



Brussels, 12.12.2013  
COM(2013) 881 final

2013/0429 (NLE)

Proposal for a

## **COUNCIL REGULATION**

**amending Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th EDF European Development Fund under the ACP-EC Partnership Agreement for the implementation of the Bridging Facility**

## EXPLANATORY MEMORANDUM

The Internal Agreement establishing the eleventh European Development Fund (11<sup>th</sup> 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 most 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 committed under this Bridging Facility shall be accounted for under the 11th EDF.

The Commission has also adopted a proposal for a Regulation providing for implementation rules for the 11th EDF that integrate the new orientations of the EU development policy in particular those laid down in the Communication 'Increasing the impact of EU Development Policy: an Agenda for Change'<sup>1</sup>, and of the latest modifications of the Cotonou Agreement. This Regulation cannot be adopted by the Council before the entry into force of the 11<sup>th</sup> 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 11<sup>th</sup> EDF. Therefore, the Commission proposes that the Council Regulation on the implementation of the 10<sup>th</sup> EDF be modified in such a way that the implementing rules which will apply to the 11<sup>th</sup> EDF also apply for the operational and financial management of the Bridging Facility.

The negotiations for the 11<sup>th</sup> EDF implementation regulation are not yet concluded in the Council (and therefore the 11<sup>th</sup> EDF implementing rules are not yet stabilized). Hence, this proposal will include in its annex the text of the provisions for the 11<sup>th</sup> EDF once fixed, as soon as the abovementioned negotiations are over. In doing so, the unicity of rules for the implementation of the 11<sup>th</sup> EDF from 2014 to 2020 will be ensured.

The Commission therefore suggests that the Council adopts the attached Regulation, to be technically complemented in its annex in accordance with the previous paragraph.

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<sup>1</sup> COM(2011)637

Proposal for a

## **COUNCIL REGULATION**

### **amending Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th EDF European Development Fund under the ACP-EC Partnership Agreement 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 2000<sup>2</sup> (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 applies<sup>3</sup> (hereinafter referred to as the Internal Agreement), and in particular Article 10(1) thereof,

Having regard to the proposal from the European Commission,

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 11<sup>th</sup> European Fund,
- (2) It is necessary to modify the implementing rules of the 10<sup>th</sup> EDF for the operational and financial management of the transitional measures ('Bridging Facility') financing the transition period between the 10<sup>th</sup> and the 11<sup>th</sup> EDF until the entry into force of the 11<sup>th</sup> EDF Internal Agreement and its implementing rules, in line with the latter,
- (3) The organisation and functioning of the European External Action Service are described in Council Decision 2010/427/EU,

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<sup>2</sup> 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).

<sup>3</sup> OJ L 247 of 9.9.2006, p. 32

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purpose of implementing the Bridging Facility, the provisions of Council Regulation (EC) No 617/2007 are replaced by those laid down in the Annex to this Regulation.

*Article 2*

The application of this Regulation shall be in accordance with Council Decision 2010/427/EU, establishing the organisation and functioning of the European External Action Service.

*Article 3*

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 entry into force and until the entry into application of the Implementation Regulation of the 11<sup>th</sup> EDF.

Done at Brussels,

*For the Council*  
*The President*