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COM (75)666

Vol. 1975/0245

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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (75) 666 final

Brussels, 19 December 1975

Draft

RULES OF PROCEDURE OF THE EDF COMMITTEE

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the ACP-EEC Convention of Lomé between the African, Caribbean and Pacific States and the European Economic Community, signed at Lomé on 28 February 1975 (hereinafter called the "Convention"), and in particular Titles I (Chapter 2), III and IV thereof, concerned respectively with trade promotion, industrial cooperation and financial and technical cooperation;

Having regard to Council Regulation [Decision] of ... on the association of the Overseas Countries and Territories with the European Economic Community (hereinafter called the "Regulation" [Decision]);

Having regard to the Internal Agreement on the Financing and Administration of Community Aid, signed on 11 July 1975 (hereinafter called the "Internal Agreement"), and in particular Article 18(1) thereof, setting up a European Development Fund Committee (hereinafter called the "Committee");

Whereas on 16 July 1974 the Council adopted resolutions on Community development cooperation;

Whereas it is for the Council to adopt the rules of procedure of the Committee;

HAS ADOPTED THESE RULES OF PROCEDURE:

Article 1

1. The Committee shall be chaired by the Commission and shall comprise nine delegations, each representing the Government of a Member State.

A representative of the European Investment Bank (hereinafter called the "Bank") shall take part in the work of the Committee.

A representative of the General Secretariat of the Council shall be present as an observer at meetings of the Committee.

2. Each Government shall inform the Council and the Commission of the names of the persons authorized to exercise the right to vote and the address where communications intended for the delegations must be sent.

3. The Commission and the Bank shall designate their respective representatives, who may call upon officials of their institutions to assist them.

4. The Committee may, by a unanimous decision, hear non-governmental experts.

Article 2

1. The Committee shall meet when convened by its Chairman either on his own initiative or at the request of a delegation.
2. The meetings of the Committee shall take place at the seat of the Commission. Exceptionally they may be held elsewhere.

Article 3

1. The Committee shall deliver an opinion:

- (a) on financing proposals concerning the projects or programmes referred to in Articles 46 and 59 of the Convention and Article [32] of the Regulation [Decision] which appear to be eligible for financing by grant or by special loan;
- (b) on financing proposals for a supplementary commitment exceeding 15% of the total financing for a project which has been the subject of an earlier commitment by the Community;
- (c) on proposals for substantial modifications regarding the execution of a project on which work has already started, whether or not such modifications are likely to entail overspending.

2. The financing proposals referred to above shall be drawn up by the Commission in conjunction with the State or States concerned.

Apart from the data referred to in Article 19(2) of the Internal Agreement the financing proposals shall also give brief details of:

- the project's place in the Community indicative aid programme;
- the development objective which it is intended to achieve;
- its general organization and the economic and social grounds;
- its cost and method of financing, having regard to the expected benefits or effects;
- its local, national and regional impact.

An annex shall summarize the provisions regarding the technical execution and the timetable for carrying out the project.

For projects or programmes which appear to be eligible for financing by special loan the financing proposal shall also comprise a financing plan and draft instructions to the Bank on the recovery of the principal of the loan and the interest on it.

3. The opinion of the Committee shall be based on the financing proposal and any discussion arising from examination of it.

Article 4

1. The Committee shall be kept informed of delays or difficulties in the execution of a project which might entail the consultation provided for in Article 3(1)(c) above.
2. The Committee shall also be kept informed:
 - (a) in accordance with Article 21(1) of the Internal Agreement, of requests for financing officially submitted to the Commission and set out in a list which is periodically updated;
 - (b) in accordance with Article 21(2) of the Internal Agreement, of the conclusions of work periodically done by the Commission, for the purpose of drawing up its annual report to the Council referred to in Article 41 of the Convention and Article [27] of the Regulation [Decision] on the evaluation of projects being carried out or completed and on the study of the implementation and utilization of Community aid. Such information shall be transmitted to the Committee before the final drafting of the annual report.
 - (c) in accordance with the fourth paragraph of Article 16 of the Internal Agreement, of information available on external aid, granted or envisaged, for the States concerned.

