This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

►B DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

of 30 May 2005

setting the deadline for the commitment of the funds of the 9th European Development Fund (EDF)

(2005/446/EC)

(OJ L 156, 18.6.2005, p. 19)

Amended by:

		Official Journal		
		No	page	date
►M1	Decision 2007/792/EC of the Representatives of the Governments of the Member States meeting within the Council of 26 November 2007	L 320	31	6.12.2007

Corrected by:

►C1 Corrigendum, OJ L 43, 19.2.2008, p. 40 (2007/792/EC)

►C2 Corrigendum, OJ L 352, 31.12.2008, p. 63 (2007/792/EC)

▼B

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

of 30 May 2005

setting the deadline for the commitment of the funds of the 9th European Development Fund (EDF)

(2005/446/EC)

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

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

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 ([1]), hereinafter referred to as the 'Partnership Agreement',

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 ACP-EC Partnership Agreement ([2]), hereinafter referred to as the 'Internal Agreement', and in particular Article 2(4) thereof,

Whereas:

(1) Point 5 of Annex I (Financial Protocol) of the Partnership Agreement provides that the overall amount of the Financial Protocol, supplemented by the balances transferred from previous EDFs, covers the period 2000 to 2007.

(2) Point 7 of the said Annex and Article 2(3) of the Internal Agreement provide for an assessment of the degree to which the funds have been committed and disbursed as a basis for evaluating the need for new resources after the expiry of the existing Financial Protocol.

(3) The EU Declaration on the Financial Protocol, attached as Declaration XVIII to the Partnership Agreement, specifies that, in evaluating the need for new resources, full account should also be taken of the date beyond which the funds of the 9th EDF will no longer be committed.

(4) It is therefore necessary, according to Article 2(4) of the Internal Agreement, to set, before the expiry of the 9th EDF, the date, which could be reviewed if need be, beyond which the funds of the 9th EDF may no longer be committed,

HAVE DECIDED AS FOLLOWS:

([1]) OJ L 317, 15.12.2000, p. 3. Agreement as last amended by Decision No 2/2004 of the ACP-EC Council of Ministers (OJ L 297, 22.9.2004, p. 18).
([2]) OJ L 317, 15.12.2000, p. 355.

▼M1

Article 1

1. The date beyond which the funds of the Ninth EDF managed by the Commission will not be committed shall be set at 31 December 2007, except for the balances and funds decommitted resulting from the system guaranteeing the stabilisation of export earnings from primary agricultural products (STABEX) under the EDFs prior to the Ninth EDF and for the balances of the Ninth EDF allocations to finance the initiatives referred to in the Single Programming Documents of the French OCTs in the Pacific Region. This date could be reviewed if need be.

2. Balances and funds decommitted after 31 December 2007 resulting from the system guaranteeing the stabilisation of export earnings from primary agricultural products (STABEX) under EDFs prior to the Ninth EDF shall be transferred to the Tenth EDF and shall be allocated to the indicative programme of the respective ACP States and OCTs. The date beyond which the funds of the Ninth EDF managed by the Commission to finance the initiatives referred to in the Single Programming Documents of the French OCTs in the Pacific Region will no longer be committed, shall be set at 30 June 2008.

3. When the entry into force of the Tenth EDF falls after 31 December 2007, balances from the Ninth EDF or from previous EDFs and funds decommitted from projects under these EDFs may be committed during the period between 31 December 2007 and the entry into force of the Tenth EDF, in which case they will be used exclusively to ensure the working ability of the EU administration and to cover the ongoing costs to sustain running projects until the Tenth EDF comes into force.

4. The revenue accruing from the interest on the appropriations of the EDF shall be used to cover the costs linked to implementation of the resources of the Ninth EDF in line with Article 9 of the Ninth EDF Internal Agreement until the Tenth EDF comes into force, whereafter they shall be reserved for support expenditures linked to the EDF as described in Article 6 of the Tenth EDF Internal Agreement.

Article 2

▼C2

(1) The date beyond which the interest rate subsidies managed by the European Investment Bank (EIB) will not be committed, shall be set at 31 December 2007 or the date of entry into force of the Tenth EDF, whichever is the later. This date could be reviewed if need be.

▼M1

2. The remaining balances and reimbursements of the amounts allocated for the financing of the Investment Facility managed by the EIB, excluding the related interest subsidies, shall be transferred to the Tenth EDF and shall remain allocated to the Investment Facility.

▼B

Article 3

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