



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.9.2000
COM(2000) 601 final

Proposal for a

COUNCIL DECISION

on the position to be adopted by the Community within the ACP-EC Committee of Ambassadors relating to the adoption of a decision concerning the establishment of a reserve intended to finance decisions under STABEX and SYSMIN in the period 2 August to 31 December 2000

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. By Decision No 1/2000 of 27 July 2000¹, the ACP-EC Council of Ministers adopted transitional measures applicable from 2 August 2000 until the entry into force of the ACP-EC Partnership Agreement. That Decision provides for the early application of most of the terms of the Partnership Agreement.
2. In the case of Stabex, Article 2(a) the Decision extends until 31 December 2000 those terms of the fourth ACP-EC Convention, as revised by the agreement signed in Mauritius on 4 November 1995, which concern transfer decisions for the 1998 and 1999 application years and the reimbursement of the unexpended balances arising under the second Financial Protocol (Article 195 point (a) of the Convention).
3. In the case of Sysmin, Article 2(b) of the Decision extends to 31 December 2000 those terms of the Convention which concern operations for which requests for aid were submitted before 1 August 2000.
4. Lastly, Article 3(3)(b) of the Decision stipulates that:
 - a reserve for the financing of any decision taken under Article 2 points (a) and (b) will be established by 30 September 2000,
 - the ACP-EC Committee of Ambassadors will determine the methods for calculating this reserve and the final amount thereof and also the method for transferring any unexpended balance to the EDF special account by 30 September 2000.
5. The position which the Community is to adopt within the ACP-EC Committee of Ambassadors needs to be defined with a view to determining the methods for calculating the reserve set up to finance decisions under the extensions referred to in points 2 and 3 above and the final amount, and also the method for transferring any unexpended balance to the special EDF account.

¹ OJ L 195, 1 August 2000, p. 46.

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on the position to be adopted by the Community within the ACP-EC Committee of Ambassadors relating to the adoption of a decision concerning the establishment of a reserve intended to finance decisions under STABEX and SYSMIN in the period 2 August to 31 December 2000

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Decision No 1/2000 of 27 July 2000², the ACP-EC Council of Ministers adopted transitional measures applicable from 2 August 2000 until the entry into force of the ACP-EC Partnership Agreement. That Decision provides for the early application of most of the terms of the Partnership Agreement.
- (2) In the case of Stabex, Article 2(a) of the ACP-EC Council of Ministers Decision 1/2000 of 27 July 2000 extends until 31 December 2000 those terms of the fourth ACP-EC Convention, as revised by the agreement signed in Mauritius on 4 November 1995, which concern transfer decisions for the 1998 and 1999 application years and the reimbursement of the unexpended balances arising under the second Financial Protocol (Article 195 point (a) of the Convention).
- (3) In the case of Sysmin, Article 2(b) of the ACP-EC Council of Ministers Decision No 1/2000 extends until 31 December 2000 those terms of the Convention which concern operations for which requests for aid were submitted before 1 August 2000.
- (4) Lastly, Article 3(3)(b) of the ACP-EC Council of Ministers Decision No 1/2000 stipulates that:
 - a reserve for the financing of any decision taken under Article 2 points (a) and (b) of the Decision will be established by 30 September 2000,
 - the ACP-EC Committee of Ambassadors will determine the methods for calculating this reserve and the final amount thereof and also the method for transferring any unexpended balance to the EDF special account by 30 September 2000.

² OJ L 195, 1 August 2000, p. 46.

- (5) The position which the Community is to adopt within the ACP-EC Committee of Ambassadors needs to be defined with a view to determining the methods for calculating the reserve set up to finance decisions under the extensions referred to in points 2 and 3 above and the final amount thereof, and also the method for transferring any unexpended balance to the special EDF account.

