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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 4.11.2009
COM(2009)619 final

Proposal for a

COUNCIL DECISION

**on the financial contributions to be paid by the Member States to finance the European
Development Fund in 2010 and 2011**

EXPLANATORY MEMORANDUM

The Internal Agreement and Financial Regulation of the 10th EDF provide for a new procedure for the calls for contributions to be paid by Member States to finance the EDF. According to Article 157 of the Financial Regulation, this new procedure shall apply for the first time for the contributions of 2009.

In accordance with Article 57(2) of the Financial Regulation, this proposal covers:

- the ceiling for the annual amount of the contribution for 2011;
- the annual amount of the contribution for 2010; and
- the amount of the first instalment of the contribution for 2010.

In accordance with Article 57(7) of the Financial Regulation, the amount managed by the Commission and the amount managed by the EIB are specified separately.

In accordance with Article 145 of the Financial Regulation, the EIB has sent the Commission its updated estimates of commitments and payments under the instruments it manages.

In accordance with Article 57(2) of the Financial Regulation, the Council must decide on this proposal by 15 November 2009 and Member States must pay the first instalment of the contribution at the latest by 21 January 2010.

Article 58(2) of the Financial Regulation provides that calls for contributions first use up the amounts laid down for previous EDFs, one after the other. The calls for contributions in this proposal therefore concern amounts under the 9th EDF.

it is to be noted that Article 60(1) of the 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

on the financial contributions to be paid by the Member States to finance the European Development Fund in 2010 and 2011

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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 applies¹, 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 applies², and in particular Article 7 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")³, and in particular Articles 57, 58(2) and 157 thereof,

Having regard to the proposal from the Commission⁴,

Whereas:

- 1) Article 157 of the 10th EDF Financial Regulation provides that the procedure laid down in its Articles 57 to 61 shall apply for the first time in 2009. In accordance with this procedure, the Commission is presenting a proposal for 15 October 2009 specifying (a) the ceiling for the annual amount of the contribution for 2011; (b) the annual amount of the contribution for 2010; and (c) the amount of the first instalment of the contribution for 2010. The Council shall decide on this proposal by 15

¹ OJ L 317, 15.12.2000, p. 355.

² OJ L 247, 9.9.2006, p. 32.

³ OJ L 78, 19.3.2008, p. 1.

⁴ OJ C ..., ..., p. .

November 2009 and Member States pay the first instalment of the contribution for 2010 at the latest by 21 January 2010.

- (2) However, Article 58(2) of the 10th EDF Financial Regulation provides that calls for contributions first use up the amounts laid down for previous EDFs. Therefore a call for funds under the 9th EDF should be made also on the basis of Article 10(1) of the Internal Agreement for the 9th EDF.
- (3) In accordance with the first paragraph of Article 145 of the 10th EDF Financial Regulation, the European Investment Bank has sent the Commission its updated estimates of commitments and payments under the instruments it manages.

HAS ADOPTED THIS DECISION:

Article 1

The ceiling for the annual amount of the contribution for 2011 is hereby set at EUR 3 950 000 000 for the Commission and at EUR 220 000 000 for the European Investment Bank.

Article 2

The annual amount of the contribution for 2010 is hereby set at EUR 3 500 000 000 for the Commission and at EUR 240 000 000 for the European Investment Bank.

Article 3

The contributions to be paid by the Member States to the Commission and the European Investment Bank as the first instalment for 2010 are set out in the table in the Annex.

Article 4

This decision shall apply from the date of its adoption.

Article 5

This decision is addressed to the Member States contributing to the 9th EDF.

Done at Brussels,

*For the Council
The President*

ANNEX

First instalment of contributions for 2010 (in EUR)

Member State	Scale	to the EIB	to the Commission	Total
Germany	23,36	23.360.000	420.480.000	443.840.000
Belgium	3,92	3.920.000	70.560.000	74.480.000
Denmark	2,14	2.140.000	38.520.000	40.660.000
Spain	5,84	5.840.000	105.120.000	110.960.000
France	24,30	24.300.000	437.400.000	461.700.000
Greece	1,25	1.250.000	22.500.000	23.750.000
Ireland	0,62	620.000	11.160.000	11.780.000
Italy	12,54	12.540.000	225.720.000	238.260.000
Luxembourg	0,29	290.000	5.220.000	5.510.000
Netherlands	5,22	5.220.000	93.960.000	99.180.000
Portugal	0,97	970.000	17.460.000	18.430.000
United Kingdom	12,69	12.690.000	228.420.000	241.110.000
Austria	2,65	2.650.000	47.700.000	50.350.000
Finland	1,48	1.480.000	26.640.000	28.120.000
Sweden	2,73	2.730.000	49.140.000	51.870.000
TOTAL	100,00	100.000.000	1.800.000.000	1.900.000.000