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**NOTE**

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Subject : General Affairs and External Relations Council 14-15 May 2007 - AOB : State of play of ratification processes - Room Document from the European Commission - Ratification of the revised Cotonou Agreement and EDF10 Internal Agreement

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**Ratification of the revised Cotonou Agreement and EDF10 Internal Agreement**

For the 10th European Development Fund to succeed the 9th European Development Fund without funding gap, two agreements have to be ratified by November 2007 : the revised Cotonou Agreement which was signed in June 2005, and the 10th EDF Internal Agreement, which was signed in July 2006.

As no commitment from the 9th EDF can be made beyond 31 December 2007, the 10th EDF should be mobilised from 1st January 2008, which implies according to the Cotonou Agreement (Art. 93) that the ratification process by all EU Member States and by 2/3 of the ACP states should be completed by November 2007.

The European Commission has endeavoured to follow up the ratification process as closely as possible given the tight deadlines imposed on the 9th EDF, and the potentially damaging impact of a slippage of the process on the ACP-EU cooperation. Commissioner Michel has already written to EU Ministers on this issue twice, last September and last March.

Only four EU Member States have ratified both the revised Cotonou Agreement and the EDF10 Internal Agreement so far. As many as 8 Member States plan to have the parliamentary approval process completed in Autumn 2007. Risks of slippage of the national ratification processes after the November 2007 deadline are therefore high.

The following detailed information is available on the Council Secretariat Agreements' database, or has been gathered at recent Council ACP Working Party meetings:

#### EU side

- 4 EU Member States have ratified rev. Cotonou and the Internal Agreement so far: Finland, Ireland, Slovakia, Sweden.
- 3 EU Member States have ratified rev. Cotonou but not the Internal Agreement yet: Slovenia, Hungary, Lithuania. All aim at having ratified the Internal Agreement in the first half of 2007, apart from Slovenia (2nd half).
- 2 Member States are about to ratify the package (approval by Parliament already obtained) : Czech Republic, Luxembourg.
- 8 of the remaining Member States will ratify in the 1st half of the year (Spring session of Parliament) and another 8 intend to ratify in the second half of the year (Autumn session).
- Potential problems as identified at this stage are related to general elections, and/or complexity of the institutional process.
- Romania and Bulgaria need only to ratify the revised Cotonou Agreement (not the Internal Agreement which is part of the 'acquis').

## ACP side

- 8 ACP countries had ratified rev. Cotonou by 7 May 2007, whereas 53 should ratify to ensure the entry into force of the Agreement.
- The ACP Ambassadors and the ACP Secretary General were made aware of the slow trend on the ACP side by Commissioner Michel in October 2006 and March 2007.

This situation is clearly worrying. It puts at risk the possibility to intervene financially in some of the poorest countries in the world. It also undermines the credibility of the EU as a leader in development and the highest contributor to the overall increase in ODA.

In this context, the Commission invites those Member States who have not yet ratified both agreements to continue their efforts to meet the deadline of November 2007.

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