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European Union

Brussels, 15 June 2015  
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**FIN 436**  
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**PROPOSAL**

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	15 June 2015
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 296 final
Subject:	Proposal for a COUNCIL DECISION on the financial contributions to be paid by Member States to finance the European Development Fund in 2015, including the second instalment for 2015

Delegations will find attached document COM(2015) 296 final.

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Encl.: COM(2015) 296 final



Brussels, 15.6.2015  
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2015/0132 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the financial contributions to be paid by Member States to finance the European Development Fund in 2015, including the second instalment for 2015**

## **EXPLANATORY MEMORANDUM**

Even though the 11th European Development Fund<sup>1</sup> has entered into force, the new procedure concerning Member States' contributions (Articles 21-24 of the Council Regulation (EU) 2015/323 on the financial regulation applicable to the 11<sup>th</sup> European Development Fund<sup>2</sup>) will apply for the first time for the first 2016 instalment. Article 63 Council Regulation (EU) 2015/323 stipulates that the procedure concerning Member States' contributions laid down in Articles 21 to 24 of the Regulation shall apply for the first time with regard to the contributions of the year  $N + 2$ <sup>3</sup>, provided that the 11<sup>th</sup> EDF Internal Agreement enters into force after the year  $N$  (1 March 2015 =  $N+1$ ), so those articles will apply for the  $N+2$  (1<sup>st</sup> call of contributions 2016). Until that date, the Commission is still referring to the 10<sup>th</sup> EDF Financial Regulation Regulation<sup>4</sup> for matters related to Member States' contributions covered by those articles.

The Internal Agreement and Financial Regulation<sup>5</sup> of the 10<sup>th</sup> EDF provide for a procedure for the calls for contributions to be paid by Member States to finance the EDF. In accordance with Article 57(3) of the Council Regulation 215/2008 on the financial regulation applicable to the 10<sup>th</sup> EDF European Development Fund<sup>6</sup>, this proposal covers:

- the amount of the second instalment of the contribution for 2015.

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

In accordance with Article 145 of the 10<sup>th</sup> EDF Financial Regulation<sup>8</sup>, the EIB has sent the Commission its updated estimates of commitments and payments under the instruments it manages.

In accordance with Article 58(2) of 10<sup>th</sup> EDF Financial Regulation<sup>9</sup>, calls for contributions should 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 10th EDF for the Commission and the EIB.

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<sup>1</sup> OJ L 210, 6.8.2013, 11<sup>th</sup> EDF Internal Agreement between the Representatives of the Governments of the Member States, 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> Council Regulation (EU)2015/323 on the Financial Regulation applicable to the 11<sup>th</sup> European Development Fund

<sup>3</sup> OJ L 58/38, 3.3.2015, Council Regulation (EU)2015/323, Article 63 "*The procedure concerning Member States' contributions laid down in Articles 21 to 24 of this Regulation shall apply for the first time with regard to the contributions of the year  $N + 2$ , provided that the Internal Agreement enters into force between 1 October of year  $N$  and 30 September of year  $N + 1$ .*"

<sup>4</sup> OJ L 78, 19.3.2008, Council Regulation (EC) 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10<sup>th</sup> European Development Fund.

<sup>5</sup> OJ L 78/16, 19.3.2008: Section 1, "*Making available of EDF resources*"

<sup>6</sup> OJ L 78/16, 19.3.2008, "*The Commission shall present a proposal by 15 June of the year  $N+1$* "

<sup>7</sup> OJ L 78/17, Council Regulation 215/2008 on the financial regulation applicable to the 10<sup>th</sup> EDF

<sup>8</sup> OJ L 78/32, Council Regulation 215/2008 on the financial regulation applicable to the 10<sup>th</sup> EDF

<sup>9</sup> OJ L 78/17, Council Regulation 215/2008 on the financial regulation applicable to the 10<sup>th</sup> EDF

In accordance with Article 57(3) of the 10<sup>th</sup> EDF Financial Regulation<sup>10</sup>, 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 second instalment at the latest 21 calendar days following the date on which the Council decision was notified to them.

