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► **B****COUNCIL DECISION 2013/34/CFSP**

**of 17 January 2013**

**on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)**

(OJ L 14, 18.1.2013, p. 19)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Council Decision 2013/729/CFSP of 9 December 2013	L 332	18	11.12.2013
► <b><u>M2</u></b>	Council Decision 2014/220/CFSP of 15 April 2014	L 113	27	16.4.2014
► <b><u>M3</u></b>	Council Decision (CFSP) 2016/446 of 23 March 2016	L 78	74	24.3.2016
► <b><u>M4</u></b>	Council Decision (EU) 2017/971 of 8 June 2017	L 146	133	9.6.2017
► <b><u>M5</u></b>	Council Decision (CFSP) 2018/716 of 14 May 2018	L 120	8	16.5.2018

Corrected by:

- **C1** Corrigendum, OJ L 116, 30.4.2016, p. 39 (2016/446)

**▼B****COUNCIL DECISION 2013/34/CFSP****of 17 January 2013****on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)***Article 1***Mission****▼M3**

1. The Union shall conduct a military training mission in Mali (EUTM Mali), to provide, military and training advice to the Malian Armed Forces (MAF) operating under the control of legitimate civilian authorities, in order to contribute to the restoration of their military capacity with a view to enabling them to conduct military operations aiming at restoring Malian territorial integrity and reducing the threat posed by terrorist groups. EUTM Mali shall not be involved in combat operations. Its actions shall extend up to the river Niger Loop, including the municipalities of Gao and Timbuktu. ►**M5** In addition, EUTM Mali shall support the operationalisation of the G5 Sahel Joint Force at their Headquarters. ◀

**▼M5**

2. The objective of EUTM Mali shall be to respond to the operational needs of the MAF and of the G5 Sahel Joint Force through the provision of:

- (a) training and advice support for the benefit of the MAF, including through decentralised activities in the regions, as well as education support on International Humanitarian Law, protection of civilians and human rights;
- (b) a contribution, upon the request of Mali and in coordination with MINUSMA, to the Disarmament, Demobilisation and Reintegration process framed by the Peace Agreement, through the provision of training sessions in order to facilitate the reconstitution of inclusive Malian Armed Forces;
- (c) support to the G5 Sahel process through dedicated advice and training support for the operationalisation of the G5 Sahel Joint Force.

**▼B**

3. EUTM Mali shall aim at strengthening conditions for proper political control by legitimate civilian authorities of the MAF.

4. The activities of EUTM Mali shall be conducted in close coordination with other actors involved in the support to the MAF, in particular the United Nations (UN) and the Economic Community of West African States (ECOWAS).

*Article 2***Appointment of the EU Mission Commander****▼M4**

1. The Director of the Military Planning and Conduct Capability (MPCC) shall be EUTM Mali mission commander.

**▼ M4**

2. Brigadier General Peter Devogelaere is hereby appointed EU Mission Force Commander of EUTM Mali.

**▼ B***Article 3***Designation of the Mission Headquarters****▼ M4**

1. The MPCC shall be the static command and control structure at the military strategic level outside the area of operations, which is responsible for the operational planning and conduct of EUTM Mali.

2. The Mission Force Headquarters of EUTM Mali shall be located in Mali and shall operate under the command of the EU Mission Force Commander.

3. A support cell in Brussels of the Mission Force Headquarters shall be included in the MPCC until the MPCC has reached full operational capacity.

**▼ M1***Article 3a***Project cell**

1. EUTM Mali shall have a project cell for identifying and implementing projects. The Mission shall, as appropriate, coordinate, facilitate, and provide advice on projects implemented by Member States and third States, under their responsibility, in areas related to the Mission's mandate and in support of its objectives.

2. Subject to paragraph 3, the EU Mission Commander shall be authorised to seek recourse to financial contributions from the Member States or third States to implement projects identified as supplementing EUTM Mali's other actions in a consistent manner. In such a case, the EU Mission Commander shall conclude an arrangement with those States, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by the EU Mission Commander in the use of the funds provided by those States.

Under no circumstances shall the Union or the HR be held liable by contributing States as a result of acts or omissions by the EU Mission Commander in the use of funds from those States.

3. The PSC shall agree on the acceptance of a financial contribution from third States to the project cell.

**▼ B***Article 4***Planning and launch of EUTM Mali**

The Decision to launch EUTM Mali shall be adopted by the Council following approval of the Mission Plan and of the Rules of Engagement.

**▼B***Article 5***Political control and strategic direction**

1. Under the responsibility of the Council and of the HR, the PSC shall exercise the political control and strategic direction of EUTM Mali. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 38 TEU. This authorisation shall include the powers to amend the planning documents, including the Mission Plan, and the Chain of Command. It shall also include the powers to take decisions on the appointment of the subsequent ►**M4** EU Mission Force Commanders ◀. The powers of decision with respect to the objectives and termination of EUTM Mali shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall, at regular intervals, receive reports from the chairman of the EU Military Committee (EUMC) regarding the conduct of EUTM Mali. The PSC may invite the EU Mission Commander ►**M4** and the EU Mission Force Commander ◀ to its meetings, as appropriate.

