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"I/A" ITEM NOTE

From: ACP Working Party

To: Permanent Representatives Committee/Council

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Subject: Draft Council Decision on the position to be taken by the European Union within the ACP-EU Committee of Ambassadors regarding approval of derogations to the Financial Regulation of the Centre for the Development of Enterprise (CDE) - Adoption

1. Annex III 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 ('ACP-EU Partnership Agreement')¹ requires the ACP-EU Committee of Ambassadors to monitor the overall strategy of the Centre for the Development of Enterprise (CDE) and supervise the work of its Executive Board.

Annex III to the ACP-EU Partnership Agreement requires the CDE Executive Board to lay down the financial and staff regulations and the rules of operations.

¹ Agreement signed in Cotonou on 23 June 2000, as amended by the Agreement signed in Luxembourg on 25 June 2005 (OJ L209, 11.8.2005, p.27) and by the Agreement signed in Ouagadougou on 22 June 2010 (OJ L287, 4.11.2010, p 3) (OJ L 317, 15.12.2000, p.3).

2. The request from the CDE Executive Board to the ACP-EU Committee of Ambassadors by letter dated 19 October 2015 explains that in the context of the closing down of the CDE, the CDE Executive Board wishes to derogate from Article 27(1) and (5) of the Decision No 5/2004 of the ACP-EC Committee of Ambassadors of 17 December 2004 concerning the Financial Regulation of the Centre for the Development of Enterprise ('CDE Financial Regulation')² and seeks prior approval from the Supervisory Authorities.
3. The modification of, or derogations to, the CDE Financial Regulation and Staff Regulation of the Centre for the Development of Enterprise³ (the 'CDE Staff Regulation'), should be seen in the light of the needs that have arisen from the implementation of the orderly closure process of the CDE.
4. The requirements of the appointment of a firm of auditors for a period of three years and the requirement for this firm to draw up each year a statutory audit report, as foreseen by the CDE Financial Regulation, need to be adapted in order to ensure a more efficient procedure in the context of the closing-down of the organisation.
5. On 2 February 2016, the ACP Working Party agreed upon the draft Decision.
6. The Working Party agreed to suggest that the Permanent Representatives Committee recommend to the Council, as an "A" item on its agenda, to:
 - approve the draft Decision as set out in document 5701/16;
 - decide to forward the draft Decision to the ACP side for adoption by the ACP-EU Committee of Ambassadors by exchange of letters.

² OJ L 70, 9.3.2006, p. 52.

³ Decision No 9/2005 of the ACP-EC Committee OF Ambassadors of 27 July 2005 concerning the Staff Regulations of the Centre for the Development of Enterprise (CDE) (OJ L348, 30.12.2005, p.54).