How does the European Peace Facility function?

Administrative procedures and political stakes

A Study by Federico Santopinto



Guillaume Périgois

The Boutros-Ghali Observatory for Peacekeeping - December 2020

(Better known by its registered French name: L'Observatoire Boutros-Ghali du maintien de la paix)

This note was produced with the support of the Konrad Adenauer Foundation's Security Policy Dialogue Programme for Sub-Saharan Africa (SIPODI). The views expressed in this publication do not necessarily reflect the views of the lead organisations, nor do they reflect any official position of the Konrad Adenauer Foundation.

This article was published on the website of the Konrad Adenauer Foundation's Security Policy Dialogue Programme for Sub-Saharan Africa (SIPODI): <https://www.kas.de/fr/web/sipodi/home>

Contents

Summary	06
Foreword	08
Introduction	10
I. The EFP changes the EU's Actions	12
II. Political Initiative and Decision-Making.....	14
III. The management of assistance measures	20
1. The PSC and political-strategic oversight	20
2. The HRU and political controls	20
3. The Facility Committee and validation of actions	21
4. The Administrator and the Secretariat: The Role of the Commission	22
5. Implementers and their Selection	23
6. Suppliers of Goods and Services and their Selection	23
7. "General Programme" Measurers (in Specific Cases).....	24
IV. Conditions for Aid, Controls and Sanctions	26
1. The "Arrangements" and the Integrated Methodological Framework	27
2. Political Conditions of Aid Imposed on Beneficiaries.....	28
3. Controls and Possible Sanctions	28
4. The Conditions The EU Itself Will Have to Respect.....	30
Conclusion	31

Quick Summary

The EFP is not a policy, but rather a financial tool...

The EFP does not tell us much about the EU's political guidelines. It does not tell us what the EU intends to do concretely in terms of military assistance. It only indicates what it could do, by defining its scope of action, which has been considerably expanded, and by allocating a budget for the period running from 2021 to 2027. One more misconception should be cleared up at this point: the Facility is not policy, nor is it a programme. It is a budgetary instrument that will be used to finance future military-operational choices.

... a financial tool available for essentially geopolitical choices.

The choices in question will be essentially geopolitical. In this respect, the Facility clearly distinguishes itself from the instruments that preceded it. The EFP is not an instrument for governance or development through cooperation. It does not aim long-term actions. It rather focuses on short- and medium-term security and diplomatic needs identified by the EU Member States.

The EFP is changing the nature and role of the EU on the international security and military scene

In terms of military assistance, the Facility gives the Union something it has always lacked: flexibility for the actions to be carried-out. The EFP provides Brussels with a 360° margin of manoeuvre that it did not have in the past. When the EU wants to help a partner militarily, it will now be able to do almost anything it wants, when it wants and where it wants. It will no longer be subject to the strict and rigid regulatory constraints that limited it in the past. This freedom to act as it sees fit makes the EU more like a unit moving together and less like an international organisation.

The EFP procedures have been adapted to match the role that the EU must play.

The procedures set out for the Facility fully take into consideration the geopolitical role that the Union is called upon to play. It allows the Member States and their representatives (*the Council and the High Representative at ministerial level, the Political Security Committee at the ambassadorial level and the Facility Committee at a lower diplomatic level, for the monitoring of day-to-day activities*) to decide when, where and how the EFP should be used. While other actors will indeed be involved in the implementation (*European External Action Service -EEAS, Commission, Implementing Actors*), it is the Member States, through their diplomats in Brussels, that will remain in control of the process, from the beginning of the administrative process all the way to its end,

from the political initiative to the final monitoring of the action, including of course its implementation phase.

The importance of informal negotiations within the “Brussels Bubble”

Beyond the strictly codified procedure, the decision to execute a military assistance measure and the defining of its modalities ultimately depends on a series of informal political consultations between the diplomats of the member states in Brussels. They must first ensure that a consensus among the Member States can be reached on an EFP intervention. However, the choice of geographical areas and crisis locations to be prioritised will not be easy for the Union, considering the budgetary limits of the EFP. Secondly, it should not be forgotten that EU diplomats will have to define with the representatives of the potential beneficiary. These exchanges will include not only the measures to be provided, but also the elements of political conditionality and control that will be called upon to accompany the aid. In short, any decision to be taken on the EFP is destined to be the subject of complex diplomatic and geopolitical exchanges, with Brussels as the epicentre. And at this crossroads, we will find the PSC ambassadors, the departments of the EU High Representative, but also the diplomats of the beneficiary country or organisation as protagonists.

The EU will be cautious and proportionate in the military assistance it provides

Before the Facility was adopted in 2021, the idea of giving the EU the power to finance lethal weapons transfers was not unanimously supported in Brussels (indeed, it remains contested to this day). Many feared that European military aid could be misused or misappropriated, especially in Africa. Negotiations on the EFP were therefore difficult and at times quite heated. So understandably, the fact that the EU has now acquired the power to finance weapons transfers does not mean that it intends to exercise this power casually and frequently. On the contrary, the Union is proving to be a cautious, even timid, player on this front, especially in Africa. Recent political developments on that continent, moreover, are not likely to reassure those that have been hesitant. To date, none of the first seven military assistance measures adopted under the Facility have involved lethal weapons transfers.

Risk and impact assessments, policy conditionality for aid and controls

The above-mentioned concerns about military assistance have an impact on the administrative procedures of the EFP. The military assistance measures to be financed by the EU will be preceded by impact and conflict analyses by the High Representative of the Union and its departments. They will then be subject to specific political conditions that the beneficiary will have to respect, and to controls that it will have to undergo. The aim is to prevent military aid from being diverted and used for purposes other than those intended for by the EU.

The EU's total control over aid

In providing a military assistance, the Union does not intend, under any circumstances, to take on binding commitments with its partners. The intention is to be able to interrupt or permanently suspend assistance as and when it desires, on the basis of its own considerations about the political situation of the recipient and the evolution of the situation. The political conditions for the assistance are formulated as to ensure that the EU maintains freedom over its actions and the possibility to make its own evaluations on any given situation. The beneficiary will therefore have no leverage to claim aid under a military assistance measure.

The case of weapons transfers

The EFP does not give the Union the power to grant licences for arms transfers itself. This power will remain in the hands of the Member States. The Facility can only finance such transfers. Therefore, once the EU has decided to finance a transfer, the Implementing Actor responsible for the measure will itself be responsible for identifying a supplier, based on the rules and procedures of the country where it is established. These rules and procedures must, however, respect the EU rules on transparency and competition. The country where the supplier's head office is based will then have to grant the licences authorising the transfers, in compliance with the Common Position, the Arms Trade Treaty (ATT) and its national provisions. The country of origin will therefore also be able to impose controls on the recipient, in addition to those of the EU.

The EFP will bring to the forefront the EU Member State most involved in the crisis in question

The analysis of the EFP procedures offers a final political lesson: the Facility is designed to put the EU country that is the most involved in the region where military assistance is to be provided at the forefront. To see this, one only has to look at the 'Implementing Actors' (those who will actually implement the military assistance on the ground) designated by the EU in the first measures adopted under the Facility. In Georgia, Ukraine and Moldova, the Council selected state agencies from the Baltic States for this role. In Mali, this role has been reserved for France, specifically Expertise France (working under the Ministry of the Armed Forces), while in Mozambique the Implementing Actor is the Ministry of Defence of the country's former colonial power, Portugal. The Council has therefore systematically appointed as Implementing Partner a public institution belonging to the member country most active in the crisis in question.

This seems to indicate that the Facility is intended to function, at least in part, on the basis of a bargain between the chancelleries of the EU countries, on a "give and take" basis. There is certainly a bright side to this. The EFP could help to Europeanise the role played by some EU countries on the international scene. However, Member States will also have to demonstrate that they are able to provide a coherent and truly European vision when drawing on the Facility's budget. Without the Commission's involvement in the decision-making process, will they be able to do so? Generally, it is the Commission, as a supranational and autonomous EU institution, which ensures the respect of the general European interest and the overall coherence of the action. However, in the framework of the EFP, it is clear that the Member States are the only ones in charge.



