II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 3/2002 OF THE ACP-EC COUNCIL OF MINISTERS
of 23 December 2002
on the reallocation of unallocated resources as well as uncommitted interest subsidies from the Eighth European Development Fund (EDF)

(2003/150/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989 and amended by the Agreement, signed in Mauritius on 4 November 1995, and in particular Article 195(b), Article 219(2)(d), Article 245(2), Article 257 and Article 282(5) thereof,

Having regard to the ACP-EC Partnership Agreement, signed at Cotonou on 23 June 2000,

Whereas:

(1) By Decision No 1/2000 of 27 July 2000 ([1]), the ACP-EC Council of Ministers adopted transitional measures for the period from 2 August 2000 until the entry into force of the ACP-EC Partnership Agreement, envisaging the anticipated application of certain provisions of the Partnership Agreement as well as the continued application of certain provisions of the Fourth ACP-EC Convention, as revised by the Agreement, signed in Mauritius on 4 November 1995. Article 2 of that Decision states that provisions of the Fourth ACP-EC Convention, regarding the ACP-EC Council of Ministers' power of decision on the use of unallocated resources from the 6th, 7th and 8th EDFs, remain applicable. Decision No 1/2000 was extended by Decision No 1/2002 of the ACP-EC Council of Ministers of 31 May 2002 ([2]).

(2) By Decisions Nos 1/1999 of 8 December 1999 ([3]) and 2/2001 of 20 December 2001 ([4]), the ACP-EC Council of Ministers allocated resources to debt alleviation mechanisms in favour of highly indebted ACP countries for a total amount of EUR 1 060 million. In order to allow for the full implementation of the pledge announced by the Community through the initiative taken in 1999 and supplemented in 2001, it is necessary to allocate supplementary resources to the debt reduction facility.

(3) To ensure that the Community continues to contribute to efforts of conflict prevention and resolution and peace-building, it is appropriate to allocate supplementary resources to this end.

(4) To ensure the continuation of risk capital operations, the necessary funds should be available to cover the financial requirements until the entry into force of the 9th EDF.

(5) To ensure the continuation of the activities of the Centre for the Development of Enterprise (CDE) and the Technical Centre for Agricultural and Rural Cooperation (CTA), the necessary funds should be made available to cover the financial requirements for the 2003 financial year.

(6) To continue the implementation of regional cooperation in regions that have insufficient resources under the 6th, 7th and 8th EDF, the necessary funds should be made available to cover the financial requirements until the entry into force of the 9th EDF,

HAS DECIDED AS FOLLOWS:

Article 1

Debt relief

An amount of EUR 125 million shall be taken from uncommitted interest subsidies from the Eighth European Development Fund for debt alleviation in favour of ACP countries which are eligible under the initiative in favour of highly indebted poor countries, in accordance with Article 66 of the ACP-EC Partnership Agreement.

([1]) OJ L 195, 1.8.2000, p. 46 and OJ L 317, 15.12.2000, p. 1.
([2]) OJ L 150, 8.6.2002, p. 55.
([3]) OJ L 103, 28.4.2000, p. 73.
([4]) OJ L 56, 27.2.2002, p. 19.

Article 2

Conflict prevention and resolution and peace-building

An amount of EUR 25 million shall be taken from uncommitted interest subsidies from the 8th EDF for actions in the field of conflict prevention and resolution and peace-building, in accordance with Article 11(2) and (3) of the ACP-EC Partnership Agreement.

Article 3

Risk capital operations

1. An amount of EUR 50 million shall be taken from uncommitted interest subsidies from the 8th EDF for risk capital operations.

2. After the entry into force of the Financial Protocol to the ACP-EC Partnership Agreement, any uncommitted balances from the allocation for risk capital operations referred to in paragraph 1 shall be transferred to the allocation for intra-ACP cooperation under the 9th EDF.

3. Until the date of entry into force of the Financial Protocol to the ACP-EC Partnership Agreement, repayments of loans financed from the allocation for risk capital operations referred to in paragraph 1 as well as repayments of loans financed from the allocation for risk capital operations created by Decision No 2/2000 of the ACP-EC Council of Ministers of 15 December 2000 [1] shall be added to the general reserve (unallocated resources) of the 8th EDF. After that date, such repayments shall be added to the envelope for long-term development, as indicated in Article 3(a) of the Financial Protocol.

Article 4

CDE/CTA

1. The following shall be taken from unallocated 8th EDF resources (general reserve), as an advance on the 9th EDF:

— a maximum of EUR 15,2 million to contribute to the financing of the CDE budget in 2003,

— a maximum of EUR 14 million to finance the CTA budget in 2003.

2. After the entry into force of the Financial Protocol to the ACP-EC Partnership Agreement, any uncommitted balances from the allocations referred to in paragraph 1 shall be transferred to the allocation for intra-ACP cooperation under the 9th EDF.

3. Only the amounts actually committed will be considered as an advance on the 9th EDF.

Article 5

Regional cooperation and integration

1. An amount of EUR 25 million shall be taken from unallocated 8th EDF resources (general reserve), as an advance on the 9th EDF envelope for regional cooperation and integration, as specified in Article 3(b) of the Financial Protocol to the ACP-EC Partnership Agreement.

2. After the entry into force of the Financial Protocol to the ACP-EC Partnership Agreement, any uncommitted balances from the allocation for regional cooperation and integration referred to in paragraph 1 shall be transferred to the allocation for intra-ACP cooperation under the 9th EDF.

3. Only the amounts actually committed will be considered as an advance on the 9th EDF.

Article 6

Necessary measures

The Chief Authorising Officer of the EDF is requested to take the measures necessary to give effect to this Decision.

Article 7

Entry into force

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 23 December 2002.

The Chairman of the ACP-EC Committee of Ambassadors by delegation, for the ACP-EC Council of Ministers

Poul Skytte CHRISTOFFERSEN

[1] OJ L 17, 19.1.2001, p. 20.