



Brussels, 23.10.2015
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2015/0248 (NLE)

Proposal for a

COUNCIL DECISION

on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2017, the amount for 2016 and the first instalment for 2016.

EXPLANATORY MEMORANDUM

The 11th Internal Agreement¹ and Council Regulation (EU) 2015/323 on the financial regulation applicable to the 11th European Development Fund (hereinafter referred to as "11th EDF Financial Regulation") provide for a procedure for the calls for contributions to be paid by Member States to finance the EDF. In accordance with Article 21(2) of the 11th EDF Financial Regulation, this proposal covers:

- The ceiling for the annual amount of the contributions for 2017;
- The annual amount of the contributions for 2016;
- The amount of the first instalment of the contribution for 2016.

In accordance with Article 21(7) of the 11th EDF Financial Regulation, the amount managed by the Commission and the amount managed by the European Investment Bank (EIB) are specified separately.

In accordance with Article 52 of the 11th EDF Financial Regulation², the EIB has sent the Commission its updated estimates of commitments and payments under the instruments it manages.

In accordance with Article 22(1) of the 11th EDF Financial Regulation calls for contributions should first use up the amounts available from previous EDFs, one after the other. The calls for contributions in this proposal therefore concern amounts under the 10th EDF for both the EIB and the Commission.

In accordance with Article 21(2) of the 11th EDF Financial Regulation, the Council shall decide on this proposal at the latest by the 15 November 2015, and Member States shall pay the first instalment at the latest by the 21 January 2016.

Article 23(1) of the 11th 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.

In accordance with Article 1, second subparagraph of Council Decision 2013/759/EU regarding transitional measures EDF management measures from 1 January 2014 until the entry into force of the 11th European Development Fund (Bridging Facility)³, the shares of Member States' contributions set out in Article 1(2)(a) of the Internal Agreements of the 8th, 9th and 10th EDF shall be reduced accordingly, after the entry into force of the 11th EDF Internal Agreement. The reduction will have an impact in 2015, 2016 and 2017 Member States' contributions to the Commission according to the option for adjustment chosen by each Member State.

¹ Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty applies (OJ L 58, 3.3.2015, p. 17–38)

² OJ L 58, 3.3.2015, p. 17–38

³ OJ L 335, 14.12.2013, p. 48

Proposal for a

COUNCIL DECISION

on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2017, the amount for 2016 and the first instalment for 2016.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

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 2014 to 2020, in accordance with the ACP-EU Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies⁴, ("the Internal Agreement") and in particular Article 7,

Having regard to the Council Regulation (EU) 2015/323 of 2 March 2015 on the Financial Regulation applicable to the 11th European Development Fund (hereinafter referred to as "the 11th EDF Financial Regulation")⁵, and in particular Article 21(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with the procedure laid down in Articles 21 to 24 of the 11th EDF Financial Regulation, the Commission is presenting herewith a proposal specifying (a) the ceiling of the annual amount of the Member States contribution for 2017, (b) the amount of the contribution for 2016, and (c) the amount of the first instalment of the contribution for 2016,
- (2) In accordance with Article 52 of the 11th EDF Financial Regulation, the European Investment Bank has sent the Commission its updated estimates of commitments and payments under the instruments it manages in due time,
- (3) Article 22(1) of the 11th EDF Financial Regulation provides that calls for contributions first use up the amounts provided by previous EDFs. Therefore a call for funds under the 10th EDF should be made,
- (4) The Council has adopted on the 10 November 2014, on a proposal made by the Commission, the decision to set the ceiling for the annual amount of the Member States EDF contributions for 2016 at EUR 3 350 000 000 for the Commission, and at EUR 250 000 000 for the European Investment Bank for 2016⁶.
- (5) In accordance with Article 1, second subparagraph of Council Decision 2013/759/EU regarding transitional measures EDF management measures from 1 January 2014 until

⁴ OJ L 210, 6.8.2013, p. 1

⁵ OJ L 58, 3.3.2015, p. 17–38

⁶ Interinstitutional File 2014/0298(NLE), Document Number 14565/14

the entry into force of the 11th European Development Fund ('Bridging Facility')⁷, the shares of Member States' contributions set out in Article 1(2)(a) of the Internal Agreements of the 8th, 9th and 10th EDF shall be reduced accordingly, after the entry into force of the 11th EDF Internal Agreement. The reduction will have an impact in 2015, 2016 and 2017 Member States' contributions according to the option for adjustment chosen by each Member State;

HAS ADOPTED THIS DECISION:

Article 1

The ceiling for the annual amount of the Member States EDF contributions for 2017 is hereby set at EUR 3 950 000 000 for the Commission, and at EUR 200 000 000 for the European Investment Bank.

Article 2

The annual amount of the Member States EDF contributions for 2016 shall amount to EUR 3 600 000 000. However, it shall be divided into EUR 3 450 000 000 for the Commission, and EUR 150 000 000 for the European Investment Bank.

Article 3

The individual EDF contributions to be paid by the Member States to the Commission and the European Investment Bank as the first instalment for 2016 are set out in the table in the Annex.

Payments of those contributions may be combined with adjustments under the implementation of the deduction of the funds committed under Council Decision 2013/759/EU regarding transitional measures EDF management measures from 1 January 2014 until the entry into force of the 11th European Development Fund, following an adjustment plan communicated by each Member State to the Commission at the adoption of the third instalment 2015.

Article 4

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

⁷ OJ L 335, 14.12.2013, p. 48.