



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.9.2008  
COM(2008) 574 final

Proposal for a

**COUNCIL DECISION**

**on the position to be adopted by the European Community within the ACP-EC  
Committee of Ambassadors regarding a decision on the allocation of resources to  
Somalia from the Tenth European Development Fund**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

Somalia was a member of the African, Caribbean and Pacific (hereinafter referred to as "ACP") Group of States until late 1991, when the government was overthrown. Since then Somalia has been unable to establish a recognised government and consequently to ratify the ACP-EC Partnership Agreement between the Community, the Member States and the ACP, signed on 23 June 2000 in Cotonou and revised on 25 June 2005. The revised agreement has entered into force on the first of July 2008, according to the information provided by the General Secretariat of the Council. Article 93(6) of the ACP-EC Partnership Agreement provides that "the Council of Ministers may decide to accord special support to ACP States party to previous ACP-EC conventions which, in the absence of normally established government institutions, have not been able to sign or ratify this Agreement".

Based on the allocation criteria adopted by Commission Decision C(2007) 3617 of 1 August 2007, an amount of EUR 212 million was established for programmable activities (envelope A) and EUR 3.8 million for unforeseen needs (envelope B) by Commission Decision C(2007) 5223 of 30 October 2007. These allocations have to be confirmed by the ACP-EC Council of Ministers.

The Somalia Special Support programme 2008-2013, outlining the programmes to be implemented with this funding, and the EU+ Norway 2008-2013 Somalia Strategy Paper, have been approved on 10 June by Member States in the Committee of the European Development Fund.

The Commission therefore proposes that the Council adopts the attached Decision, which concerns the position to be taken on behalf of the European Community within the ACP-EC Committee of Ambassadors.

Proposal for a

## COUNCIL DECISION

### **on the position to be adopted by the European Community within the ACP-EC Committee of Ambassadors regarding a decision on the allocation of resources to Somalia from the Tenth European Development Fund**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) By Decision No 3/2001 of the ACP-EC Council of Ministers of 20 December 2001<sup>1</sup>, an amount of EUR 150 million was allocated for development finance cooperation with Somalia for the period until the end of 2007 from the 8th and 9th European Development Funds (EDF) in pursuance of Article 93(6) of the ACP-EC Partnership Agreement. This provision allows the ACP-EC Council of Ministers to accord special support to ACP States party to previous ACP-EC Conventions which, in the absence of normally established government institutions, have not been able to sign or ratify this Agreement;
- (2) By Decision No 3/2007 of the ACP-EC Council of Ministers of 25 May 2007 amending Decision No 3/2001<sup>2</sup>, this allocation of resources to Somalia was increased by EUR 39 million from the 9th EDF;
- (3) The revised ACP-EC Partnership Agreement<sup>3</sup>, including the Multiannual Financial Framework 2008-2013 contained in Annex Ib thereto<sup>4</sup>, has entered into force on 1 July 2008. Its Article 93(6) still applies to Somalia;
- (4) To ensure the continuation of the support to the population of Somalia, it is appropriate to allocate resources for this purpose from the 10th EDF which will cover the period 2008-2013;

Somalia should benefit from allocations from the 10th EDF comparable to countries from the ACP group which have ratified the ACP-EC Partnership Agreement. If Somalia had been included in the 10th EDF aid allocation model<sup>5</sup> which is based on

---

<sup>1</sup> OJ L 56, 27.2.2002, p. 23.

<sup>2</sup> OJ L 175, 5.7.2007, p. 36.

<sup>3</sup> OJ L 209, 11.8.2005, p. 27.

<sup>4</sup> OJ L 247, 9.9.2006, p. 22.

<sup>5</sup> C(2007) 3617, 1.8.2007.

needs and performance criteria as set out in Article 3 of Annex IV to the ACP-EC Partnership Agreement, the resulting allocation should amount to EUR 212 million to cover macroeconomic support, sectoral policies, programmes and projects in support of the focal or non-focal areas of Community assistance and EUR 3.8 million to cover unforeseen needs as defined in that same Article; equivalent amounts should thus be provided for special support;

(5) The European Community should support this allocation of EDF funds to Somalia;

HAS DECIDED AS FOLLOWS:

*Sole Article*

The Community position within the ACP-EC Committee of Ambassadors on the allocation of resources to Somalia from the 10th EDF is to support the attached draft ACP-EC Council of Ministers Decision.