Roland STEIN

*Resident Representative / Director of the SIPODI
Programme (Security Policy Dialogue Programme for Sub-
Saharan Africa)*

Foreword

Dear readers,

The Konrad-Adenauer-Foundation is one of the most important foundations in Germany with a presence in 120 countries worldwide. It is affiliated with the conservative democratic party CDU. Angela Merkel is also a member of the foundation's board.

As a thinktank and consulting firm, the Konrad Adenauer Foundation's research and analysis provides a basis for informed decision-making by stakeholders around the world. Through our many partnerships, we not only provide a network for dialogue, but also develop and implement our projects in close cooperation with local decision-makers at home and abroad.

The Konrad Adenauer Foundation's Security Policy Dialogue Programme for Sub-Saharan Africa (SIPODI) was established in November 2015. Its main objectives are to promote peace, security, good governance, international cooperation through education, training, security policy analysis and dialogue activities. Regional stability issues, arising from a multitude of security risks, are discussed during seminars, workshops and conferences.

Our scientific publications are not only well received by security policy experts, but also by interested readers from all groups in society and come as a welcomed addition to our range of resource documents.

Dialogue between Europe and Africa

In a volatile global environment, the European Union aims to improve its capacity for conflict prevention and peace-building. And thus, it established the new European Peace Facility (EPF) in December 2020.

The EFP is a proposal by the EU High Representative for Foreign Policy to create a new fund of €5 billion outside of the EU's multi-annual budget. The goal of this fund is to finance operational, military and defence actions under the Common Foreign and Security Policy (CFSP). It replaces the Athena financing mechanism and the African Peace Facility, in order to remove the geographical and thematic obstacles that have existed in this area of cooperation up until now.

This study is the third in a series of four. It was produced thanks to a cooperation between the Konrad Adenauer Foundation's SIPODI programme and the Boutros-Ghali Peacekeeping Observatory, run by the Group for Research and Information on Peace and Security (GRIP). Through this publication, we want to stimulate the exchange of ideas between European and African security policy actors from the very beginning of the new Facility, so that it will be more successful than its predecessors.

We hope you find this document interesting and useful.

*Roland Stein
Regional Director for the Security Policy Dialogue
Programme for Sub-Saharan Africa (SIPODI)
Konrad-Adenauer-Stiftung
Abidjan February 2022*

Introduction

The European Peace Facility (EPF) is a new financial instrument that will change the way the European Union (EU) operates on the international security stage. More specifically, it is intended to change the way the EU cooperates with its partners on defence related issues. As such, the Facility is particularly important for Africa. The continent being one of the main targets of the EU's military assistance measures. African actors involved in peace operations or in the fight against terrorism could be directly impacted by the new features introduced by the EPF. It is therefore in their interest to understand the stakes and procedures.

The Facility is still not well-known south of the Mediterranean and the Sahara. However, before it was adopted in 2021, it was the subject of a long and heated debate in Europe. But this debate was hardly heard of in Africa. The Europeans communicated about it very little to the outside world, while the African institutions were late in taking an interest in the issues being discussed in Brussels. As a result, at the Dakar Forum held on 6 and 7 December 2021, eight months after the final adoption of the EPF by the EU, the African leaders and heads of state present discovered the existence of this tool, not without a certain astonishment, while still being unaware of its details, characteristics and functioning.

In an attempt to remedy this lack of communication between the EU and Africa at the end of 2020, the Konrad Adenauer Foundation and the Boutros-Ghali Peacekeeping Observatory launched a series of studies on the EPF at the end of that year, with the aim of raising awareness of the instrument. The first study focused on the characteristics of the instrument, the paradigm shift it entails and the long debate that has accompanied it in Europe. The second study shifted perspective, focusing on how the European Peace Facility was received in Africa once Africans have heard of its existence. ²

This third article on the EPF is intended to be more concrete and less theoretical. It aims to describe how the new Facility works from both an administrative and a political point of view. Such an objective may seem daunting at first glance. Navigating the EU's institutional and procedural complexities is not an easy task. Yet it is a politically meaningful exercise. Behind the administrative and procedural norms that govern the Facility, lie the fundamental choices that Europeans have made about their military and security cooperation, notably with Africa.

¹ Federico Santopinto, Julien Maréchal "EU military assistance under the new European Peace Facility", Boutros-Ghali Peacekeeping Observatory, Konrad Adenauer Stiftung, December 2020

² Federico Santopinto, « La nouvelle Facilité européenne pour la paix : réactions africaines » Observatoire Boutros-Ghali peacekeeping, Konrad Adenauer Stiftung, October 2021.

To fully measure the stakes, the study will focus on both the administrative procedures of the EFP and the political considerations that govern the decision-making and management of the instrument. The study will also examine how the EU intends to set political conditions for its assistance to partners.

But before doing so, it is necessary to provide the context. The following paragraph will briefly recall the new measures introduced by the Facility, and how they change the nature of the security cooperation between the EU and Africa. In order to understand the administrative and procedural choices adopted in the framework of the EFP, it is indeed essential to understand the political evolutions that this tool brings in comparison to the instruments that preceded it.

I - The EFP changes the EU's actions

The European Peace Facility is a budget of the European Union separate from its ordinary main budget. The role of this fund is to finance military activities of an operational nature that the EU intends to undertake either directly, by acting on its own, or indirectly, by supporting the action and capabilities of its partners.

More specifically, the EFP will enable the EU to do two things:

1. **Bear part of the costs of the military crisis management missions** it deploys outside its borders under its Common Security and Defence Policy (CSDP).
2. Extend its **military assistance** powers to strengthen the capacity of its partners to prevent and respond to crises militarily.

3

This study not dealing with the first aspect aspect, it is the latter aspect that interests us here.

Although its overall budget is relatively modest (5.692 billion Euros for 2021 - 2027), the EFP reflects a new ambition for the EU: to become a full-fledged player on the international security scene.

Before 2021, the Union was not. Its competences in military cooperation were limited and rigidly limited. When operating in this sector, the EU was subject to numerous constraints which considerably reduced its room to manoeuvre and its scope of action. In Africa, for example, it could only intervene to financially support multi-national peace operations under the aegis of the African Union. It could not act bilaterally. It was prohibited from providing individual military aid to a country directly.

Moreover, the EU could not directly support the military capabilities of its partners. It was allowed to do so only indirectly, through related civilian actions, aiming at financing for example the transport of troops, IT systems, certain infrastructures such as health facilities, living expenses of soldiers deployed in multilateral peace missions (but not their salaries...). The provision of defence equipment of a lethal nature, on the other hand, was strictly forbidden.

In practical terms, this meant that while the EU could buy fuel for AMISOM's tanks, it could not acquire the tanks in question to donate to the partners it was supposed to be helping. If it could deploy a training mission

³ Article of 56.1 Council Decision (CFSP) 2021/509 of March 22 establishing a European Peace Facility.

⁴ However, this sum may be supplemented by further voluntary contributions from the Member States Council of the EU. See: "[EU sets up the European Peace Facility](#)", Press statement of 22 March 2021.

While it was allowed to finance the construction of infrastructure for African multilateral peace operations, it was not allowed to bilaterally assist African countries involved in these operations. While it was authorised to finance the construction of infrastructure necessary for the smooth running of multilateral African peace operations, it could not at the same time provide bilateral military assistance to the African countries involved in these same missions. In short, the Union was in a paradoxical situation, which often kept it disconnected from the security related reality in which it was called upon to act.

The new Facility was adopted to allow the EU to go beyond these constraints. Now, thanks to the Facility, Brussels will be able to do three things it could not do before:

1. It will be able to provide **military support to a individual state** or sub-regional or international organisation on a purely bilateral basis (it will, of course, also be able to continue to provide military support to African multilateral peace operations under the aegis of the AU, as it did before).
2. It will be able to **supply military equipment, including lethal weapons**, to its partners, thus breaking a taboo that has lasted for more than twenty years.
3. Finally, the Facility will allow the Union to extend its **reach beyond Africa**, without any geographical restrictions (the former African Peace Facility, that came before the EFP, was limited to Africa).

