



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.10.2004  
COM(2004) 647 final

Proposal for a

**COUNCIL DECISION**

**fixing the financial contributions to be paid by the Member States contributing to the  
European Development Fund (third instalment for 2004)**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

Since the entry into force of the Financial Regulation for the 9th European Development Fund (EDF) the Council decides, on a proposal from the Commission, on each of the three instalments to be paid by the Member States. In the case of the 9th EDF instruments managed by the European Investment Bank (EIB), the Member States pay their contributions directly to the EIB. The contributions for other instruments are paid to the Commission.

In accordance with Article 121 of the 9th EDF Financial Regulation, the EIB has sent the Commission its updated estimates of commitments and payments under the instruments it manages.

This proposal concerns the third instalment of contributions for 2004. Under Article 38(2) of the 9th EDF Financial Regulation, the schedule decided for this instalment is as follows: (1) the Commission submits the proposal to the Council by 10 October 2003; (2) the Council decides on this instalment within 21 calendar days following the Commission's presentation of its proposal; (3) the Member States pay the contributions due under this instalment within 21 calendar days of the date on which the Council's decision is notified to them.

Note that Article 40(4) of the 9th EDF Financial Regulation stipulates that a Member State which fails to pay the instalment of contributions 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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**COUNCIL DECISION**

**fixing the financial contributions to be paid by the Member States contributing to the European Development Fund (third instalment for 2004)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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>

Having regard to the Internal Agreement between Representatives of the Member States, meeting within the Council, on the financing and administration of Community aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States, signed in Brussels on 18 September 2000,<sup>2</sup> and in particular Article 10 thereof,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community,<sup>3</sup>

Having regard to the Financial Regulation of 27 March 2003 applicable to the 9th European Development Fund,<sup>4</sup> and in particular Article 38(1) thereof,

Having regard to the proposal from the Commission,<sup>5</sup>

Whereas:

- (1) On 21 November 2003 the Commission sent the Council a statement of the payments to be made in 2004 and the schedule of calls for contributions. On 22 December the Council adopted the decision laying down the 2004 schedule of calls for contributions from the Member States to the EDF.
- (2) On 19 December 2003 the Council adopted the decision on the contributions to be paid by the Member States to the Commission and the European Investment Bank as the first instalment for 2004. On 8 June 2003 the Council adopted the decision on the

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

<sup>2</sup> OJ L 317, 15.12.2000, p. 355.

<sup>3</sup> OJ L 314, 30.11.2001, p. 1.

<sup>4</sup> OJ L 83, 01.04.2003, p. 1.

<sup>5</sup> OJ C ..., ..., p. .

contributions to be paid by the Member States to the Commission and the European Investment Bank as the second instalment for 2004.

- (3) The third subparagraph of Article 38(2) of the 9th EDF Financial Regulation stipulates that the Commission is to present the proposal for the third instalment for the current year by 10 October.
- (4) The third subparagraph of Article 38(2) of the 9th EDF Financial Regulation stipulates that the Council is to decide on this instalment at the latest by 21 calendar days following the presentation by the Commission of its proposal, and that the Member States are to pay the contributions due under this instalment at the latest by 21 calendar days following the date on which the Council's decision is notified to them.
- (5) In accordance with the first paragraph of Article 121 of the 9th EDF Financial Regulation, the European Investment Bank has sent the Commission the updated estimates of commitments and payments.
- (6) Paragraphs (2), (3) and (4) of Article 133 of the 9th EDF Financial Regulation stipulate that the procedure for calling for contributions under the 9th EDF also applies to the execution of decisions under previous Funds,

HAS ADOPTED THIS DECISION:

*Sole Article*

The contributions to be paid by the Member States to the Commission and the European Investment Bank as the third instalment for 2004 are set out in the table in the Annex.

This Decision is addressed to the Member States contributing to the 9th EDF.

Done at Brussels,

*For the Council*  
*The President*

**ANNEX**

Third instalment of contributions for 2004 (in euro)

COUNTRY	to the European Investment Bank	to the Commission
BELGIUM	0	19 208 000
DENMARK	0	10 486 000
GERMANY	0	114 464 000
GREECE	0	6 125 000
SPAIN	0	28 616 000
FRANCE	0	119 070 000
IRELAND	0	3 038 000
ITALY	0	61 446 000
LUXEMBOURG	0	1 421 000
NETHERLANDS	0	25 578 000
AUSTRIA	0	12 985 000
PORTUGAL	0	4 753 000
FINLAND	0	7 252 000
SWEDEN	0	13 377 000
UNITED KINGDOM	0	62 181 000
<b>TOTAL</b>	<b>0</b>	<b>490 000 000</b>

<b>FINANCIAL STATEMENT</b>				
		DATE: 1/09/2004		
1. BUDGET HEADING: not applicable: concerns the EDF		APPROPRIATIONS: Not applicable		
2. TITLE: Council Decision fixing the financial contributions to be paid by the Member States to the European Development Fund (third instalment for 2004)				
3. LEGAL BASIS: Financial Regulation of 27 March 2003 applicable to the 9th European Development Fund				
4. AIMS OF MEASURE: Call for the third instalment of the Member States' contributions for 2004				
5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS (EUR million)	CURRENT FINANCIAL YEAR [n] (EUR million)	FOLLOWING YEAR [n+1] (EUR million)	
5.0 EXPENDITURE CHARGED TO: - THE EC BUDGET(REFUNDS/INTERVENTION) - NATIONAL BUDGETS - OTHER	not applicable			
5.1 REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL	not applicable			
	[n+2]	[n+3]	[n+4]	[n+5]
5.0.1 ESTIMATED EXPENDITURE				
5.1.1 ESTIMATED REVENUE				
5.2 METHOD OF CALCULATION:				
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?			YES/NO
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?			YES/NO
6.2	IS A SUPPLEMENTARY BUDGET NECESSARY?			YES/NO
6.3	WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY?			YES/NO
OBSERVATIONS:				