



Brussels, 14.6.2017  
COM(2017) 296 final

2017/0126 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the financial contributions to be paid by Member States to finance the European  
Development Fund, including the second instalment for 2017**

## **EXPLANATORY MEMORANDUM**

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

#### **• Reasons for and objectives of the proposal**

The proposal concerns a draft Council Decision on the 2<sup>nd</sup> instalment of the financial contributions to the European Development Fund (EDF) to be paid by Member States in 2017.

The 11<sup>th</sup> EDF and other EDF funds which are still open (i.e. Eighth, Ninth and 10<sup>th</sup> EDF) are managed under the following set of rules:

The current Partnership Agreement between the members of the African, Caribbean and Pacific Group of States on one side, and the European Community and its Member States on the other side (the 'ACP-EU Partnership Agreement') as last amended<sup>1</sup>,

The Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies<sup>2</sup> (the 11<sup>th</sup> EDF 'Internal Agreement'),

Council Regulation (EU) 2015/323 on the Financial Regulation applicable to the 11<sup>th</sup> European Development Fund<sup>3</sup> (the '11<sup>th</sup> EDF Financial Regulation').

The documents mentioned above contain multi-annual commitments by Member States to support the EDF treasury financially. The 11<sup>th</sup> EDF Financial Regulation provides for regular contributions to be made by Member States to the EDF treasury against pre-determined financial commitments. Regular contributions are triggered by technical Council Decisions which reflect the implementation of financial commitments previously decided.

Some of the headings in the explanatory memorandum are therefore not applicable to regular contribution calls such as this one.

#### **• Consistency with existing policy provisions in the policy area**

Refer to point 1. Reasons for and objectives of the proposal.

#### **• Consistency with other Union policies**

Refer to point 1. Reasons for and objectives of the proposal.

### **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

#### **• Legal basis**

In accordance with Article 21(7) of the 11<sup>th</sup> EDF Financial Regulation, the amount managed by the European Commission and the amount managed by the European Investment Bank (EIB) are specified separately.

---

<sup>1</sup> OJ L 317, 15.12.2000, p. 3

<sup>2</sup> OJ L 210, 6.8.2013, p. 1

<sup>3</sup> OJ L 58, 3.3.2015, p. 17-38

In accordance with Article 52 of the 11<sup>th</sup> EDF Financial Regulation, the EIB has sent the European Commission its updated estimates of commitments and payments under the instruments it manages.

In accordance with Article 22(1) of the 11<sup>th</sup> Financial Regulation calls for contributions shall first use up the amounts available from 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 EIB and amounts under the 10<sup>th</sup> EDF and under the 11<sup>th</sup> EDF for the European Commission.

In accordance with Article 21(3) of the 11<sup>th</sup> EDF Financial Regulation, the Council must decide on this proposal at the latest 21 calendar days following the presentation, by the European Commission acting on behalf of the European Union, of this proposal.

Article 23(1) of the 11<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.

- **Subsidiarity (for non-exclusive competence)**

Refer to point 1. Reasons for and objectives of the proposal.

- **Proportionality**

Refer to point 1. Reasons for and objectives of the proposal.

- **Choice of the instrument**

Refer to point 1. Reasons for and objectives of the proposal.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Ex-post evaluations/fitness checks of existing legislation**

Not relevant

- **Stakeholder consultations**

Not relevant

- **Collection and use of expertise**

Not relevant

- **Impact assessment**

Not relevant

- **Regulatory fitness and simplification**

Not relevant

- **Fundamental rights**

Not relevant

#### **4. BUDGETARY IMPLICATIONS**

Refer to point 1. Reasons for and objectives of the proposal.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not relevant

- **Explanatory documents (for directives)**

Not relevant

- **Detailed explanation of the specific provisions of the proposal**

In this particular call for contributions, a proposal is included:

- to refund an amount of EUR 200 million of decommitted amounts from the Eighth and the Ninth EDF, and

- to have Member States make corresponding payment adjustments so that each Member State is refunded according to the share it contributed to those amounts.

