



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.4.2007
COM(2007) 224 final

Proposal for a

COUNCIL DECISION

on the position to be adopted by the Community within the ACP-EC Council of Ministers to allow additional bilateral contributions, to be managed by the Commission, in support of the objectives of the African Peace Facility

(presented by the Commission)

EXPLANATORY MEMORANDUM

The General Affairs and External Relations Council of 5 March 2007 acknowledged the need urgently to address the funding needs of the AMIS African Union peacekeeping mission in Darfur/Sudan. The EU had already committed around EUR 400 million for AMIS through the African Peace Facility (APF) funded from the 9th European Development Fund (hereinafter called "EDF") and bilateral contributions by Member States. With a view to make possible further financial support for AMIS and in consideration of the request from the AU Commission, pending a decision by the ACP group of states, the Council expressed its readiness to replenish the APF from resources of the 9th EDF.

In view of the willingness expressed by EU Member States to make additional bilateral contributions in the context of a joint effort by the EU and its Member States, it was also suggested that such additional contributions should be pooled within the framework of a common project to be managed by the Commission to reduce the transaction costs for the African partners and to improve coordination and monitoring of the use made of the funds. For the 9th EDF this shall be done on the basis of paragraph 8 of Annex I to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 and revised in Luxembourg on 25 June 2005 (hereinafter called the "ACP-EC Partnership Agreement"), which reads: "*In the event of the funds provided for in any of the instruments of the Agreement being exhausted before the expiry of this Financial Protocol, the joint ACP-EC Council of Ministers shall take the appropriate measures*". The conditions set in paragraph 8 are fulfilled. Firstly, the date beyond which the funds under the Financial Protocol covered by the 9th EDF can no longer be committed is set at 31 December 2007. Secondly, the estimated resources provided for in the intra-ACP envelope for replenishment of the African Peace Facility until the 10th EDF enters into force total EUR 100 million, which is not enough to run AMIS until that date.

The proposed Joint Council Decision based on paragraph 8 of Annex I to the ACP-EC Partnership Agreement opens the way for additional bilateral contributions from the Member States for a specific operation to be managed by the Commission on a transitional basis until the 10th EDF enters into force.

The Commission therefore suggests that the Council adopts the attached decision.

Proposal for a

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on the position to be adopted by the Community within the ACP-EC Council of Ministers to allow additional bilateral contributions, to be managed by the Commission, in support of the objectives of the African Peace Facility

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300(2), 2nd subparagraph, thereof,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States (hereinafter called 'the ACP') of the one part, and the European Community and its Member States, of the other part, signed in Cotonou (Benin) on 23 June 2000 and revised in Luxembourg on 25 June 2005 (hereinafter called 'the ACP-EC Agreement')¹.

Whereas:

- (1) Decision No. 3/2003 of the ACP-EC Council of Ministers of 11 December 2003² provided the necessary financial support for the establishment of the African Peace Facility.
- (2) The General Affairs and External Relations Council of 5 March 2007 acknowledged the need urgently to address the funding needs of the AMIS African Union peacekeeping mission in Darfur/Sudan.
- (3) The estimated resources provided for in the intra-ACP envelope for replenishment of the African Peace Facility until the 10th European Development Fund (hereinafter called 'EDF') enters into force are not enough to run AMIS until that date. Member States have therefore expressed their willingness to make additional bilateral contributions. Such additional contributions should be pooled in the African Peace Facility and managed by the Commission to improve coordination and monitoring of the use made of the funds until the 10th EDF enters into force.
- (4) Council Decision 2005/446/EC of 30 May 2005 sets 31 December 2007 as the date beyond which the funds from the 9th EDF can no longer be committed³.

¹ OJ L 287, 28.10.2005.

² OJ L 345, 31.12.2003, p. 108.

³ OJ L 156, 18.6.2005.

HAS DECIDED AS FOLLOWS:

Sole Article

The Community proposes to adopt within the ACP-EC Council of Ministers the following position regarding additional bilateral funding from the Member States to be managed by the Commission on the basis of the draft Decision of the ACP-EC Council of Ministers in Annex.

Minor changes to the draft decision may be agreed without need for a further decision by the Council.

Done at Brussels,

*For the Council
The President*

ANNEX

Draft

Decision of the ACP-EC Council of Ministers

to allow additional bilateral contributions, to be managed by the Commission, in support of the objectives of the African Peace Facility

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States (hereinafter called the 'ACP') of the one part, and the European Community and its Member States, of the other part, signed in Cotonou (Benin) on 23 June 2000 and revised in Luxembourg on 25 June 2005 (hereinafter called the 'ACP-EC Agreement'),⁴ and in particular paragraph 8 of Annex I thereto.

Whereas:

- (1) Decision No. 3/2003 of the ACP-EC Council of Ministers of 11 December 2003⁵ provided the necessary financial support for the establishment of the African Peace Facility.
- (2) The General Affairs and External Relations Council of 5 March 2007 acknowledged the need urgently to address the funding needs of the AMIS African Union peacekeeping mission in Darfur/Sudan.
- (3) The estimated resources provided for in the intra-ACP envelope for replenishment of the African Peace Facility until the 10th European Development Fund (hereinafter called 'EDF') enters into force are not enough to run AMIS until that date. EU Member States have therefore expressed their willingness to make additional bilateral contributions. Such additional contributions should be pooled in the African Peace Facility and managed by the Commission to improve coordination and monitoring of the use of the funds until the 10th EDF enters into force.
- (4) Council Decision 2005/446/EC of 30 May 2005 sets 31 December 2007 as the date beyond which the funds from the 9th EDF can no longer be committed⁶
- (5) Provision therefore needs to be made for additional contributions by EU Member States, to be managed by the Commission, in support of the objectives of the African Peace Facility.

⁴ OJ L 209, 11.08.2005; OJ L 287, 28.10.2005.

⁵ OJ L 345, 31.12.2003, p. 108.

⁶ OJ L 156, 18.6.2005.

HAS DECIDED AS FOLLOWS:

Article 1
Voluntary contributions

Until 30 September 2007 any EU Member State may provide the Commission with voluntary additional contributions to support the objectives of the African Peace Facility under the Financial Protocol.

The Commission shall be entrusted with the responsibility for managing such contributions in the framework of the African Peace Facility in accordance with the procedures of the 9th European Development Fund, except for the decommitments which will be refunded to the EU Member States pro rata of their voluntary additional contributions.

Article 2
Entry into force

This Decision shall enter into force on the day on which it is adopted.

Done at Brussels, 25 May 2007

For the ACP-EC Council of Ministers
The President