



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.10.2009
COM(2009)575 final

Proposal for a

COUNCIL DECISION

**on the financial contributions to be paid by the Member States to finance the European
Development Fund (3rd instalment 2009)**

EXPLANATORY MEMORANDUM

The Internal Agreement and Financial Regulation of the 10th EDF provide for a new procedure for the calls for contributions to be paid by Member States to finance the EDF. According to Article 157 of the Financial Regulation, this new procedure shall apply for the first time for the contributions of 2009 ("N+2" in the sense of that contingency provision).

In accordance with Article 57(5) of the Financial Regulation, this proposal covers:

- the amount of the third instalment of the contribution for 2009 ("n+1" in the sense of the permanent procedures laid down in that Article);

In accordance with Article 57(7) of the Financial Regulation, the amount managed by the Commission and the amount managed by the EIB are specified for each.

In accordance with Article 145 of the Financial Regulation, the EIB has sent the Commission its updated estimates of commitments and payments under the instruments it manages.

In accordance with Article 57(5) of the Financial Regulation, 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 third instalment of the contribution at the latest 21 calendar days following the date on which the Council decision is notified to them.

Article 58(2) of the Financial Regulation provides that calls for contributions first use up the amounts laid down for previous EDFs, one after the other. The calls for contributions in this proposal therefore concern amounts under the 9th EDF.

Note that Article 60(1) of the 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.

Proposal for a

COUNCIL DECISION

on the financial contributions to be paid by the Member States to finance the European Development Fund (3rd instalment 2009)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Internal Agreement between Representatives of the Governments 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 Cotonou (Benin) on 23 June 2000 and the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies¹, and in particular Article 10(1) thereof,

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 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 applies², and in particular Article 7 thereof,

Having regard to the Financial Regulation of 18 February 2008 applicable to the 10th European Development Fund (hereinafter referred to as "the 10th EDF Financial Regulation")³, and in particular Articles 57 and 58(2) thereof,

Having regard to the proposal from the Commission⁴,

Whereas:

- (1) Article 58(2) of the 10th European Development Fund (hereafter "the EDF") Financial Regulation provides that calls for contributions first use up the amounts provided for previous EDFs. Therefore a call for funds under the 9th EDF should be made.
- (2) In accordance with the first paragraph of Article 145 of the 10th EDF Financial Regulation, the European Investment Bank has sent the Commission its updated estimates of commitments and payments under the instruments it manages.

¹ OJ L 317, 15.12.2000, p. 355.

² OJ L 247, 9.9.2006, p. 32.

³ OJ L 78, 19.3.2008, p. 1.

⁴ OJ C ..., ..., p. .

- (3) Pursuant to Article 157 of the 10th EDF Financial Regulation, the procedure laid down in Articles 57 to 61 should apply for the first time in 2009. In accordance with this procedure, the Commission is presenting a proposal specifying the amount of the third instalment of the contribution for 2009. The Council must decide at the latest 21 calendar days following the presentation by the Commission of its proposal and Member States must pay the third instalment of the contribution at the latest 21 calendar days following the date on which the Council decision is notified to them.

HAS ADOPTED THIS DECISION:

Article 1

The contributions to be paid by the Member States to the Commission and the European Investment Bank as the third instalment for 2009 to finance the EDF are set out in the table in the Annex to this decision.

Article 2

This decision shall apply from the date of its adoption.

Article 3

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 2009 (in euro)

Member State	Scale	to the EIB	to the Commission	Total
Germany	23,36	0	105.120.000	105.120.000
Belgium	3,92	0	17.640.000	17.640.000
Denmark	2,14	0	9.630.000	9.630.000
Spain	5,84	0	26.280.000	26.280.000
France	24,30	0	109.350.000	109.350.000
Greece	1,25	0	5.625.000	5.625.000
Ireland	0,62	0	2.790.000	2.790.000
Italy	12,54	0	56.430.000	56.430.000
Luxembourg	0,29	0	1.305.000	1.305.000
Netherlands	5,22	0	23.490.000	23.490.000
Portugal	0,97	0	4.365.000	4.365.000
United Kingdom	12,69	0	57.105.000	57.105.000
Austria	2,65	0	11.925.000	11.925.000
Finland	1,48	0	6.660.000	6.660.000
Sweden	2,73	0	12.285.000	12.285.000
TOTAL	100,00	0	450.000.000	450.000.000