3. The information supplied in accordance with paragraphs 1 and 2 above may, should one or more delegations so request, be entered as an item under "Any other business" on the agenda referred to in Article 5(1) below and discussed by the Committee.

Article 5

1. At least three weeks before the date fixed for the meeting the Chairman shall send to the delegations, the Offices of the Permanent Representatives of the Member States, the Bank and the General Secretariat of the Council a draft agenda in the official languages of the Communities, together with the financing proposals and the proposals for modifying projects referred to in Article 3 above.

2. Any information memos drawn up to meet the requirements of Article 4 above shall be sent, in the official languages of the Communities, to the delegations, the Offices of the Permanent Representatives of the Member States, the Bank and the General Secretariat of the Council as soon as possible before the meeting of the Committee.

3. Three working days before the date of the meeting each delegation shall state which proposals it is already able to agree to and shall briefly formulate in respect of the others the objections or requests for further information which it considers must be answered at the meeting before it adopts its position.

On the basis of these particulars the Chairman shall draw up the final agenda for the meeting, grouping under item A the proposals on which, since there are no objections, the Committee is able to deliver

a favourable opinion without discussion, and, under item B, the other proposals; it shall make this final agenda available to the delegations at the beginning of the meeting.

Article 6

The Chairman may refer to the Committee by accelerated procedure proposals prepared by the Commission on the granting of exceptional aid as provided for in Article 59 of the Convention. The Chairman may also use this procedure for the projects or programmes referred to in Article 3 above where they are urgent. In that event the period of three weeks specified in Article 5(1) of these rules of procedure may be reduced to a minimum of five working days from the date on which the dossier is sent off.

Proposals to which this procedure is applied shall be entered under item B.

If the need to examine this proposal is not recognized as urgent the Committee shall decide either to examine the proposal at a meeting convened as soon as possible or to give its opinion by the written procedure within a maximum period of two weeks.

Article 7

1. Where the Committee is called upon to give an opinion it shall do so in the manner laid down in Articles 18 and 19 of the Internal Agreement.

However, for the project-linked technical cooperation schemes, general technical cooperation schemes and trade or industrial promotion schemes referred to in Article 46 of the Convention and Article [32] of the Regulation [Decision], the Commission may obtain the opinion of the Committee on proposals, generally drawn up by type of scheme or group of types of scheme, for an overall commitment authorization; it shall keep the Committee informed of operations covered by commitments under this heading.

2. The Commission may seek the opinion of the Committee by a written procedure with a three-week time-limit in the following cases:

proposals which require only a Community financing of less than 1 million u.a.,

a proposal for a supplementary commitment of more than 15% but less than 25% of the total financing for a project which has been the subject of an earlier commitment by the Community.

The project in question shall automatically be placed on the agenda for the Committee meeting following the date of expiry of the written procedure if a request to this effect is made by the qualified majority referred to in Article 18 of the Internal Agreement.

3. The Committee may deliver a favourable opinion on a financing proposal subject to amendments which do not require further discussion. Account shall be taken of these amendments when the opinion is placed before the Commission in accordance with paragraph 7 below.
4. The Committee may request that certain points in the appraisal of a project or programme be re-examined. In such a case for instance the financing proposal may be presented to the Committee a second time, whether or not it has been amended in the light of the results of the further appraisal.
5. If, after a favourable opinion has been delivered by the Committee but before the Financing Agreement is signed, substantive amendments to the financing proposal submitted to the Committee prove necessary, the Commission shall defer its signature and inform the Committee. If the Committee considers that the basic data have changed since its deliberations or no longer hold good it may request a fresh vote on the financing proposal [and any changes made to it].

6. Any delegation may at any time request that an item be placed on the agenda for a Committee meeting. Any relevant particulars may be given orally. They shall then be included in the record referred to in Article 9 below which is drawn up of each meeting.
7. The opinions delivered by the Committee shall be transmitted by the Chairman to the Commission.

Article 8

1. In the context of Article 54(3) of the Convention and Article 19(3) of the Internal Agreement the Committee shall meet as an Ad hoc Committee to hear the representatives of the ACP State or States concerned.

After this hearing the Ad hoc Committee shall immediately meet as the EDF Committee in order to continue the discussions.

