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2014/0003 (NLE)

Proposal for a

COUNCIL REGULATION

amending Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10th European Development Fund for the implementation of the Bridging Facility

EXPLANATORY MEMORANDUM

The Internal Agreement establishing the eleventh European Development Fund (11th EDF) was signed by the Member States, meeting within the Council, in June 2013. This Internal Agreement will only enter into force after ratification by all the Member States. This process will probably not be concluded before January 2014.

The Commission has proposed transitional measures ('Bridging Facility') to ensure the availability of funds for cooperation with African, Caribbean and Pacific countries and with Overseas Countries and Territories, as well as for support expenditure, between January 2014 and the entry into force of the Internal Agreement establishing the 11th EDF. This facility shall be financed from balances and decommitted funds of the 10th and previous EDFs. The funds under this Bridging Facility shall be accounted for under the 11th EDF.

The Commission has also adopted a proposal for a Regulation providing financial rules applicable to the 11th EDF. This Regulation cannot be adopted by the Council before the entry into force of the 11th EDF Internal Agreement or before the adoption by the Council of a Decision allowing for a provisional application of some of its provisions. In the light of the latest discussions in the Council, it is not expected that any of these processes will be concluded before January 2014.

It is appropriate that actions supported under the Bridging Facility are as soon as possible implemented using the same rules as those foreseen for the 11th EDF. Therefore, the Commission proposes that the Council Regulation on the Financial Regulation applicable to the 10th EDF be modified in such a way that the financial rules which will apply to the 11th EDF also apply for the financial management of the Bridging Facility.

The Commission therefore proposes to the Council to adopt the attached Regulation in due course, when it can be complemented by the inclusion in its annex of the substantive provisions of the draft 11th EDF Financial Regulation, their content having been approved and fixed by the Council in the meantime.

Proposal for a

COUNCIL REGULATION

amending Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10th European Development Fund for the implementation of the Bridging Facility

THE COUNCIL OF THE EUROPEAN UNION,

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

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 2000¹ (hereinafter referred to as the Cotonou Agreement),

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 10(2) thereof, (hereinafter referred to as the Internal Agreement),

Having regard to the proposal from the European Commission,

Having regard to the opinion of the Court of Auditors³,

Having regard to the opinion of the European Investment Bank,

Whereas:

- (1) Council Decision of [xx/xx/2013] establishes transitional EDF management measures (Bridging Facility) to ensure the availability of funds for cooperation with African, Caribbean and Pacific countries and with Overseas Countries and Territories, as well as for support expenditure, from 1 January 2014 until the entry into force of the 11th European Fund,
- (2) It is necessary to modify the implementing rules of the 10th EDF for the operational and financial management of the transitional measures ('Bridging Facility') financing the transition period between the 10th and the 11th EDF until the entry into force of the 11th EDF Internal Agreement and its implementing rules, in line with the latter,

¹ OJ L 317, 15.12.2000, p. 3. Agreement as amended by the Agreement signed in Luxembourg on 25 June 2005 (OJ L 287, 28.10.2005, p. 4) and by the Agreement signed in Ouagadougou on 22 June 2010 (OJ L 287, 4.11.2010, p. 3).

² OJ L 247 of 9.9.2006, p. 32

³ OJ C , , p. .

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of implementing the Bridging Facility, the provisions of Council Regulation (EC) No 215/2008 are replaced by those laid down in the Annex of this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from its date of its entry into force and until the entry into application of the Financial Regulation of the 11th EDF.

Done at Brussels,

For the Council
The President

ANNEX

(Pro memoria: Text of the 11th EDF financial rules to be inserted once fixed).