Article 60(1) of the 10<sup>th</sup> EDF Financial Regulation<sup>11</sup> 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.

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<sup>10</sup> OJ L 78/16, Council Regulation 215/2008 on the financial regulation applicable to the 10<sup>th</sup> EDF

<sup>11</sup> OJ L 78/17, 19.3.2008

Proposal for a

**COUNCIL DECISION**

**on the financial contributions to be paid by Member States to finance the European Development Fund in 2015, including the second instalment for 2015**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund<sup>12</sup>, in particular Article 63 related to the commencement of contribution procedures;

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 and for the period 2014 to 2020<sup>13</sup> 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>14</sup>, ("the Internal Agreement") and in particular Article 7 thereof,

Having regarded 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>15</sup>, in particular Article 57(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) in accordance with the procedure laid down in Articles 57 to 61 of the 10<sup>th</sup> EDF Financial Regulation<sup>16</sup>, the Commission is presenting a proposal by 15 June specifying (a) the amount of the second instalment of the contribution for 2015, and (b) a revised annual amount of the contribution for the year 2015 in line with actual needs, in case where, in accordance with Article 7(3) of the 10<sup>th</sup> EDF Internal Agreement, the annual amount deviate from actual needs;
- (2) The Council has adopted on 29 October 2014, on a proposal made by the Commission, the decision to fix at EUR 3.400.000.000 the Commission's share and at EUR

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<sup>12</sup> OJ L 58, 3.3.2015, p. 17–38

<sup>13</sup> OJ L 210, 6.8.2013, p. 1.

<sup>14</sup> OJ L 247, 9.9.2006, p. 32.

<sup>15</sup> OJ L 78, 19.3.2008, as last amended by Council Decision OJ L 102, 16.4.2011, p. 1.

<sup>16</sup> OJ L 78, 19.3.2008, (EU) 215/2008

200.000.000 the European Investment Bank's share of the annual amount of the Member States contributions to the EDF for 2015<sup>17</sup>.

- (3) In accordance with Article 7(3) of the 10th 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. Due to extra payments recorded in 2014 for EUR 132.000.000 above the projected amount, and the very low rate of commitments in 2014 under the Bridging Facility, the Commission evaluates that it is justified to reduce its request by EUR 200.000.000. Therefore, a revised amount of the Member States' contributions to the EDF for 2015 allocated to the Commission should be set at EUR 3.200.000.000 instead of EUR 3.400.000.000.
- (4) In accordance with the first paragraph of Article 145 of the 10th EDF Financial Regulation<sup>18</sup>, the EIB has sent the Commission its updated estimates of commitments and payments under the instruments it manages;
- (5) Article 58(2) of the 10th EDF Financial Regulation<sup>19</sup> provides that calls for contributions first use up the amounts provided for previous EDFs. Therefore a call for funds under the 10<sup>th</sup> EDF should be made on the basis of Article 58 (2) of the 10th EDF Financial Regulation for the EIB;

HAS ADOPTED THIS DECISION:

#### *Article 1*

The annual amount of the Member States' contributions to the EDF for 2015 is hereby set at EUR 3.400.000.000 (EUR 3.200.000.000 for the Commission and EUR 200.000.000 for the EIB).

#### *Article 2*

The individual EDF contributions to be paid by the Member States to the Commission and the EIB as the second instalment for 2015 are set out in the table in the Annex.

#### *Article 3*

This decision shall apply from the date of its adoption.

#### *Article 4*

This Decision is addressed to the Member States.

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<sup>17</sup> 14563/14

<sup>18</sup> OJ L 78/32, 19.3.2008, Council Regulation 215/2008 on the financial regulation applicable to the 10<sup>th</sup> EDF

<sup>19</sup> OJ L 78/17, 19.3.2008, "Calls for contributions shall first use up the amounts laid down for previous EDFs, one after the other."

Done at Brussels,

*For the Council  
The President*