The possibility of supplying defence equipment to its partners, and the possibility of doing so in a simple bilateral relationship, are two main innovations that interest us here, as these are major evolutions for the EU. They mark a turning point in the history of the Union, in that they provide it with something fundamental that it has always lacked: flexibility for the actions it can carry-out.

The EFP has in fact enabled the Union to free itself from the strict rules that limited and constrained its initiatives. It has with this fund acquired the possibility to better manoeuvre and act freely. This means that, from now on, when it has to provide military assistance to a partner, it will be able to do almost anything it wants (or rather anything its member states want it to do). In this respect, the Facility gives the Union a surprising freedom for military action. It transforms the Union into an actor that looks more like a single unit working as one and less like an international organisation.

This is where the paradigm shift mentioned in the introduction to this article comes in, and it is well worth a moment's consideration. Usually, international organisations have to act within a limited and rigid framework, limited from the very outset by their member states. They do not have discretionary powers or freedom of action. This is reserved for nation states, the sole holders of sovereignty. The new European facility, on the other hand, gives the Union the possibility to choose 'where' and 'how' to act militarily. It therefore gives it the

discretionary powers that goes beyond the strict regulatory framework typical of international organisations. In other words, the EFP makes the EU a relatively autonomous geopolitical actor, which it was not before, at least from a strategic point of view. From now on, the Union can decide what it wants to do militarily with a freedom of action that is similar to that of states.

As will be seen in the following sections, this geopolitical dimension that the Union acquires through the EFP is reflected in the administrative procedures that have been established to govern the tool. In this respect, the new European Facility is different from the former African Peace Facility (APF). The APF was a development cooperation instrument, focusing on a long-term structuring approach. The EFP is essentially, as we have just seen, a geopolitical tool, designed to respond to medium- to short-term diplomatic and security situations.

II - Political Initiative and Decision-Making

The geopolitical character of the European Peace Facility is mainly reflected in the policy initiative procedures. The measures that the EU decides to adopt through the EFP are not identified on the basis of projects submitted by potential recipients, and even less through the publication of calls for tender. They are identified by the Union, and by the Union alone, on a case-by-case basis, on the basis of its own analyses and the priorities it has set in the framework of its Common Foreign and Security Policy (CFSP).

In order to understand the procedures of the Facility, it is therefore necessary to understand first of all the functioning of the CFSP, which also includes the Common Security and Defence Policy (CSDP). The CFSP differs from other EU policies in that it is purely intergovernmental. The Member States alone hold the sceptre of decision-making in their hands, exercised by unanimity. The supranational institutions of the EU (the Commission and the European Parliament) play only a marginal role.

Table 1 seen below lists the bodies that implement the CFSP, as well as those specifically created for the implementation of the EFP. Understanding them is essential for a good understanding of the rest of this article.

Table 1
Actors in charge of CFSP and EFP

Actors implementing the CFSP/CSDP :

- The **European Council** - The European Council brings together the Heads of State and Government, who define the broad guidelines of the CFSP and CSDP which the Union must then implement. It is chaired by the **President of the European Council**, who represents the Union at the international level.
- The **EU Council** - The EU Council brings together the EU Ministers, who unanimously adopt CFSP decisions to give effect to the Union's foreign and defence policy. They will therefore decide if, when and how to finance a military assistance measure through the Facility, defining its content and conditions.
- The **Political and Security Committee (PSC)** - In its functions, the Council relies on the PSC, which brings together the twenty-seven ambassadors of the Member States specially appointed for CFSP and CSDP. The PSC can be considered the key body of the CFSP, as it filters all measures to be adopted by the Council.
- The **High Representative of the Union for Foreign Affairs and Security Policy (HRU)** - The HRU is seen by some as a kind of 'foreign minister' of the EU, since he has to represent the Council and the CFSP at ministerial level. In reality, his function resembles more like a "super-ambassador" of the Council and the Member States, as its action depends on the will of the Council expressed unanimously. The HRU also acts as Vice President of the Commission, in order to ensure the overall coherence of the EU's external action. Indeed, its role in the Commission is marginal.
- The **European External Action Service (EEAS)** - The administrative structure for the day-to-day management of the CFSP is the EEAS. This body, which is halfway between the Commission and the Council, is under the control of the Council (and thus the Member States) and the HRU when acting in the field of CFSP.
- The **European Commission** - As for the Commission, it is excluded from decision-making. However, it has to implement the CFSP budget and therefore has a certain role, albeit a marginal one of an essentially administrative nature.

Structures specifically created for the management of the VET :

- The **Facility Committee** - This structure depends on the PSC. It brings together representatives of the Member States appointed specifically to monitor the activities financed by the Facility, which it must validate, including financially.
- The **Administrator for Assistance Measures (the Commission)** - The Administrator is appointed by the High Representative to ensure the financial execution of the EFP budget for military assistance measures and their contractual implementation. The European Commission has been appointed in this purely administrative role. It also monitors implementation, in coordination with the EEAS.
- **Implementing Actors** - In most cases, the Union delegates the concrete implementation of an assistance measure or part of it to Implementing Actors.
- **Suppliers of goods and/or services** - 90% of the activities under the assistance measures involve the provision of goods or services. Suppliers must therefore be identified and selected.

The Facility is supposed to act in coherence with the general orientations of the CFSP. These guidelines are defined in broad terms (... and often with great difficulty) by the Member States meeting in the European Council. They can be found in the strategic documents that the European Council regularly endorses (such as the Global Strategy (e.g. the EU Strategic Compass drafted in 2016⁵ or the Strategic Compass expected in March 2022), as well as and in the conclusions published at the end of each of its meetings.

The strategies adopted by the European Council, however, remain vague and provide only indicative and abstract information about the real intentions of the EU. How the Union uses the EFP will *ultimately* depend on the geopolitical events that attract its attention and the prevailing geopolitical situation, as well as the available budget (which is far from unlimited).

EU military assistance measures will thus be decided on a case-by-case basis by the Council through a formal legal act, namely a "CFSP Decision". The procedure followed to arrive at a CFSP decision establishing assistance is more precisely as follows:

- **The first step A → request from the potential beneficiary or the EU?**

In theory, it should start with a request from the potential beneficiary.⁶

In practice, however, it is more likely that the EU will approach the country or organisation it wants to support requesting that it make request for assistance. This is at least how the EU proceeds when it deploys crisis management or election observation missions to individual countries...

- **The drafting of an initial "concept note" → A Member State or the HRU**

The real power of initiative thus remains firmly in Brussels. The only two EU entities that can officially initiate the procedure for the adoption of an assistance measure are the Member States or the High Representative of the Union (as for the European Commission, it can possibly associate itself with a proposal presented by the HRU, but it does not have its own autonomous power of initiative). In order to launch the procedure for the adoption of an assistance measure,⁷ the proposer must submit to the Council and the PSC a "concept note" describing

1. The type of action desired, the objectives, the duration, the possible Actor for implementation and possible emergency measures,
2. A preliminary analysis of the stability of the area concerned by the measure,
3. A preliminary analysis of the risk and impact of the desired measure,
4. Initial consideration of monitoring and follow-up arrangements to ensure that military aid is not diverted or misused.

⁵ In June 2016 the European Council 'welcomed' the comprehensive strategy for the Union proposed by the then HRU.

⁶ Article of 59.1 Decision (CFSP) 2021/509.

⁷ Article of 57.1 Decision (CFSP) 2021/509.