2. The Committee may meet as an Ad hoc Committee in order to:
 - (a) examine the programming of the Community aid provided for under the Convention,
 - (b) deliver an opinion on any other Community aid for developing countries under financial and technical cooperation agreements other than the Convention or resulting from unilateral Community decisions.
3. (a) The members and Chairman of the Ad hoc Committees shall be the same as those of the EDF Committee.
 - (b) Communications to the Ad hoc Committee shall be made within time-limits and in forms similar to those specified for the EDF Committee, subject to any special arrangements to be made later.

Article 9

1. The Commission shall provide the Committee's secretariat and the Ad hoc Committees referred to in Article 8 above.
2. A summary record of each meeting of the Committee shall be drawn up by the secretariat on the responsibility of the Chairman. It shall be considered final when it has been approved by the Committee either by written procedure or at a subsequent meeting. It shall be transmitted by the Chairman to the Commission.
3. The final record of each meeting shall be sent to the delegations, to the Offices of the Permanent Representatives of the Member States, to the Bank and to the General Secretariat of the Council.
4. Whenever an Ad hoc Committee meets a special record shall be drawn up, approved and distributed in the same manner as the records of meetings of the EDF Committee. If States other than those referred to in Article 1(1) of these rules of procedure or any of the bodies referred to in Article 49 of the Convention have been present at the meeting of an Ad hoc Committee they shall also receive the special record.
5. Correspondence concerning the Committee shall be addressed to the Commission, for the attention of the Chairman of the Committee. Correspondence addressed to a delegation which is a member of the Committee shall be sent to the Office of the Permanent Representative of the country in question.

6. Those attending meetings of the Committee are required to observe the secrecy of the Committee's work and deliberations. Documents relating to such work and deliberations may be communicated only to the relevant departments of the Member States and the Community institutions. To this end, the Chairman shall, on his own initiative or at the request of a delegation or a representative of an institution, propose to the Committee any appropriate measure.
7. However, as required under Article 54(1) of the Convention, the final version of each financing proposal shall be transmitted by the Committee's secretariat simultaneously to the State concerned and to the Member States.

Article 10

1. (a) The operating expenses of the Committee and of the Ad hoc Committee set up under Article 54(3) of the Convention shall be covered in accordance with Article 34 of Protocol No 2 to the Convention and in accordance with Article [30] of Annex [V] to the Regulation [Decision].

(b) The operating expenses of Ad hoc Committees other than that referred to in paragraph (a) will be covered in accordance with special arrangements to be made later.
2. For meetings of the Committee the Commission shall be authorized to reimburse the travel expenses for a maximum of four persons per delegation or institution.

The Commission shall also be authorized to reimburse the travel expenses incurred by the representative of the ACP State or States heard in accordance with Article 54(3) of the Convention and the travel and subsistence expenses of non-governmental experts heard under Article 1(4) of these rules of procedure.
3. The Commission shall make available to the Committee the premises and equipment required by the Committee for its work.

Done at Brussels,

For the Council

The President

ANNEX

STATEMENTS TO BE WRITTEN INTO THE MINUTES OF THE MEETING AT
WHICH THE COUNCIL ADOPTS THE RULES OF PROCEDURE OF THE EDF COMMITTEE

1. Statement concerning Article 6

Whenever a natural disaster or comparable exceptional circumstances provide grounds, under Article 59 of the Convention, for immediate aid the Commission shall be authorized to commit and mobilize in accordance with the most appropriate procedures and within a ceiling of 300 000 u.a. the amounts necessary for covering operations of immediate urgency.

The Chairman shall inform the Committee forthwith of such commitments without prejudice to supplementary financing proposals to be presented subsequently in accordance with the procedure provided for in Article 6 of the rules of procedure of the EDF Committee.

2. Statement concerning Article 8(2a)

The provision of information, exchanges of views and opinions provided for in the first paragraph of Article 16 and in Article 17(2-5) of the Internal Agreement on the Financing and Administration of Community Aid shall take place within the framework of an Ad hoc Committee constituted in accordance with Article 8(2) and (3) of the rules of procedure of the EDF Committee.

The operating expenses of this Ad hoc Committee shall be charged against the Community's budget.