*Article 6***Military direction**

1. The EUMC shall monitor the proper execution of EUTM Mali conducted under the responsibility of the EU Mission Commander.

2. The EUMC shall, at regular intervals, receive reports from the EU Mission Commander. It may invite the EU Mission Commander ►**M4** and the EU Mission Force Commander ◀ to its meetings, as appropriate.

3. The chairman of the EUMC shall act as the primary point of contact with the EU Mission Commander.

*Article 7***Consistency of the Union's response and coordination**

1. The HR shall ensure the implementation of this Decision and its consistency with the Union's external action as a whole, including the Union's development programmes.

**▼M4**

2. Without prejudice to the chain of command, the EU Mission Force Commander shall receive local political guidance from the European Union Special Representative for the Sahel coordinated with the Head of the Union Delegation in Bamako.

**▼B**

3. EUTM Mali shall coordinate with Union CSDP mission in Niger (EUCAP SAHEL Niger) with a view to exploring possible synergies.

4. EUTM Mali shall coordinate its activities with Member States' bilateral activities in Mali, as well as with other international actors in the region, in particular the UN, the African Union (AU), ECOWAS and bilateral actors including the United States and Canada, and with key regional actors.

**▼B***Article 8***Participation of third States**

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, and in accordance with the relevant guidelines of the European Council, third States may be invited to participate in EUTM Mali.
2. The Council hereby authorises the PSC to invite third States to offer contributions and to take the relevant decisions on acceptance of the proposed contributions, upon the recommendation of the EU Mission Commander ►**M4** in consultation with the EU Mission Force Commander, ◀ and the EUMC.
3. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 TFEU. Where the Union and a third State have concluded an agreement establishing a framework for the latter's participation in crisis management missions of the Union, the provisions of such an agreement shall apply in the context of EUTM Mali.
4. Third States making significant military contributions to EUTM Mali shall have the same rights and obligations in terms of the day-to-day management of EUTM Mali as Member States taking part in EUTM Mali.
5. The Council hereby authorises the PSC to take relevant decisions on the setting-up of a Committee of Contributors, should third States make significant military contributions.

*Article 9***Status of EU-led personnel**

The status of EU-led units and personnel, including the privileges, immunities and further guarantees necessary for the fulfilment and smooth functioning of their mission, shall be the subject of an agreement concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 TFEU.

*Article 10***Financial arrangements**

1. The common costs of EUTM Mali shall be administered in accordance with Decision 2011/871/CFSP.

**▼M5**

2. The financial reference amount for the common costs of EUTM Mali for the period from 19 May 2018 to 18 May 2020 shall be EUR 59 743 047,00. The percentage of the reference amount referred to in Article 25(1) of Council Decision (CFSP) 2015/528 <sup>(1)</sup> shall be 0 % and the percentage for commitment referred to in Article 34(3) of that Decision shall be 30 %.

<sup>(1)</sup> Council Decision (CFSP) 2015/528 of 27 March 2015 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) and repealing Decision 2011/871/CFSP (OJ L 84, 28.3.2015, p. 39).



### *Article 11*

#### **Release of information**

1. The HR shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance with the needs of EUTM Mali, EU classified information generated for the purposes of EUTM Mali, in accordance with Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information <sup>(1)</sup>:

- (a) up to the level provided in the applicable security of information agreements concluded between the Union and the third State concerned; or
- (b) up to the ‘CONFIDENTIEL UE/EU CONFIDENTIAL’ level in other cases.

2. The HR shall also be authorised to release to the UN and ECOWAS in accordance with the operational needs of EUTM Mali, EU classified information up to ‘RESTREINT UE/EU RESTRICTED’ level which are generated for the purposes of EUTM Mali, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the UN and ECOWAS shall be drawn up for this purpose.

3. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the host State any EU classified information up to ‘RESTREINT UE/EU RESTRICTED’ level which are generated for the purposes of EUTM Mali, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for this purpose.

4. The HR shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUTM Mali and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council’s Rules of Procedure <sup>(2)</sup>.

5. The HR may delegate the powers referred to in paragraphs 1 to 4, as well as the ability to conclude the arrangements referred to in paragraphs 2 and 3 to staff of the European External Action Service and/or to the EU Mission Commander ► **M4** and/or to the EU Mission Force Commander. ◀

### *Article 12*

#### **Entry into force and termination**

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

<sup>(1)</sup> OJ L 141, 27.5.2011, p. 17.

<sup>(2)</sup> Council Decision 2009/937/EU of 1 December 2009 adopting the Council’s Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

▼ **M5**

2. The mandate of EUTM Mali shall end on 18 May 2020.

▼ **B**

3. This Decision shall be repealed as from the date of closure of the Mission Headquarters in accordance with the plans approved for the termination of EUTM Mali, and without prejudice to the procedures regarding the audit and presentation of the accounts of EUTM Mali, laid down in Decision 2011/871/CFSP.