- **Approval of the "concept note" PSC and then the Council**

The EU Council will then have to approve, by unanimity, the "concept note" proposed. Before landing on its table, it will be discussed in the PSC. It should be noted that the note may also include preparatory or exploratory provisions that can be implemented immediately (i.e. before the final adoption of the CFSP decision).⁸

- **Possible emergency measures → The Council**

Pending the formal adoption of the act establishing an assistance measure, the proposed "concept note" may also include emergency provisions. If this is the case, and of course if the "concept note" is adopted, these contingency arrangements can start to be implemented. They may not, however, relate to the provision of lethal equipment.⁹

- **The drafting of a "CFSP decision" → The HRU and the EEAS (and the PSC)**

Once the concept note is approved by the Council, the HRU and the European Service for External Action (EEAS) will be responsible for the technical formulation of a proposal for a "CFSP decision". This work is carried out in close consultation with Member States' diplomats and officials, notably in the PSC.

- **Identification of the Implementing Actor → PSC and the Council**

It is important to underline in this respect that during the elaboration of the "CFSP decision", the Council should identify the potential Actor to implement the assistance measure (*implementing partner*). In most cases, the actual implementation will not be carried out by the EU, but by a third party, under the control of Brussels of course (see point 4.3). The Implementing Actor will then be appointed directly in the "CFSP decision" establishing the military assistance measure. It is the PSC, within this framework, which is responsible for the negotiations for its identification. However, the Commission will have to assess the capacity of the *implementing partner* thus identified to implement the assistance measure.

- **Risk and impact assessments The → HRU and the EEAS**

While drafting the CFSP decision establishing the assistance measure, the EEAS and the HRU must also prepare a risk analysis on the political stability of the area and an impact assessment of the measures envisaged¹⁰. These documents are essential in the European procedure, as they allow the Union to justify and motivate its choices and, above all, to assess the risks involved. It is on the basis of

⁸ Art. of 57.2 the Council Decision (CFSP) 2021/509 of 22 March 2022.

⁹ Art. of 58 the Council Decision (CFSP) 2021/509 of 22 March 2022.

¹⁰ Article 56.4 and 57.4 of the Decision (CFSP) 2021/509.

this risk assessment will be used to calibrate the control and monitoring¹¹ measures. The EEAS should consult the Commission services in this exercise.

- **Negotiating an 'arrangement' and controls → The HRU and the EEAS**

While the procedure for the adoption of the "CFSP Decision" is underway, the High Representative of the Union and its department must at the same time negotiate with the beneficiary country the political conditions to which the assistance measures will be subject. An "arrangement" will have to be signed in this respect. Then the "CFSP decision" establishing the assistance measure should indicate the political conditions of the assistance and the controls to which the parties have committed themselves (see paragraph 5.1).¹²

- **Validation of the "CFSP Decision" → The PSC**

Once the measures and conditions for intervention have been identified, the Member States meeting in the Political and Security Committee (PSC) will have to validate at their level the proposal for a "CFSP decision" presented by the EEAS and the accompanying agreement, and then forward it to the Ministers of the Member States meeting in the Council.

- **The formal adoption of the "CFSP Decision" and its content → The Council**

The EU Council will finally adopt the "CFSP decision" by unanimous vote. This decision will set out, among other things, the following elements:

- The form of the assistance measure: this could be a specific action or a programme of actions focused on an area or on a theme¹³;
- The objectives, scope, duration and modalities of the military assistance measure ;
- Its base budget ;
- The Implementing Actor who will actually carry out the assistance measure ;
- The conditions of the aid and the control and monitoring provisions to which the beneficiary country will be subject;
- Provisions for suspension of aid or repeal if the beneficiary does not comply with the conditions agreed with the EU (see paragraph 5.3).¹⁴

In this complex procedural architecture, the role of two actors in particular must be highlighted: that of the High Representative of the Union (supported by the European External Action Service - EEAS) and that of the Political and Security Committee (PSC). It is the HRU's services and the PSC's diplomats who, in fact, take the lead up to and after the

¹¹See also Beatrix Immenkamp, "European Peace Facility - Investing in international stability and security", European parliament Briefing, June 2021.

¹²Art.62 of the Council Decision (CFSP) 2021/509 of 22 March 2022.

¹³Article of 59.3the Decision (CFSP) 2021/509.

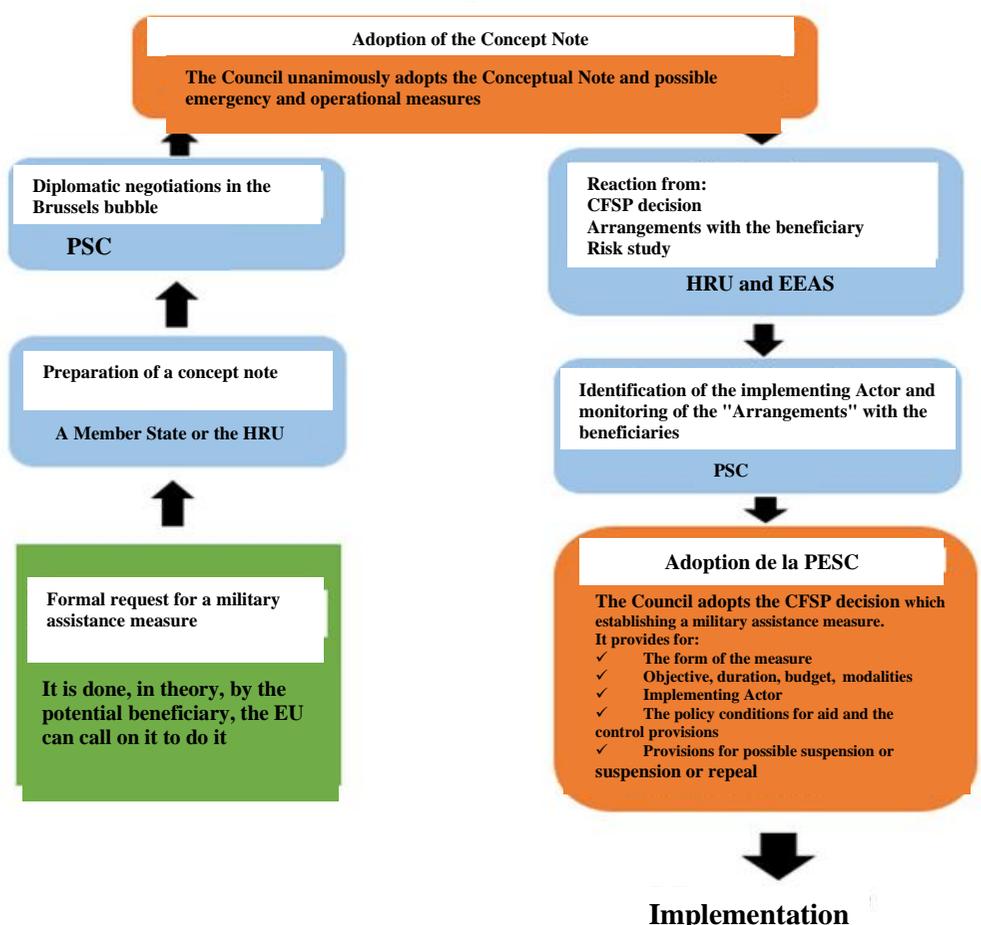
¹⁴Article 7 and 59.2 of Council Decision (CFSP) 2021/509 of 22 March 2022.

policy and budgetary choices made by the Council on behalf of the Facility. Any dossier in this area must first go through these two structures.

Their role is important especially from an informal point of view. Beyond the strictly codified procedure, the decision to adopt a military assistance measure *ultimately* depends on a whole series of informal political consultations between the diplomats in Brussels. They must first ensure that a consensus among the Member States can be reached on an EFP intervention. However, the choice of geographical areas and crisis zones to be prioritised will not be easy for the Union, considering the budgetary limits of the EFP. Secondly, it should not be forgotten that EU diplomats will have to define with the representatives of the potential beneficiary not only the measures to be provided, but also the elements of political conditionality that will accompany the aid.

In short, any decision on the EFP is destined to be at the heart of a complex diplomatic and geopolitical exchange, with Brussels as the epicentre. At the crossroads there in Brussels, we will find the PSC ambassadors, the services of the EU High Representative and the diplomats of the beneficiary country or organisation as the protagonists.

