



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.2.2007  
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Proposal for a

**COUNCIL DECISION**

**on the position to be taken by the Community within the ACP-EC Council of Ministers regarding a decision amending ACP-EC Council of Ministers Decision No 3/2001 on the allocation of resources to Somalia from the 8th and 9th European Development Fund**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

Special provision has been made for countries like Somalia in Article 93(6) of the ACP-EC Partnership Agreement. The Article allows the ACP-EC Council of Ministers to take a decision in order to accord special assistance to Somalia, which may concern institution building as well as economic and social development activities, taking particular account of the needs of the most vulnerable sections of the population. This provision was put into effect by Decision No 3/2001 of 20 December 2001<sup>1</sup> of the ACP-EC Council of Ministers, which allocated an amount of €149 million out of the 9th EDF in favour of Somalia for financial and technical cooperation.

Article 3(5) of Annex IV to the ACP-EC Partnership Agreement allows the Community the possibility of increasing a country's allocation in order to take account of special needs or exceptional performance. Article 5(2) of Annex IV provides for the possibility of carrying out a review in exceptional circumstances that are referred to in the provisions on humanitarian and emergency assistance.

In 2006, an *ad hoc* review was undertaken for Somalia. The *ad hoc* review concluded that, in the light of an analysis of needs and performance and taking into account the special considerations for Somalia, the funds available under the Strategy for the Implementation of Special Aid to Somalia (SISAS) 2002-2007 need to be increased, within the limits of available resources and subject to a decision of the ACP-EC Council of Ministers.

The attached draft ACP-EC Council of Ministers decision amending ACP-EC Council of Ministers Decision No 3/2001 of 20 December 2001 grants an additional allocation of €36 144 798 from the 9th EDF for transitional funding until the entry into force of the 10th EDF.

The Commission accordingly proposes that the Council adopt the decision contained in the annex.

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<sup>1</sup> OJ L 56, 27.2.2002, p. 23.

Proposal for a

## COUNCIL DECISION

**on the position to be taken by the Community within the ACP-EC Council of Ministers regarding a decision amending ACP-EC Council of Ministers Decision No 3/2001 on the allocation of resources to Somalia from the 8th and 9th European Development Fund**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000<sup>2</sup> and the revised Agreement signed in Luxembourg on 25 June 2005<sup>3</sup>,

Having regard to the Internal Agreement of 18 September 2000 on the financing and administration of Community aid under the Financial Protocol to the ACP-EC Partnership Agreement<sup>4</sup>,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Decision No 3/2001 of 20 December 2001 the ACP-EC Council of Ministers allocated an amount of €149 million under the 9th EDF in favour of Somalia.
- (2) Article 3(5) of Annex IV to the ACP-EC Partnership Agreement allows the Community the possibility of increasing a country's allocation in order to take account of special needs or exceptional performance.
- (3) Article 5(2) of Annex IV to the ACP-EC Partnership Agreement provides for the possibility of carrying out a review in exceptional circumstances that are referred to in the provisions on humanitarian and emergency assistance. In the light of the conclusions of the *ad hoc* review of the cooperation programme with Somalia, additional funds are required under the 9th EDF in order to ensure continuation of the support to the population of Somalia until the entry into force of the 10th EDF.
- (4) The position of the Community within the ACP-EC Council of Ministers should be set out with a view to the latter adopting a decision on the allocation of additional resources from the 9th EDF.

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<sup>2</sup> OJ L 317, 15.12.2000, p. 3.

<sup>3</sup> OJ L 287, 28.10.2005, p. 4.

<sup>4</sup> OJ L 317, 15.12.2000, p. 354.

HAS DECIDED AS FOLLOWS:

*Article 1*

The position taken by the Community within the ACP-EC Council of Ministers on the allocation of resources to Somalia from the 9th EDF shall be based on the draft decision of the ACP-EC Council of Ministers attached as an annex.

*Article 2*

Minor changes to the draft decision may be agreed without any need for a further decision by the Council.

Done at Brussels,

*For the Council  
The President*

## ANNEX

Draft

### **DECISION OF THE ACP-EC COUNCIL OF MINISTERS**

#### **amending Decision No 3/2001 of the ACP-EC Council of Ministers of 20 December 2001 on the allocation of resources to Somalia from the 8th and 9th European Development Fund**

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000<sup>5</sup> and the revised Agreement signed in Luxembourg on 25 June 2005<sup>6</sup>, and in particular Article 93(6) thereof,

Whereas:

- (1) Article 93(6) of the ACP-EC Partnership Agreement allows the ACP-EC Council of Ministers the possibility of according special support to ACP States party to previous ACP-EC Conventions which, in the absence of normally established government institutions, have not been able to sign or ratify the ACP-EC Partnership Agreement. This support may concern institution building as well as economic and social development activities, taking particular account of the needs of the most vulnerable sections of the population. This provision applies to Somalia.
- (2) By Decision No 3/2001 of 20 December 2001<sup>7</sup>, the ACP-EC Council of Ministers allocated an amount of €149 million out of the 9th EDF in favour of Somalia for financial and technical cooperation. The function of National Authorising Officer for the programming and implementation of this allocation was entrusted to the Chief Authorising Officer of the EDF.
- (3) Article 3(5) of Annex IV to the ACP-EC Partnership Agreement allows the Community the possibility of increasing a country's allocation in order to take account of special needs or exceptional performance.
- (4) Article 5(2) of that Annex IV provides for the possibility of carrying out a review in exceptional circumstances that are referred to in the provisions on humanitarian and emergency assistance. In the light of the conclusions of the *ad hoc* review of the cooperation programme with Somalia, additional funds are required under the 9th EDF in order to ensure continuation of the support to the population of Somalia until the entry into force of the 10th EDF,

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<sup>5</sup> OJ L 317, 15.12.2000, p. 3.

<sup>6</sup> OJ L 287, 28.10.2005, p. 4.

<sup>7</sup> OJ L 56, 27.2.2002, p. 23.

HAS DECIDED AS FOLLOWS:

*Sole Article*

(1) In ACP-EC Council Decision No 3/2001 the following Article 3 bis is inserted:

*"Article 3 bis*

On the basis of the conclusions of an *ad hoc* review, an additional amount of €36 144 798 from the 9th EDF shall be allocated in favour of Somalia for financial and technical cooperation, from the long term development envelope referred to in Article 3(a) of the Financial Protocol referred to in Annex I to the ACP-EC Partnership Agreement."

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

Done at Brussels,

*For the ACP-EC Council of Ministers  
The President*