EUROPEAN
COMMISSION

Brussels, 27.3.2020
COM(2020) 140 final

2020/0050 (BUD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Decision (EU) 2020/265 as regards adjustments to the amounts mobilised from the Flexibility Instrument for 2020 to be used for migration, refugee inflows and security threats, for immediate measures in the context of the COVID-19 outbreak and for reinforcement of the European Public Prosecutor's Office

EXPLANATORY MEMORANDUM

The European Parliament and the Council decided on 27 November 2019 to mobilise the Flexibility instrument for an amount of EUR 778,1 million for heading 3 *Security and Cititzenship* as proposed by the Commission.

The Commission submits today draft amending budget (DAB) No 1/2020[1] that includes, amongst others, an overall increase of the level of commitment appropriations for heading 3 of EUR 423,3 million to meet the needs resulting from the increased migration pressure in Greece, to finance immediate measures required in the context of the COVID-19 outbreak and to cover an increase of the budget for the *European Public Prosecutor's Office* (EPPO).

As allowed by Article 14 of the Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020[2], this DAB proposes to use the Global Margin for Commitment (GMC) remaining available from 2018 for the increase linked to migration (EUR 350 million). The remaining part of the increase, not falling under the scope of the GMC (EUR 73,3 million), requires an additional mobilisation of the Flexibility Instrument.

Therefore, the present proposal accompanies DAB No 1/2020 in order to increase accordingly the amounts mobilised from the Flexibility Instrument and to extend the purpose of the mobilisation.

The adjusted mobilisation of the Flexibility Instrument will amount to EUR 851,4 million (from EUR 778,1 million) for heading 3.

This proposed mobilisation decision will amend Decision (EU) 2020/265 of 27 November 2019[3].

The indicative payment appropriations corresponding to the updated mobilisation of the Flexibility Instrument 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	450,7
2021	342,2
2022	42,4
2023	16,1
Total	**851,4**

1 COM(2020) 145, 27.3.2020.
2 OJ L 347, 20.12.2013, p. 884.
3 OJ L 58, 27.2.2020, p. 51.

2020/0050 (BUD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Decision (EU) 2020/265 as regards adjustments to the amounts mobilised from the Flexibility Instrument for 2020 to be used for migration, refugee inflows and security threats, for immediate measures in the context of the COVID-19 outbreak and for reinforcement of the European Public Prosecutor's Office

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[4], 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 of the general budget of the Union.

(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[5], increased, where applicable, by lapsed amounts made available in accordance with the second subparagraph of paragraph 1 of that Article.

(3) On 27 November 2019 the European Parliament and the Council adopted Decision (EU) 2020/265[6] mobilising the Flexibility Instrument to provide the amount of EUR 778 074 489 in commitment appropriations in heading 3 (*Security and citizenship*) for the financial year 2020 to finance measures in the field of migration, refugees and security.

(4) The draft amending budget No 1/2020[7] includes an increase of the commitment appropriations for heading 3 by EUR 423,3 million. Of those, EUR 350,0 million for additional expenditure to cope with migration pressures in Greece are covered by the use of the Global Margin for Commitments laid down in Article 14 of Council Regulation (EU, Euratom) No 1311/2013. The remaining amount of EUR 73,3 million is not covered by the scope of the Global Margen for Commitments and therefore requires additional mobilisation of the Flexibility Instrument for 2020. It is also necessary to adjust the indicative payment profile.

---

4 OJ C 373, 20.12.2013, p. 1.

5 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).

6 Decision (EU) 2020/265 of the European Parliament and of the Council of 27 November 2019 on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures to address the ongoing challenges of migration, refugee inflows and security threats (OJ L 058 27.02.2020, p. 51)

7 COM(2020) 145, 27.3.2020.

(5) Decision (EU) 2020/265 should therefore be amended accordingly.

(6) This mobilisation of the Flexibility Instrument should be adopted simultaneously with the amendment of the 2020 budget as the mobilisation of the Flexibility Instrument allows financing of some actions over and above a ceiling in the Multiannual Financial Framework. In order to ensure coherence with that amendment of the 2020 budget, this Decision should enter into force on the day of its publication.

HAVE ADOPTED THIS DECISION:

Article 1

In Decision (EU) 2020/265, Article 1 is modified as follows:

In Paragraph 1, in the first subparagraph, "EUR 778 074 489" is replaced by "EUR 851 374 489" and the second subparagraph is replaced by the following: "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 as well as the current sanitary crisis in the European Union resulting from the COVID-19 outbreak and increased needs of the European Public Prosecutor's Office."

In paragraph 2, points (a) and (b) of the first subparagraph are replaced by the following:

"(a) EUR 450 702 108 in 2020;

(b) EUR 342 205 134 in 2021;"

Article 2

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

Done at Brussels,

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