Table 1
Initiative and decision making



III - The Management of Assistance Measures

Once a decision to provide a military assistance measure has been taken, it must be implemented. In this phase, as in the previous ones, as related to the initiative and decision-making, the Member States remain in control of the procedure.

The actors involved in the governance of the aid are those of the CFSP, i.e. mainly the **Political and Security Committee (PSC)** and the **High Representative of the Union (HRU)**, supported by his administration, the **European External Action Service (EEAS)**. But in addition to these actors, this time, there are other structures created specifically to manage the Facility, namely the:

- **Facility Committee**
- **Administrator for Assistance Measures**
- **Implementing Actors**
- **Suppliers of goods and/or services** to be transferred.

1 - The PSC and Political-Strategic Oversight

The PSC, in terms of hierarchy, is ranked above the Implementing Actors, which allows for political-strategic oversight. This body therefore plays a key role, not only in the political initiative but also in the management of the EFP.

Notably, the PSC must examine the bi-yearly reports provided to it by the EU High Representative on the progress of military assistance measures and compliance with the political conditions of the assistance. On the basis of these reports, the PSC organises debates, the conclusions of which can be taken up to the level of Ministers and the Council, if necessary. New orientations can thus be adopted to make the actions financed by the EFP¹⁵ more effective. It should be recalled that in cases where beneficiaries do not respect the conditions under which military assistance is provided, the PSC may suspend such assistance and may even propose to the Council that it be definitively withdrawn (for more details, see paragraph 5.3).

2 - The HRU and Political Controls

The more immediate political monitoring of military assistance and the accompanying controls fall under the EU High Representative and the European External Action Service. In particular, it is the HRU that must give the green light to the Administrator to provide the planned assistance, once it is reassured that all conditions to which the assistance is subject have been accepted by the recipient and that the relevant 'arrangements' are in place.

¹⁵Art. of 63 the Council Decision (CFSP) 2021/509 of 22 March 2022.

In addition, the HRU and its administration are responsible for verifying that the transferred supplies are used in accordance with the commitments made by the recipient in the arrangements and in accordance with international law. They will therefore have to carry out the evaluations and controls provided for this purpose. The HRU may suggest to the PSC and the Council to suspend or terminate the assistance if it considers that the conditions of use are not respected or if the political situation takes a turn that is no longer convenient for the EU.

In order to carry out these control checks, the EU established a clear methodology which it is committed to following. This methodology is described in a document called the **European Peace Facility's Integrated Methodological Framework**, which has not been made public by the EU. More details can be found in the section of 5.1 of this article on political conditionality of aid.

3 - The Facility Committee and validation of actions

Day-to-day activities under the Facility are carried out under the authority of the Facility Committee, in accordance with the classic rules applying to Committee in the EU. The Facility Committee is composed of one representative from each Member State, the Commission and the EEAS, although only country representatives can vote. It is chaired by the state holding the rotating EU presidency and takes decisions by unanimity. The fact that the Committee is not chaired by a member of the EEAS representing the HRU speaks volumes about the desire of national chancelleries to keep control of the EFP.

In its composition, the EFP Committee can also be joined by actors from outside the EU, without those persons having voting rights of course. For example, third party countries that co-finance a military assistance measure with the EU or the "*implementing partners*" of such assistance measures can be invited to participate in the Committee's meetings. However, this is not explicitly planned for representatives of beneficiary countries. The Decision establishing the EFP does not mention them. This probably does not mean that beneficiary countries cannot under any circumstances participate in a Committee meeting, but it would seem that they are not high on the list of potential invitees.

¹⁶

The role of the Committee is however fundamental in the management of the EFP. It is within this body that the budgets for the actions foreseen by the military assistance measure are officially disbursed. The Committee therefore validates each concrete action carried out in the framework of the EFP.

¹⁶Art. of 11the Council Decision (CFSP) 2021/509 of 22 March 2022.

4 - The Administrator and the Secretariat: the role of the Commission

The Facility has its own legal capacity separate from that of the EU. This means that that it can draw up and sign contracts, hold accounts, but also employ staff on its behalf and acquire goods and equipment.

This legal capacity is exercised by an Assistance Measures Administrator, who is assisted by an Accountant and a Secretariat. The Assistance Measures Administrator is appointed for a period of three years by the High Representative of the Union (for CSDP military missions, an Operations Administrator will be appointed by the Council Secretariat).¹⁷

It is therefore the Administrator and its Secretariat that are in charge of the actual implementation of the assistance measures, under the supervision and guidance of the Facility Committee, which in turn is under the supervision of the PSC.

However, Josep Borrell, the current HRU, has appointed in 2021 the Commission as Administrator of the assistance measures¹⁸. This choice was quite surprising because it allows the EU executive, which is excluded from CFSP decision-making, to come back into the game and be involved in the day-to-day management of the EFP. The Commission acts as Administrator and Secretariat of the EFP through its *Service for Foreign Policy Instruments*, a body in charge of the financial management of the CFSP. It is interesting to note that the ten or so officials assigned to the EFP Secretariat are paid by the Facility and not by the EU's ordinary budget. This proves that the EFP is de facto a *sui generis* body of the EU, almost as if it were a parallel and separate structure.

Of course, the role of the Secretariat and the Commission as Administrator is not political. It is mainly administrative. The Commission's role is limited to ensuring the financial execution of the budget as adopted by the Facility Committee¹⁹ and to monitoring it.

¹⁷ Art. of 12 of the Council Decision (CFSP) 2021/509 of 22 March 2022. CSDP missions co-financed by the Facility, the Council Secretariat will appoint an Operations Manager.

¹⁸ https://ec.europa.eu/fpi/what-we-do/european-peace-facility_en

¹⁹ Art. of 10.5 of the Council Decision (CFSP) 2021/509 of 22 March 2022.

5 - Implementers and Their Selection

Assistance measures financed by the EPF are often not carried out directly by the Administrator of the Facility, but by entities delegated to act on its behalf, known as *Implementing Partners*.

Several entities can perform this function:²⁰

- Agencies and bodies of the Union with legal personality;
- Member States and/or their public law agencies;
- Private bodies entrusted with a public task by a Member State;
- International and regional organisations ;
- A third country and/or its agencies governed by public law, provided that it respects the interests and values of the Union;
- The partner benefiting from the assistance measure or an entity designated by him/her;
- A CSDP mission if it is present in the beneficiary country.

The identification of Implementing Actors is done when the assistance measure is still in the preparation phase. This task is the responsibility of the Council, i.e. the Member States. When the Council identifies the potential Implementing Partner, the Trustee has to give an opinion on its capacity to implement the planned measures, but the final decision remains firmly in the hands of the States²¹. The implementing Actors will finally be designated as stated in CFSP decision establishing the assistance measure.

The work carried out by the Implementing Actor and its financial reliability will be monitored by the Administrator of the assistance measures, on the basis of strict and codified standards.²² The Administrator will provide regular reports on the work of the Implementing Actor to the Facility Committee. Any member of the Committee may request additional information if required²³.

6 - Suppliers of goods and services and their selection

90% of the activities planned for by the assistance measures adopted so far concern the provision of goods and services. Suppliers will therefore need to be identified and selected, particularly in the case of lethal weapons transfers. As a general rule, the Implementing Partner will be responsible for identifying and selecting the suppliers to be involved in the implementation of the assistance measure, based on the rules and laws of the country where it is established. The Administrator will nevertheless have to verify that the principles of fair and open competition specific to the Union are respected by the Implementing Partner.

²⁰Art. of 33.2 the Council Decision (CFSP) 2021/509 of March 2022.

²¹Art. of 33.5 the Council Decision (CFSP) 2021/509 of 22 March 2022.

²²Art. 66 and 67 Council Decision (CFSP) 2021/509 of March 2022.

²³ Art. of 61 the Council Decision (CFSP) 2021/509 of March 2022.