The proposal by the European Commission follows up on a corresponding political agreement reached among Member States in COREPER in May 2016 in the context of the decision to replenish funding for the African Peace Facility<sup>4</sup>.

---

<sup>4</sup> Council Decision (EU) 2016/1337 of 2 August 2016 concerning the allocation of funds decommitted from projects under the 10th European Development Fund for the purpose of replenishing the African Peace Facility

Proposal for a

## **COUNCIL DECISION**

### **on the financial contributions to be paid by Member States to finance the European Development Fund, including the second instalment for 2017**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies<sup>5</sup> ("the Internal Agreement") and in particular Article 7 thereof,

Having regard to the Council Regulation (EU) 2015/323 of 2 March 2015 on the Financial Regulation applicable to the 11<sup>th</sup> European Development Fund ("the 11<sup>th</sup> EDF Financial Regulation")<sup>6</sup>, and in particular Article 21(3) and 21(4) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with the procedure laid down in Articles 21 to 24 of the 11<sup>th</sup> EDF Financial Regulation, the European Commission shall present a proposal by 15 June 2017 specifying (a) the amount of the second instalment of the contribution for 2017, (b) a revised annual amount of the contribution for 2017, in cases where the amount deviates from actual needs.
- (2) In accordance with Article 52 of the 11<sup>th</sup> EDF Financial Regulation, the European Investment Bank sent on 6 April 2017 to the European Commission its updated estimates of commitments and payments under the instruments it manages.
- (3) Article 22(1) of the 11<sup>th</sup> EDF Financial Regulation provides that calls for contributions first use up the amounts provided for in previous EDFs. Therefore a call for funds under the 10<sup>th</sup> and 11<sup>th</sup> EDF should be made.
- (4) By means of Decision (EU) 2016/2026<sup>7</sup>, the Council has adopted on the 11 November 2016, on a proposal by the European Commission, the Decision to set the ceiling for the annual amount of the Member States' EDF contributions for 2017 at EUR 3 850 000 000 for the European Commission, and at EUR 150 000 000 for the European Investment Bank.

---

<sup>5</sup> OJ L 210, 6.8.2013, p. 1

<sup>6</sup> OJ L 58, 3.3.2015, p. 17-38

<sup>7</sup> OJ L 313, 19.11.2016, p. 25-27

- (5) By means of Decision (EU) 2016/1337<sup>8</sup>, the Council has adopted on the 2 August 2016 the allocation of funds decommitted from projects under the 10<sup>th</sup> European Development Fund (EDF) for the purpose of replenishing the African Peace Facility for the period 2016-2018. A corollary political agreement was reached by Member States in COREPER to refund a combined amount of EUR 200 million of decommitted amounts from Eighth and Ninth EDF and to have Member States make corresponding payment adjustments so as to refund each Member State according to the share it contributed to those amounts. Payments adjustments are due to take place by the third call for contributions 2017 and/or the first call for contributions 2018.

HAS ADOPTED THIS DECISION:

*Article 1*

The individual European Development Fund contributions to be paid by the Member States to the European Commission and the European Investment Bank as the second instalment for 2017 are set out in the table in the Annex to this Decision.

*Article 2*

The shares of Member States' contributions set out in Article 1(2)(a) of the Internal Agreements of the Eighth and Ninth EDF shall be reduced accordingly for an amount of EUR 200 000 000 from funds decommitted under the Eighth and the Ninth European Development Fund (EDF). According to each individual Member States preferences, the financial adjustment shall be implemented against the third instalment 2017 and/or the first instalment 2018.

*Article 3*

This Decision shall enter into force on the date of its publication in the Official Journal of the European *Union*.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council*  
*The President*

---

<sup>8</sup> OJ L 212, 5.8.2016, p. 107–108