

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (CFSP) 2021/905

of 3 December 2020

on the signing and conclusion on behalf of the Union of the Agreement between the European Union and the Federal Republic of Somalia on the status of the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia) in the Federal Republic of Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 thereof, in conjunction with Article 218(5) and (6) of the Treaty on the Functioning of the European Union,

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

Whereas:

- (1) On 15 February 2010, the Council adopted Decision 2010/96/CFSP ⁽¹⁾, establishing a European Union military mission to contribute to the training of Somali security forces (EUTM Somalia).
- (2) On 11 January 2013, the Prime Minister of the Transitional Federal Government of the Somali Republic, in a letter to the High Representative of the Union for Foreign Affairs and Security Policy, confirmed that ‘the rights and obligations contained in the agreement on the status of the EU-led mission Atalanta concluded on 31 December 2008 will also be applicable to EUCAP Nestor, its personnel, premises and assets’ and authorised ‘EUTM personnel to use necessary and proportionate force’, including ‘the protection of the mission personnel, its premises and assets as well as the protection of persons in the close vicinity of the personnel of the mission against acts which would endanger the life of these persons or which are likely to cause them serious bodily harm.’
- (3) On 19 November 2018, the Council adopted Decision (CFSP) 2018/1787 ⁽²⁾, extending EUTM Somalia until 31 December 2020.
- (4) On 11 November 2019, the Council decided that negotiations should be opened with a view to the conclusion of an agreement between the Union and the Federal Republic of Somalia on the status of EUTM Somalia.
- (5) On 16 July 2020, in the context of the holistic and coordinated strategic review of common security and defence policy engagement in Somalia and the Horn of Africa, the Political and Security Committee agreed, in particular, that EUTM Somalia should be extended until 31 December 2022.
- (6) An agreement on the status of EUTM Somalia in the Federal Republic of Somalia has been negotiated between the Union and the Federal Republic of Somalia.

⁽¹⁾ Council Decision 2010/96/CFSP of 15 February 2010 on a European Union military mission to contribute to the training of Somali security forces (OJ L 44, 19.2.2010, p. 16).

⁽²⁾ Council Decision (CFSP) 2018/1787 of 19 November 2018 amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces (OJ L 293, 20.11.2018, p. 9).

- (7) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in the implementation of this Decision and therefore does not participate in the financing of this mission.
- (8) The Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Federal Republic of Somalia on the status of the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia) in the Federal Republic of Somalia is hereby approved on behalf of the Union ⁽³⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Union.

Article 3

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

Done at Brussels, 3 December 2020.

For the Council
The President
M. ROTH

⁽³⁾ See page 3 of this Official Journal.