



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 30 April 2012
(OR. en)**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken by the
European Union within the ACP-EU Council of Ministers regarding the
revision of terms and conditions of investment financing (Chapter 1 of
Annex II to the ACP-EU Partnership Agreement)

COUNCIL DECISION

of

**on the position to be taken by the European Union within
the ACP-EU Council of Ministers regarding the revision of terms and conditions
of investment financing (Chapter 1 of Annex II to the ACP-EU Partnership Agreement)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217
in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 100 of 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 ¹, as last amended (hereinafter referred to as 'the ACP-EU Partnership Agreement') lays down that Annexes Ia, Ib, II, III, IV and VI of the Agreement may be revised, reviewed and/or amended by the ACP-EU Council of Ministers on the basis of a recommendation from the ACP-EU Development Finance Cooperation Committee.
- (2) A mid-term evaluation on the use of the ACP Investment Facility and of the European Investment Bank's own resources in the ACP region was conducted in accordance with Article 6b of Annex II to the ACP-EU Partnership Agreement. One of the recommendations presented in the mid-term evaluation was to secure supplementary grant resources for technical assistance.

¹ OJ L 317, 15.12.2000, p. 3.

- (3) Taking into account the results of the mid-term evaluation, the part of the envelope for interest rate subsidies which can be used for project-related technical assistance, as provided for in Article 1(3) and Article 2(9) of Annex II to the ACP-EU Partnership Agreement, should be increased from 10 % to 15 %.
- (4) The position of the Union within the ACP-EU Council of Ministers should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Sole Article

The position to be taken by the European Union within the ACP-EU Council of Ministers regarding the revision of Annex II to the ACP-EU Partnership Agreement shall be based on the draft Decision of the ACP-EU Council of Ministers attached to this Decision.

Done at ..., ...

For the Council

The President

Draft

**DECISION No .../2012
OF THE ACP-EU COUNCIL OF MINISTERS**

of ...

**regarding the revision of terms and conditions of investment financing
(Chapter 1 of Annex II to the ACP-EU Partnership Agreement)**

THE ACP-EU COUNCIL OF MINISTERS,

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 part¹, as last amended (hereinafter referred to as the 'ACP-EU Partnership Agreement'), and in particular Article 100 thereof,

¹ OJ EU L 317, 15.12.2000, p. 3.

Whereas:

- (1) A mid-term evaluation on the use of the ACP Investment Facility and of the European Investment Bank's own resources in the ACP region was conducted in accordance with Article 6b of Annex II to the ACP-EU Partnership Agreement. One of the recommendations presented in the mid-term evaluation was to secure supplementary grant resources for technical assistance.
- (2) Taking into account the results of the mid-term evaluation, the part of the envelope for interest rate subsidies which can be used for project-related technical assistance, as provided for in Article 1(3) and Article 2(9) of Annex II to the ACP-EU Partnership Agreement, should be increased from 10 % to 15 %,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to the ACP-EU Partnership Agreement is hereby amended as follows:

- (1) in Article 1, paragraph 3 is replaced by the following:
 - '3. Interest subsidies may be capitalised or used in the form of grants. The amount of the interest rate subsidy, calculated in terms of its value at the time of disbursement of the loan, shall be charged against the interest subsidy allocation specified in Annex Ib, paragraph 2(c), and paid directly to the Bank. Up to 15 % of this allocation for interest rate subsidies may also be used to support project-related technical assistance in ACP countries.';
- (2) in Article 2, paragraph 9 is replaced by the following:
 - '9. Interest subsidies may be capitalised or used in the form of grants. Up to 15 % of the budget for interest rate subsidies may be used to support project-related technical assistance in ACP countries.'

Article 2

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

Done at ...,

For the ACP-EU Council of Ministers
The President
