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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.10.2008
COM(2008) 624 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 2008)**

(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 (Article 38 of the Financial Regulation). In the case of the 9th and 10th 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.

Article 157 of the 10th EDF Financial Regulation stipulates that the procedure for the Member States' contributions for 2008 is governed by Article 38 of the 9th EDF Financial Regulation.

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 2008. Under Article 38(2) of the 9th EDF Financial Regulation, the schedule decided for this instalment is as follows: (1) the Commission presents a proposal by 10 October; (2) the Council decides on this instalment no later than 21 calendar days after the Commission presents its proposal; (3) the Member States pay this instalment of the contributions no later than 21 calendar days after they receive notification of the Council decision.

Note that Article 40(4) of the 9th EDF 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

fixing the financial contributions to be paid by the Member States contributing to the European Development Fund (third instalment for 2008)

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 (Benin) on 23 June 2000¹, and revised in Luxembourg (Grand Duchy of Luxembourg) on 25 June 2005²,

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 applies³, 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 applies⁴, and in particular Article 7 thereof,

Having regard to the Financial Regulation of 27 March 2003 applicable to the 9th European Development Fund⁵ (hereinafter referred to as "the 9th EDF Financial Regulation"), and in particular Article 38(1) and the third subparagraph of Article 38(2) 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")⁶, and in particular Article 157 thereof,

Having regard to the proposal from the Commission⁷,

¹ OJ L 317, 15.12.2000, p. 3.

² OJ L 209, 11.8.2005, p. 27.

³ OJ L 317, 15.12.2000, p. 355.

⁴ OJ L 247, 9.9.2006, p. 32.

⁵ OJ L 83, 1.4.2003, p. 1.

⁶ OJ L 78, 19.3.2008, p. 1.

Whereas:

- (1) Article 157 of the 10th EDF Financial Regulation provides that the procedure for the Member States' contributions for 2008 remains governed for practical purposes by the 9th EDF Financial Regulation.
- (2) On 14 October 2007 the Commission sent the Council a statement of the payments to be made in 2008 and the schedule of calls for contributions. On 20 December the Council adopted the decision laying down the 2008 schedule of calls for contributions from the Member States to the 9th EDF⁸.
- (3) On 20 December 2007 the Council also adopted the decision laying down the financial contributions to be made by the Member States to the EDF for the first instalment for 2008⁹. On 8 July the Council adopted the decision laying down the financial contributions for the second instalment¹⁰.
- (4) 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 it is responsible for,

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 2008 are set out in the table in the Annex.

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*

⁷ OJ C ..., ..., p. .

⁸ Document 15986/07.

⁹ Document 15990/07.

¹⁰ Document 11132/08.

ANNEX

Third instalment of contributions for 2008 (in euro)

COUNTRY	to the European Investment Bank	to the Commission
GERMANY	0	85 264 000
BELGIUM	0	14 308 000
DENMARK	0	7 811 000
SPAIN	0	21 316 000
FRANCE	0	88 695 000
GREECE	0	4 562 500
IRELAND	0	2 263 000
ITALY	0	45 771 000
LUXEMBOURG	0	1 058 500
NETHERLANDS	0	19 053 000
PORTUGAL	0	3 540 500
UNITED KINGDOM	0	46 318 500
AUSTRIA	0	9 672 500
FINLAND	0	5 402 000
SWEDEN	0	9 964 500
TOTAL	0	365 000 000