Selection should be based on public procurement or calls for proposals. However, if necessary, and when the management of the assistance measure requires "targeted flexibility", the Administrator may also identify a service provider without resorting to a call for proposals or a public procurement.²⁴ Finally, the Administrator may also directly award public contracts or issue calls for proposals when necessary. Any choice in this respect will have to be validated by the Facility Committee.²⁵

7 - "General Programme" Measure (in Specific Cases)

In most cases, the support provided by the EFP will take the form of a specific assistance, i.e. one or a few specific and pre-identified actions, such as the provision of goods or services. However, it can also take the form of a "general programme", aiming to support the beneficiary through a pre-established budget, to be spent within a given timeframe through progressively defined activities²⁶.

In 2021, for example, the EU adopted an assistance measure in the form of a general programme to support the African Union. It has thus made available a budget from which it will be able to fund a range of military activities in support of Addis Ababa-led peace operations (including AMISOM in Somalia). These activities will have to be identified throughout the duration of the measure.

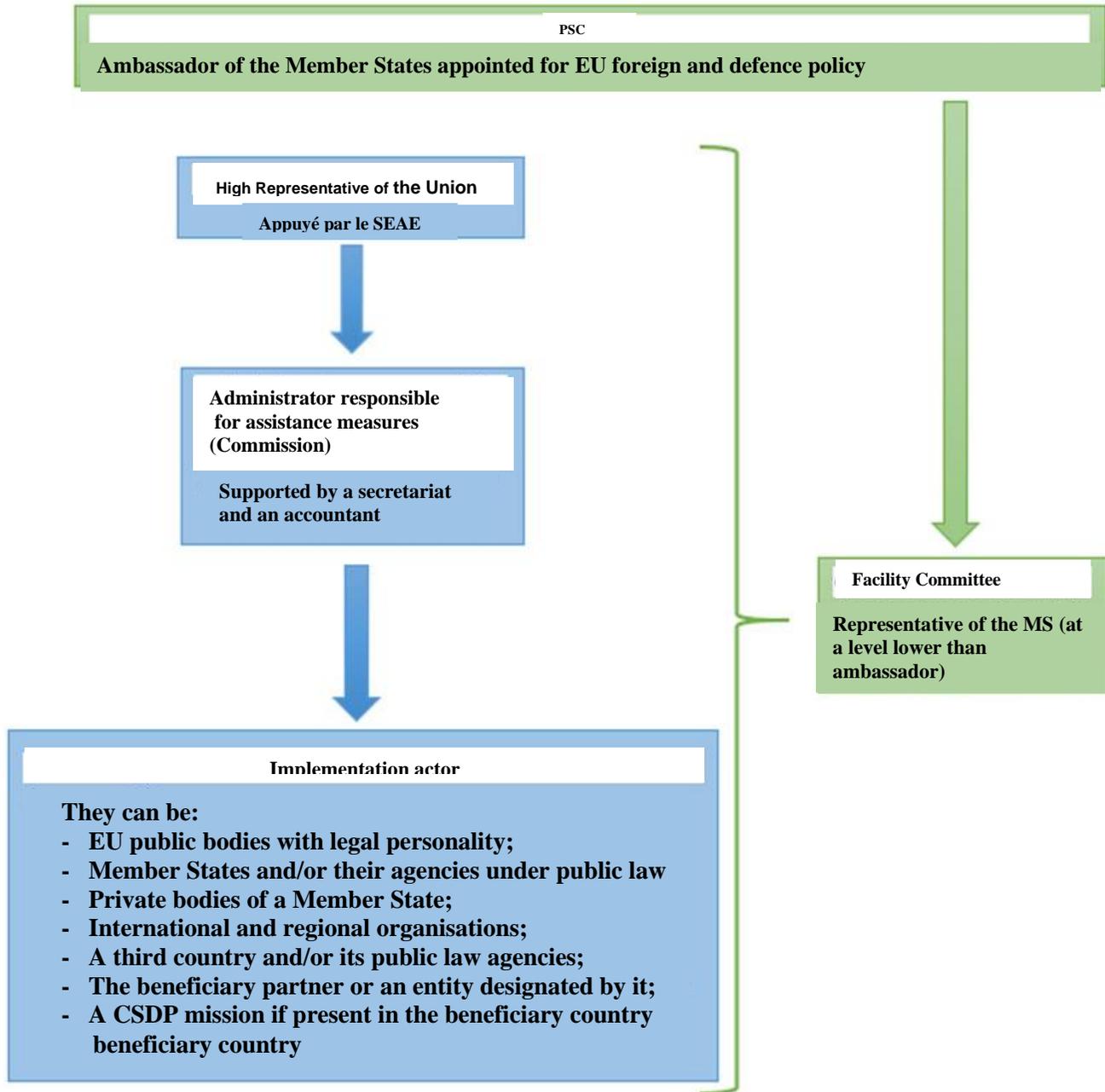
In these circumstances, the procedure used by the EU to manage its military assistance is specific: each individual activity under the "General Programme" will have to be validated on a case-by-case basis. After consultation with the Administrator, the activity in question will be proposed by the HRU to the PSC for approval. The HRU will also have to indicate the Implementing Actor for the specific action. And for each of these individual activities, the HRU should provide a risk analysis, as well as the monitoring and control arrangements it intends to adopt. However, a "General Programme" can never include funding for the transfer of lethal equipment.

²⁴ Art. 11.6.b of the Council Decision (CFSP) 2021/509 of 22 March

²⁵ Art. 35 and 36 Council Decision (CFSP) 2021/509 of 22 March 2022.

²⁶ Art. of 59.3 the Council Decision (CFSP) 2021/509 of 22 March 2022.

Table 2
The day-to-day management of financial assistance measures by the EPF



IV – Conditions for Aid, Controls and Sanctions

While the EU's assistance measures take the form of grants, they do not are not, however, free of charge politically speaking. On the contrary, it is a give and take scenario. European aid will be subject to precise conditions that the recipient states will have to respect, as well as to systematic controls to which they will have to submit themselves. This will be the case especially when the EFP finances transfers of lethal military equipment: the conditions and controls in question will then be particularly scrupulous. And this is for very specific reasons.

Before the Facility was adopted in 2021, idea of giving the EU the power to finance lethal weapons transfers was not unanimously supported in Brussels (indeed, it remains contested to this day). Many feared that European military aid could be misused or misappropriated, especially in Africa²⁷. Negotiations on the EFP were thus difficult, and at times quite heated.²⁸

Therefore, if the EU has now acquired the power to finance weapons transfers, this does not mean that it intends to exercise this power frequently or casually. On the contrary, the Union is emerging as a cautious, even timid, player on this front, especially in Africa. Recent political developments on the continent are not likely to have reassured the most hesitant on this point. For several years, Brussels has been deploying military training missions, notably in the Central African Republic (CAR) and Mali. Inevitably, the irruption of the private pro-Russian military group Wagner in the CAR and the two coups d'état that took place in Mali in 2020 and in 2021 have put into question the relevance of its military cooperation with these two countries. According to some sources, a Central African brigade trained by the EU even fell under the command of the Wagner group, which is also allegedly involved in serious human²⁹ rights violations. As for the two military coups in Mali, some Malian officers who had been trained by the Europeans would have actively³⁰ participated.

These political changes in Africa have clearly put the EU in an extremely tough position, just when, after so much hesitation, it finally decided to strengthen its military aid competences. In the light of this, it is likely that EU-funded weapons transfers to Africa will be limited, and that, more generally, any action by the EFP will be subject to extremely strict conditions and controls. The first actions of the EFP seem to prove this. To date (February 2022), seven military assistance measures have been

²⁷Giovanna Maletta and Eric G. Berman, "The transfer of weapons to fragile states through the European Peace Facility: Export control challenges", SIPRI, 10 November 2021.

²⁸Federico Santopinto, Julien Maréchal "EU military assistance under the new European Peace Facility", Boutros-Ghali Observatory for Peacekeeping, Konrad Adenauer Stiftung, December 2020.

²⁹Jean-Pierre Stroobants, "En Centrafrique, un bataillon formé par l'UE serait sous la coupe de Wagner", Le Monde du 30 November - 2021. Andrew Rettman, "Russian mercenaries using EU-trained soldiers in Africa", EuObserver, 29 November 2021.

