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Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures to address the on-going challenges of migration, refugee inflows and security threats

EXPLANATORY MEMORANDUM

The Council Regulation (EU, EURATOM) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020[1] allows for the mobilisation of the Flexibility Instrument to allow the financing of clearly identified expenditure which could not be financed within the limits of the ceilings available for one or more headings of the multiannual financial framework.

In accordance with Article 11 of Council Regulation No 1311/2013 and point 12 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management[2], after having examined all possibilities for re-allocating appropriations and exhausted any unallocated margin under the expenditure *Security and Citizenship* (heading 3), the Commission proposes to mobilise the Flexibility Instrument in 2020. The annual amount available is EUR 600 million (2011 prices) corresponding to EUR 717 million in current prices. Moreover, EUR 202 million is available in the 2019 portion.

This mobilisation concerns an amount of EUR 778,1 million beyond the ceiling of heading 3 of the multiannual financial framework, and is intended to finance support for measures for managing the migration, refugee and security crisis.

The indicative payment appropriations corresponding to the proposed mobilisation of the Flexibility Instrument have been calculated on the basis of the rules applicable to pre-financing, clearance of pre-financing and final payments for the various types of measures to be financed, and are presented in the table below:

(in million EUR, at current prices)

Year	Payment appropriations related to the mobilisation of the flexibility instrument in 2020
2020	407,4
2021	312,2
2022	42,4
2023	16,1
Total	**778,1**

[1] OJ L347, 20.12.2013, p.884.

[2] OJ C 373, 20.12.2013, p. 1.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management[3], and in particular point 12 thereof,

Having regard to the proposal from the European Commission,

Whereas,

(1) The Flexibility instrument is intended to allow the financing of clearly identified expenditure which could not be financed within the limits of the ceilings available for one or more other headings.

(2) The ceiling on the annual amount available for the Flexibility Instrument is EUR 600 000 000 (2011 prices), as laid down in Article 11 of Council Regulation (EU, Euratom) No 1311/2013[4] increased, where applicable, by lapsed amounts made available in accordance with the second subparagraph of paragraph 1 of that Article.

(3) In order to address the ongoing challenges of migration, refugee inflows and security threats, it is necessary to mobilise significant additional amounts to finance such measures as a matter of urgency.

(4) Having examined all possibilities for reallocating appropriations under the expenditure ceiling of heading 3 (*Security and citizenship*), it is necessary to mobilise the Flexibility Instrument to supplement the financing available in the general budget of the Union for the financial year 2020 beyond the ceiling of heading 3 by the amount of EUR 778 074 489 to finance measures in the field of migration, refugees and security.

(5) On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument should be distributed over several financial years.

(6) In order to allow for the quick use of the funds, this Decision should apply from the beginning of the financial year 2020.

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[3] OJ C 373, 20.12.2013, p. 1.

[4] Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

HAVE ADOPTED THIS DECISION:

Article 1

(1) For the general budget of the Union for the financial year 2020, the Flexibility Instrument shall be mobilised to provide the amount of EUR 778 074 489 in commitment appropriations in heading 3 (*Security and Citizenship*).

The amounts referred to in the first subparagraph shall be used to finance measures to address the ongoing challenges of migration, refugee inflows and security threats.

(2) On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument shall be estimated as follows:

(a) EUR 407 402 108 in 2020;

(b) EUR 312 205 134 in 2021;

(c) EUR 42 336 587 in 2022;

(d) EUR 16 130 660 in 2023;

The specific amounts of payment appropriations for each financial year shall be authorised in accordance with the annual budgetary procedure.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union.*

It shall apply from 1 January 2020.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*