



EUROPEAN COMMISSION

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2011/0289 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the financial contributions to be paid by the Member States to finance the European  
Development Fund ( the 3rd instalment 2011)**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE PROPOSAL**

In accordance with Article 57(3) of the 10<sup>th</sup> EDF Financial Regulation, this proposal covers the amount of the third instalment of the contribution for 2011 ("n+1" in the sense of the permanent procedures laid down in that Article). The Council must decide on this proposal at the latest 21 calendar days following the presentation by the Commission of its proposal and Member States must pay the third instalment of the contribution at the latest 21 calendar days following the date on which the Council decision is notified to them.

### **2. LEGAL ELEMENTS OF THE PROPOSAL**

In accordance with Article 57(7) of the 10<sup>th</sup> EDF Financial Regulation, the amount managed by the Commission and the amount managed by the EIB are specified for each.

In accordance with Article 145 of the 10<sup>th</sup> EDF Financial Regulation, the EIB has sent the Commission its updated estimates of commitments and payments under the instruments it manages.

Article 58(2) of the 10<sup>th</sup> EDF Financial Regulation provides that calls for contributions first use up the amounts laid down for previous EDFs, one after the other. The calls for contributions in this proposal therefore concern amounts under the 10<sup>th</sup> EDF for the Commission and under the 9<sup>th</sup> EDF for the EIB.

Article 60 of the 10<sup>th</sup> EDF Financial Regulation provides that a Member State which fails to pay the instalment of the contribution due by the deadline will be required to pay interest on the amount unpaid; the arrangements for the payment of interest are specified in the same Article.

Proposal for a

## **COUNCIL DECISION**

### **on the financial contributions to be paid by the Member States to finance the European Development Fund ( the 3rd instalment 2011)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 thereof,

Having regard 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<sup>1</sup> as last amended in Ouagadougou, Burkina Faso, on 22 June 2010<sup>2</sup>, and in particular Article 10(1) thereof,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies<sup>3</sup>, ("the Internal Agreement") and in particular Article 7 thereof,

Having regard to the Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10<sup>th</sup> European Development Fund (hereinafter referred to as "the 10<sup>th</sup> EDF Financial Regulation")<sup>4</sup> as last amended on 11 April 2011<sup>5</sup>, and in particular Article 57(5) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with the procedure laid down in Article 57(5) of the 10<sup>th</sup> EDF Financial Regulation, the Commission is presenting a proposal by 10<sup>th</sup> October 2011 specifying (a) the amount of the third instalment of the contribution for 2011 and (b) a revised annual amount of the contribution for the year 2011 in line with actual needs, in case where, in accordance with Article 7(3) of the Internal Agreement, the annual amount deviate from actual needs. The Council should decide at the latest 21 calendar days following the presentation by the Commission of its proposal and Member States

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<sup>1</sup> OJ L 317, 15.12.2000, p. 355.

<sup>2</sup> OJ L 287, 4/11/2010, p. 3.

<sup>3</sup> OJ L 247, 9.9.2006, p. 32.

<sup>4</sup> OJ L 78, 19.3.2008, p. 1.

<sup>5</sup> OJ L 102, 16/04/2011, p. 1.

should pay the third instalment of the contribution at the latest 21 calendar days following the date on which the Council decision is notified to them.

- (2) The Council has adopted on the 5<sup>th</sup> November 2010<sup>6</sup>, on a proposal made by the Commission, the decision to fix at EUR 3.690.000.000 the Commission's share and at 210.000.000 the EIB's share of the annual amount of the Member States contribution to the EDF for 2011. On a subsequent proposal made by the Commission, the Council has decided on the 20<sup>th</sup> of June 2011<sup>7</sup> to modify the Commission's share for 2011 at EUR 3.100.000.000.
- (3) In accordance with Article 7(3) of the 10<sup>th</sup> EDF Internal Agreement, if the contributions decided deviate from EDF's actual needs, the Commission should submit a proposal to the Council to amend the contribution amounts within the ceiling already decided. Therefore, the annual amount of the Member States contributions to the EDF for 2011 allocated to the EIB should be set at 200.000.000 EUR.
- (4) In accordance with the first paragraph of Article 145 of the 10<sup>th</sup> EDF Financial Regulation, the European Investment Bank has sent the Commission its updated estimates of commitments and payments under the instruments it manages.
- (5) Article 58(2) of the 10<sup>th</sup> EDF Financial Regulation provides that calls for contributions first use up the amounts provided for previous EDFs. Therefore a call for funds under the 9<sup>th</sup> EDF should be made also on the basis of Article 58(2) of the 10<sup>th</sup> EDF Financial Regulation for the EIB.

HAS ADOPTED THIS DECISION:

#### *Article 1*

The annual amount of the Member States' contributions to the EDF for 2011 is hereby set at EUR 200 000 000 to be managed by the European Investment Bank to finance the Investment Facility.

#### *Article 2*

The individual EDF contributions to be paid by the Member States to the Commission and the European Investment Bank as the third instalment for 2011 are set out in the table in the Annex.

#### *Article 3*

This decision shall apply from the date of its adoption.

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<sup>6</sup> 15831/10

<sup>7</sup> 11689/11

*Article 4*

This decision is addressed to the Member States.

Done at Brussels,

*For the Council  
The President*

## ANNEX

Third instalment of contributions for 2011 (in Euro)

MEMBER STATES	Key 10 <sup>th</sup> EDF	3 <sup>rd</sup> instalment
	%	Commission 10 <sup>th</sup> EDF
BELGIUM	3.53	6 707 000
DENMARK	2.00	3 800 000
GERMANY	20.50	38 950 000
GREECE	1.47	2 793 000
SPAIN	7.85	14 915 000
FRANCE	19.55	37 145 000
IRELAND	0.91	1 729 000
ITALY	12.86	24 434 000
LUXEMBOURG	0.27	513 000
NETHERLANDS	4.85	9 215 000
AUSTRIA	2.41	4 579 000
PORTUGAL	1.15	2 185 000
FINLAND	1.47	2 793 000
SWEDEN	2.74	5 206 000
UNITED KINGDOM	14.82	28 158 000
<b>Sub-total EUR-15</b>	<b>96.38</b>	<b>183 122 000</b>
BULGARIA	0.14	266 000
CZECH REPUBLIC	0.51	969 000
ESTONIA	0.05	95 000
CYPRUS	0.09	171 000
LATVIA	0.07	133 000
LITHUANIA	0.12	228 000
HUNGARY	0.55	1 045 000
MALTA	0.03	57 000
POLAND	1.30	2 470 000
ROMANIA	0.37	703 000
SLOVENIA	0.18	342 000
SLOVAKIA	0.21	399 000
<b>Sub-total EUR-12</b>	<b>3.62</b>	<b>6 878 000</b>
<b>TOTAL EUR-27</b>	<b>100.00</b>	<b>190 000 000</b>