³⁰"EU freezes Mali training missions after military coup, denies responsibility", Euractiv, 27 August 2020.

adopted (including three in Africa), but none of them involving lethal weapons transfers (see Table 2 at the end of this article).

1 - The "arrangements" and the Integrated Methodological Framework

The conditionality of the assistance and the control measures imposed by the Union will be defined in the "Arrangements" mentioned in the paragraph 3, to be concluded with each beneficiary country or organisation. These documents will have to be negotiated by the High Representative of the Union, on the basis of the conditions established by the Council.

The EU, however, does not specify what the legal nature of these "arrangements" will be. Will they be actual international treaties, simpler memorandums of understanding, or even simpler and unspecified informal commitments? The CFSP Decision establishing the EFP is silent on this issue. In any case, the conditions of the assistance and the controls negotiated in the "arrangements" will have to be enshrined in the "CFSP Decision" that the Union will adopt to launch each measure.

These conditions and controls will be defined on the basis of a common methodology established by the Union in the above-mentioned document "European Peace Facility's Integrated Methodological Framework"³¹. The Facility's Methodological Framework is not a binding document and it should be recalled that it has not been made public, nor have the "Arrangements" signed by the EU with the first beneficiaries of the EFP. While Brussels is firm on the conditionality of its military aid and its monitoring, it seems at the same time to want to maintain a certain discretion in this regard. It is true that the question of the conditions and controls of aid is diplomatically delicate, as it could be perceived as a form of interference by certain beneficiary countries particularly admit about their national sovereignty. The EU is thus faced with a dilemma. On the one hand, it must be careful not to be too intrusive vis-à-vis its partners, especially in Africa. On the other hand, it must provide guarantees to all those in Europe who have resented the idea of the EU becoming an arms supplier. Faced with these two demands coming from opposite ends of the spectrum, the EU probably wanted to find a compromise when it announced the adoption of a rigorous methodology for conditionality and controls, while avoiding providing too many details on the subject.

³¹ European External Action Service, Questions and answers on the European Peace Facility's Integrated Methodological Framework, 22 March 2021.

2 - Political Conditions of Aid Imposed on Beneficiaries

As for the political conditions that the Union intends to impose on its partners, they must be adapted to each reality on the field. However, they will also be based on principles and a common framework defined both in the Methodological Framework and in the "CFSP Decision" establishing the EPF.³² In particular, the beneficiaries of the assistance will have to commit themselves to the following:

- **Maintenance** - To effectively use and maintain the assets that will be provided to them by the EPF, to ensure their operational readiness throughout their life cycle, and to prove that they are capable of doing so.
- **Misappropriation and traceability** - To not abandon or transfer assets to others received under the Facility without the prior consent of the Facility Committee. In this respect, measures to ensure Physical Security and Stockpile Management (PSSM) and traceability of the materials provided will be required.
- **Human rights** - Commit to ensuring that units to be equipped by the EPF respect human rights and humanitarian law.
- **Use Objectives** The equipment provided in accordance with the objectives for which it has been provided, and which is specified in each "CFSP Decision" establishing the measure.
- **Other commitments** - To comply with any other requirements established by the Council

This last provision is perhaps the most important, not least because it is imprecise and ambiguous. It leaves a lot of maneuvering room to the Council, not only in defining the political conditionality of the aid, but also in its management. As will be seen in the following paragraph on sanctions, this maneuvering room allows the Union to keep full control over the measure and to avoid any legal constraints.

3 - Controls and possible sanctions

The "Integrated Methodological Framework" also provides that the "arrangements" between the EU and the beneficiaries have controls. These should also be included in the "CFSP decision" establishing the measure. They are implemented in three ways³³:

³²Art. 62 of the Council Decision (CFSP) 2021/509 of 22 March.

³³Nicolas Gros-Verheyde, "European Peace Facility: Delivery Conditions, Controls, Guarantees and Reporting"; B2 - The Daily Life of Geopolitical Europe, 3 December 2021.

1. **Delivery and end-user certificates** - As required by international and European law, each delivery of defence equipment must be accompanied by a delivery certificate signed by the recipient and an end-user certificate.
2. **Annual reports from beneficiaries** - Each year thereafter, beneficiaries must prepare reports to the HRU on the activities they have carried out with the equipment received. In addition, they must carry out an inventory of the condition of the equipment until such time as the PSC considers that these reports are no longer required.
3. **Field visits** - Finally, the beneficiaries will have to grant the HRU and its services access to their territory to check the condition and status of the equipment.

In addition to these control measures, other types of evaluations are carried out internally at the EU level, with the aim of regularly assessing the political situation of the beneficiary and the impact of the assistance measures provided. In particular, the HRU should provide six-monthly reports to the PSC in this respect, as well as a final report once the assistance measure has been implemented.

Finally, the "Arrangements" signed with the beneficiaries and the CFSP decision establishing the measure must provide for possible sanctions. If the conditions of the assistance measures are not respected, Brussels foresees the possibility of suspending or even withdrawing its assistance. Once again, the PSC ambassadors play the most important role in these cases. At the request of the HRU or a Member State, the PSC can suspend all or part of a measure if it finds that the beneficiary country or organisation:

- Does not respect its commitments to the Union,
- Does not respect international law (human rights and humanitarian law),
- If the political situation has deteriorated and no longer offers sufficient guarantees,
- If the continuation of the measure no longer corresponds to the objectives and interests of the Union.

In the event of serious violations, PSC Ambassadors may recommend to Member States meeting in the Council that the measure in question be permanently repealed.³⁴

In the light of these provisions, it appears that a military assistance measure adopted by the EU under the EFP does not entail any commitment towards the beneficiary. The Union can suspend or terminate the assistance in question whenever and however it wishes, on the basis of its own considerations. In this respect, it should be noted that the assistance measure adopted for Mali is currently suspended.

³⁴Art. 64 of the Council Decision (CFSP) 2021/509 of 22 March

4 - The Conditions the EU Itself Will Have to Respect

Finally, it should be recalled that the EU itself will have to respect conditions and standards when financing transfers of military equipment. Any military supplies will have to comply with EU arms export control law and policies, and therefore with the CFSP Common Position that the EU has adopted in 2008 to this regard, as well as with the UN Arms Trade Treaty (ATT).

However, it is important to clarify in this respect that the EFP does not give the Union the power to grant licences for arms transfers itself. This competence will remain in the hands of the Member States. The Facility can only finance such transfers. Therefore, once the EU has decided to finance the transfer in question, the Implementing Actor responsible for the measure will itself be responsible for identifying a supplier, based on its own rules and procedures. These rules and procedures must, however, respect the EU rules on transparency and competition. The country where the supplier is established will then have to grant the licences authorising the transfers, according to the Common Position, the ATT and its national provisions.

³⁵. It may therefore also impose controls on the beneficiary, which will be added to those of the EU.

Table 2

The EU Common Position on Weapons Export Controls

In 2008, EU Member States (MS) adopted the **Common Position 2008/944/CFSP** to coordinate and harmonise their defence export policies. MS are supposed to incorporate these provisions into their national legislation. Not all have done so.

The eight criteria are:

1. Compliance to international obligations and commitments;
2. Respect for human rights in the country of final destination;
3. The internal situation in the country of end-use;
4. Preservation of regional peace and stability;
5. National security of EU Member States, allies and friendly countries;
6. The buyer country's behaviour towards the international community;
7. The risk of diversion;
8. Compatibility of exports with the technical and economic capacity of the end user.

The goods and services concerned by the Common Position are identified separately on the Common List of Military Equipment which is regularly updated. This list does not include dual-use items. which is regularly updated. This list does not include dual-use items.

When exporting weapons to an individual country, an EU country must also request an end-user certificate from the that country, in which it undertakes to be the sole user of the arms in question.

