



Brussels, 24.5.2013
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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

on the provisional application of the Internal Agreement between the Representatives of the Governments of the Member States, 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 the financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the EU applies

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The Internal Agreement establishing the eleventh European Development Fund (11th EDF) should be adopted 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, which may take up to 18 months or more.

To ensure a timely implementation of the 11th EDF as soon as the resources can be accessed, the appropriate decision-making procedures and modalities for the programming and the implementation of the 11th EDF must be in place. To this end, the Commission proposes to provide for a provisional application of the relevant provisions of the Internal Agreement establishing the 11th EDF. They concern in particular the accession of Croatia to the EU, the establishment of the 11th EDF Committee as well as the Investment Facility Committee, the adoption of an Implementation Regulation and of a Financial Regulation, and the pursuit of financial and operational management. .

This is the approach that was followed for the transition from the 9th to the 10th EDF¹.

The Commission therefore suggests that the Representatives of the Governments of the Member States adopt the attached decision.

¹ OJ L 247, 9.9.2006, p. 30.

ANNEX

Draft Decision by the Representatives of the Governments of the Member States, meeting within the Council, on the provisional application of the Internal Agreement between the Representatives of the Governments of the Member States, 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 the financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the EU applies.

REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION, MEETING WITHIN THE COUNCIL,

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

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 2000²,

Having regard to the association of the Overseas Countries and Territories with the European Union,

Having regard to the draft submitted by the Commission,

Whereas:

- (1) The Member States, meeting within the Council, have reached a consensus concerning an Internal Agreement on the financing of European Union aid to the ACP States and to the OCTs under the multiannual financial framework for the period 2014 to 2020. This agreement will not enter into force before ratification by each Member State in accordance with its own constitutional requirements.
- (2) Certain provisions of the Internal Agreement should be applied on a provisional basis pending its entry into force,

HAVE ADOPTED THIS DECISION:

Article 1

The following provisions of the Internal Agreement relating to the eleventh European Development Fund shall be applied provisionally from the date of the adoption of this Decision:

1. Article 1 paragraphs (3) and (4);
2. Article 1 paragraph (7), in conjunction with Articles 8 and 9, insofar as the Council shall adopt the final schedule of contributions to be made by Croatia as well as its final voting weight and the new qualified majority and blocking minority rules after its accession to the EU and in accordance with the Internal Agreement;

² 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).

3. Articles 8 and 9 for the purpose of establishing the EDF Committee and the Investment Facility Committee;
4. Articles 10 and 13, in conjunction with Articles 8 and 9, insofar as necessary for the continuation of financial and operational management of the EDF.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall remain in force until the entry into force of the Internal Agreement.

Done at Brussels,

*On behalf of the Governments of the Member States
The President*