HAS ADOPTED THIS DECISION:

Sole Article

The position to be adopted by the Community within the ACP-EC Committee of Ambassadors relating to the methods for calculating a reserve intended to finance decisions under the extension arrangements agreed for STABEX et SYSMIN and the final amount thereof as well as to the method for transferring any unexpended balance to the EDF special account shall be based on the draft decision set out in the annex hereto.

Done at Brussels,

*For the Council
The President*

ANNEX

Draft

Decision No XXX/2000 of the ACP-EC Committee of Ambassadors
concerning the establishment of a reserve
intended to finance decisions under STABEX and SYSMIN
for the period 2 August to 31 December 2000

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the fourth ACP Convention signed at Lomé on 15 December 1989 and revised at Port Louis on 4 November 1995, hereinafter referred to as "the Convention"

Having regard to ACP-EC Council of Ministers Decision No 1/2000 of 27 July 2000 concerning transitional measures applicable from 2 August 2000 until the entry into force of the ACP-EC Partnership Agreement, and in particular Article 3(3)(b) thereof

whereas:

- (1) In the case of Stabex, Article 2(a) of ACP-EC Council of Ministers Decision No 1/2000 of 27 July 2000 extends until 31 December 2000 those terms of the fourth ACP-EC Convention, as revised by the agreement signed in Mauritius on 4 November 1995, which concern transfer decisions for the 1998 and 1999 application years and the reimbursement of the unexpended balances arising under the second Financial Protocol (Article 195 point (a) of the Convention).
- (2) In the case of Sysmin, Article 2(b) of ACP-EC Council of Ministers Decision No 1/2000 extends until 31 December 2000 those terms of the Convention which concern operations for which requests for aid were submitted before 1 August 2000.
- (3) Article 3(3)(b) of ACP-EC Council of Ministers Decision No 1/2000 stipulates that:
 - a reserve for the financing of any decision taken under Article 2 points (a) and (b) of the said Council Decision will be established by 30 September 2000,
 - the ACP-EC Committee of Ambassadors will determine the methods for calculating this reserve and the final amount thereof and also the method for transferring any unexpended balances to the EDF special account by 30 September 2000,

HAS DECIDED AS FOLLOWS:

Article 1

The final amount of the reserve referred to in Article 3(3)(b) of ACP-EC Council of Ministers Decision No 1/2000 of 27 July 2000 concerning transitional measures applicable from 2 August 2000 until the entry into force of the ACP-EC Partnership Agreement, is determined as follows:

	<u>in Euro</u>
a) STABEX	
– potential transfers chargeable to 1998 et 1999 application years	168,000,000
– potential reimbursement of unexpended balances arising under the second Financial Protocol (Article 195 point (a) of the Convention)	72,000,000
b) SYSMIN	
– amount for operations to be committed by 31 December 2000 at the latest and for which requests for aid were submitted before 1 August 2000	55,000,000
c) FINAL AMOUNT OF THE RESERVE	<u>295,000,000</u>

Article 2

- a) The balance, in terms of the appropriation of the Stabex instrument, after deduction of the amount set out in Article 1(a) of this Decision shall be € 1,105,672,002. This amount is available for programming activities in accordance with Article 3 of this Decision n°1/2000 of the ACP-EC Council of Ministers of 27 July 2000.
- b) In terms of liquid assets, the balance of the Stabex instrument shall be progressively transferred to the special account of the EDF by 31 December 2001 at the latest.
- c) The balance which, pursuant to Article 2(b) of ACP-EC Council of Ministers Decision No 1/2000, must be used to support identified development programmes following finalisation of requests for aid under Sysmin submitted before 1 August 2000 but for which decisions cannot be taken before 31 December 2000, shall be € 410,926,000.

- d) The balance of the reserve established under Article 1 of this Decision, available on 31 December 2000, shall be transferred from the special Stabex account to the special EDF account before 31 December 2001.

Done at Brussels on

*For the ACP-EC Committee of Ambassadors -
The Chairman*