Finally, the Common Position also establishes a procedure for the notification of refusal. When a MS processes a licence application similar to one previously refused by another MS, it must agree to a specific consultation procedure. A computerised system should facilitate information sharing by allowing the reporting of denial notifications to COARM members and in near real time.³⁶

³⁵ Deneckere M, "The uncharted path towards a European Peace Facility", op. cit. 9.

³⁶ Sophia Besch and Beth Oppenheim, "Up in arms Warring over Europe's arms export regime", Centre for European Reform, September 2019.

Conclusion: The Procedures are Confirmed by the First Measures

In the end, the EFP does not tell us much about the EU's political orientation. It does not tell us what the EU intends to do concretely in terms of military assistance. It only indicates what it could do, by delimiting its scope of action, which has been considerably expanded, and by allocating a budget for the period running from 2021 to 2027. There is a misconception that must therefore be cleared up at this point: the Facility is not a policy, nor is it a programme. It is a budgetary instrument to finance future military-operational choices.

As we have seen throughout this article, these choices will be essentially geopolitical. They will be decided by the Union on the basis of its strategic orientations, the political conjuncture and, above all, the crises and conflicts which, as time goes by, will worry it the most.

The procedures attributed to the Facility have been adapted to the geopolitical role that the Union is called upon to play. It is the Member States and their representatives (the **Council** and the **High Representative** at ministerial level, the **PSC** at ambassadorial level and the **Facility Committee** at a lower diplomatic level, for the monitoring of day-to-day activities) that will decide when, where and how the EFP should intervene. Of course, other actors will be involved in the implementation (EEAS, Commission, Implementing Actors), but it is the Member States, through their diplomats in Brussels, who will remain in control of the procedure from the beginning of the administrative process to the end, from the political initiative to the final monitoring of the action, including of course its implementation.

With a tool as politicised (or 'geopolitised') as the EFP, it could not be otherwise. In military matters, when the going gets tough, the EU no longer acts as an integrated institution, but as a classic inter-governmental forum. Its action is based on the principle of national sovereignty and therefore on the unanimous will of the Member States. For this reason, the role of the Commission, the EU's main supranational institution, has been limited.

This inter-governmental dimension has a final consequence that deserves to be highlighted by way of conclusion. The procedures of the Facility are designed in such a way as to promote the leadership of the EU country that is most involved in the area where military assistance is to be provided. To see this, one need only look at the table below to see which Implementing Actors have been identified in the first measures adopted.

Table 3
Actors in charge of the CFSP and the EPF ³⁷

DATE	BENEFICIARY	MILLIONS EUR	OBJECTIVE	PLANNED ACTIVITES	IMPLEMENTING ACTORS
23 Jul 21	African Union and AMISOM (Somalia)	130	Support to the AU and its partners for African multilateral POs	Implementation of a "General Programme" (as opposed to specific activities corresponding to the other assistance measures) comprising different activities identified by the HRU and validated by the PSC as they arise. AMISOM will be one of the main beneficiaries of the assistance.	African Union United Nations Sub-regional African organisations (including including G5S)
5 Nov 21	Bosnie Herzégovime	10	Strengthen the capacity of the demining battalion of the armed forces, increase capacity to capacity to contribute to CSDP operations	Financing for : 34 transport vehicles 34 transport vehicles (4 x 4), 34 medical vehicles (4 x 4), 150 metal detectors	EU
19 Nov 21	Mozambique	40	Support the capacity and deployment of deployment of armed forces units armed forces units to be trained by EUTM Mozambique in the south	Supply of the following non-lethal equipment: a) individual equipment for soldiers; b) collective equipment for companies; c) land and amphibious mobility means; d) technical devices; e) a camp hospital.	Ministry of Defence of Portugal
3/12/21	Mali (mesure curently suspended)	24	Accompany EU-trained armed forces units on the ground professionalise them more	Provide non-lethal equipment to three companies of the 23rd regiment of the 2nd military region, for the Light Reconnaissance and Intervention Unit (ULRI) Training: support the Banankoro NCO School in the renovation of the Sévaré-Mopti training facilities.	Expertise France
3/12/21	Ukraine	31	Strengthen the capacity of the land forces, including to provide services to civilians	Equip: military medical units (including field hospitals), engineering units (including mine clearance), mobility and logistics units, cyber defence units, and cyber defence units	A Lithuanian Central Project Management Agency (CPMA) Estonian e-Governance Academy
3 Dec 21	Georgia	12,75	Support the capacity of the land armed forces, strengthen the country's ability to contribute to the PSOC	Provide: medical equipment for medical facilities, engineer equipment for engineer brigades and platoons, civilian ground mobility (vans).	Lithuanian Central Project Management Agency (CPMA)
3 Dec 21	Moldavia	7	Increase the capacity of the military medical service and the engineer battalion, strengthen the country's ability to contribute to PSOC missions	Provide medical equipment for the military medical service and equipment for the engineer battalion for explosive ordnance disposal.	Lithuanian Central Project Management Agency (CPMA)

³⁷ African Union: Council Decision (CFSP) 2021/1210 of 22 July 2021 Bosnia and Herzegovina.: Council Decision (CFSP) 2021/1923 of 04 Nov 2021. Mozambique Council Decision (CFSP) 2021/2032 of 19 Nov 2021 . Mali : Décision (CFSP) 2021/2137 of 2 Dec 2021. Ukraine : Décision (CFSP) 2021/2135 of 2 December 2021 Georgia.: Council Decision (CFSP) 2021/2134 of 2 December 2021. Moldovaia: Council Decision (CFSP) 2021/2136 of 2 December 2021.

In Georgia, Ukraine and Moldova, the Council selected public agencies from the Baltic States as *Implementing Partners*. In Mali, this role was reserved for France, and more precisely for Expertise France, while in Mozambique, the Implementing Partner was the Ministry of Defence of the country's former colonial power, Portugal. In most cases, therefore, the Council relied on a public institution belonging to the member country most active in the crisis in question. Two exceptions should be noted, however: the assistance measure adopted for Bosnia is implemented directly by the EU, while that for the African Union is implemented by the AU itself, by sub-regional institutions linked to it or by UN agencies (in this case, indeed, it is a "General Programme", composed of several different activities).

Despite these two exceptions, the first measures adopted under the Facility seem to indicate that it is intended to operate, at least partially, on the basis of a trade-off between the chancelleries of the EU countries, according to the principle of "give and take". There is certainly a bright side to this. The EFP could help to Europeanise the role played by some EU countries on the international scene. However, Member States will also have to demonstrate that they are able to provide a coherent and truly European vision when drawing on the Facility's budget. Without the Commission's involvement in the decision-making process, will they be able to do so? Generally, it is the Commission, as a supranational and autonomous EU institution, which ensures that the general interest of the Union and overall coherence of the actions are respected. However, in the framework of the EFP, it is clear that the Member States are the only ones in charge.

The author



Federico Santopinto specialises in EU policies for conflict prevention and management. His work within the Group for Research and Information on Peace and Security (GRIP) focuses on development cooperation, the CFSP and CSDP, as well as on the process of European integration in the field of defence and foreign policy.

In parallel, Federico Santopinto worked as a short- and long-term election observer for the EU and the OSCE in post-conflict countries, notably in Africa. He graduated from the University of Florence in Political Science and obtained a Master's degree in International Politics at the Université Libre de Bruxelles.



The Boutros-Ghali Observatory for Peacekeeping provides a forum for discussion between francophone experts and personalities from personnel-contributing countries. Its objective is to strengthen the triangular dialogue between States involved in peacekeeping efforts, the Security Council and the United Nations Secretariat.

For more information on the Boutros-Ghali Observatory for Peacekeeping:
<https://www.observatoire-boutros-ghali.org>

A large teal triangle graphic is positioned in the bottom right corner of the page, pointing towards the top right.

Konrad Adenauer Stiftung
Security Policy Dialogue Programme for Sub-Saharan Africa
Address: Rue Flamboyant, Cocody
Ambassades, Abidjan, Republic of Côte d'Ivoire
Telephone: +225 27 22 48 18 00
Postal Address: 08 BP 4134
Abidjan 08 www.kas.de/sipodi