Done at Brussels, [...]

*For the Council*  
*The President [...]*

## ANNEX

### **Draft Decision of the ACP-EC Council of Ministers on the allocation of resources to Somalia from the Tenth European Development Fund**

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000 and revised in Luxembourg on 25 June 2005<sup>6</sup>, and in particular Article 93(6) thereof,

Whereas:

- (1) By Decision No 3/2001 of the ACP-EC Council of Ministers of 20 December 2001<sup>7</sup>, an amount of EUR 150 million was allocated for development finance cooperation with Somalia for the period until the end of 2007, from the 8th and 9th European Development Funds (EDF) in pursuance of Article 93(6) of the ACP-EC Partnership Agreement, which allows the ACP-EC Council of Ministers to accord special support to ACP States party to previous ACP-EC Conventions which, in the absence of normally established government institutions, have not been able to sign or ratify this Agreement;
- (2) By Decision No 3/2007 of the ACP-EC Council of Ministers of 25 May 2007 amending Decision No 3/2001<sup>8</sup>, this allocation of resources to Somalia was increased by EUR 39 million from the 9th EDF;
- (3) The revised ACP-EC Partnership Agreement<sup>9</sup>, including the Multiannual Financial Framework 2008-2013 contained in Annex Ib thereto, has entered into force on 1 July 2008. Its Article 93(6) still applies to Somalia;
- (4) To ensure the continuation of the support to the population of Somalia, it is appropriate to allocate resources for this purpose from the 10th EDF which will cover the period 2008-2013;
- (5) Somalia should benefit from allocations from the 10th EDF comparable to countries from the ACP group which have ratified the ACP-EC Partnership Agreement. If Somalia had been included in the 10th EDF aid allocation model<sup>10</sup>, which is based on needs and performance criteria as set out in Article 3 of Annex IV to the ACP-EC Partnership Agreement, the resulting allocation should amount to EUR 212 million to cover macroeconomic support, sectoral policies, programmes and projects in support of the focal or non-focal areas of Community assistance and EUR 3.8 million to cover unforeseen needs as defined in that same Article; equivalent amounts should thus be provided for special support;

---

<sup>6</sup> OJ L 209, 11.8.2005, p. 27.

<sup>7</sup> OJ L 56, 27.2.2002, p. 23.

<sup>8</sup> OJ L 175, 5.7.2007, p. 36.

<sup>9</sup> OJ L 209, 11.8.2005, p. 27.

<sup>10</sup> C(2007) 3617, 1.8.2007.

- (6) The ACP-EC Council of Ministers of 25 May 2007 has agreed to delegate to the Committee of Ambassadors its power to complete the work on the revision of the special support to Somalia under the 10th EDF;

HAS DECIDED AS FOLLOWS:

#### Article 1

- (1) An amount of EUR 215.8 million shall be taken from the Tenth European Development Fund reserve for national and regional cooperation for special support in favour of Somalia in accordance with Article 93(6) of the ACP-EC Partnership Agreement. From this amount:
- (a) EUR 212 million shall be used for institution building and economic and social development activities, taking particular account of the needs of the most vulnerable sections of the population. This allocation shall be programmed under a special assistance strategy;
  - (b) EUR 3.8 million shall be used to cover unforeseen needs such as emergency assistance where such support cannot be financed from the EU budget.
- (2) The Commission shall assume the functions of National Authorising Officer for the programming and implementation of this allocation in accordance with Article 4(5) of Annex IV to the ACP-EC Partnership Agreement.

#### Article 2

The European Commission is requested to take the measures necessary to give effect to this Decision.

#### Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels, [...]

For the ACP-EC Council of Ministers

The President of the ACP-EC Committee of Ambassadors [...]