



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from:	Mr Janusz LEWANDOWSKI, Member of the European Commission
date of receipt:	23 November 2012
to:	Mr Vassos SHIARLY, President of the Council of the European Union
Subject:	Transfer of appropriations No DEC 48/2012 within Section III - Commission - of the general budget for 2012

Delegations will find attached Commission document DEC 48/2012.

Encl.: DEC 48/2012



BRUSSELS, 21/11/2012

GENERAL BUDGET - 2012
SECTION III - COMMISSION TITLES 11, 40

TRANSFER OF APPROPRIATIONS No **DEC 48/2012**

EUR

FROM

CHAPTER - 40 02 Reserves for financial interventions
ARTICLE - 40 02 41 Differentiated appropriations

Commitments	- 2 567 480
Payments	- 378 385

TO

CHAPTER - 1103 International fisheries and law of the sea
ARTICLE - 11 03 01 International fisheries agreements

Commitments	2 567 480
Payments	378 385

I. INCREASE

a) Heading

11 03 01 - International fisheries agreements

b) Figures at 23/10/2012

	Commitments	Payments
1A. Appropriation in budget (initial budget + AB)	25 500 000	26 200 000
1B. Appropriation in budget (EFTA)	0	0
2. Transfers	980 000	980 000
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3. Final appropriation for the year (1A+1B+2)	26 480 000	27 180 000
4. Utilisation of final appropriation	26 430 394	26 553 794
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5. Amount not used/available (3-4)	49 606(*)	626 206(**)
6. Requirements up to year-end	2 617 086(*)	1 004 591(**)
7. Increase requested	2 567 480	378 385
8. Increase as percentage of appropriation in budget (7/1A)	10.07%	1.44%
9. Increase, as a percentage of the final appropriation for the year, in the sum of transfers referred to in Article 23(1)(b) and (c) of the Financial Regulation, calculated in accordance with Article 17a of the implementing rules	n/a	n/a

c) Receipts arising from recovery (carried over) (C5)

	Commitments	Payments
1. Appropriation available at start of year	0	0
2. Appropriation available on 23/10/2012	0	0
3. Rate of utilisation [(1-2)/1]	n/a	n/a

d) Detailed grounds for the increase

On 9 October 2012, the Council adopted a Decision on the signing and provisional application of the Protocol with Kiribati, initialled at the end of negotiations on 3 June 2012. Specifically, the Council decided to sign, on behalf of the European Union, the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Kiribati, and to agree to provisional application of the Protocol. The Decision permits vessels of the European fleet to continue fishing in the area in question, thereby obliging the Union to pay the first instalment of the financial contribution. Under Annex IV to the Interinstitutional Agreement of 17 May 2006, the known or estimated amounts of the financial contributions for protocols concluded after 1 January of this year were entered on the reserve budget line. Consequently, the budgetary allocation must now be made available on the operational line in order to honour commitments deriving from the legal basis mentioned above, which amount to EUR 1 325 000. Payment will be made next year and sufficient appropriations will be included in the 2013 budget.

On the other hand, in 2011, the European Union had fisheries partnership agreements with the Republic of Gabon and with the Republic of Kiribati. According to information on catch quotas for 2011 forwarded by the Member States to the Commission, the reference tonnage for the protocols in question were exceeded. These excesses should give rise to compensation to the two aforementioned states totalling EUR 1 242 800 (in commitment appropriations), meaning additional payments of EUR 928 400 in 2012 and EUR 314 080 in 2013. When the 2012 budget was drawn up, the estimated funds for additional catches were entered on a reserve line. Consequently, the budgetary allocation must now be made available on the operational line, in order to honour the commitments and payments deriving from said legal bases. Taking account of the payment appropriations still available on the line, the net increase in payment appropriations is EUR 378 384.59.

(*) A decrease of EUR 49 606 in commitment appropriations has been proposed in an Amending Budget (DAB 6/2012); needs for the rest of the year thus amount to EUR 2 567 480, after accounting for the AB.

(**) A decrease of EUR 76 191 in payment appropriations has been proposed in an Amending Budget (DAB 6/2012); needs for the rest of the year thus amount to EUR 928 400, after accounting for the AB.

II. DECREASE

a) Heading

40 02 41 – Differentiated appropriations

b) Figures at 23/10/2012

	Commitments	Payments
1A. Appropriation in budget (initial budget + AB)	689 589 925	268 395 154
1B. Appropriation in budget (EFTA)	0	0
2. Transfers	-565 917 940	-138 654 899
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3. Final appropriation for the year (1A+1B+2)	123 671 985	129 740 255
4. Utilisation of final appropriation	0	0
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5. Amount not used/available (3-4)	123 671 985(*)	129 740 255(**)
6. Requirements up to year-end	121 104 505(*)	129 361 870(**)
7. Decrease proposed	2 567 480	378 385
8. Decrease as percentage of appropriation in budget (7/1A)	0.37%	0.14%
9. Decrease, as a percentage of the final appropriation for the year, in the sum of transfers referred to in Article 23(1)(b) and (c) of the Financial Regulation, calculated in accordance with Article 17a of the implementing rules	n/a	n/a

c) Receipts arising from recovery (carried over) (C5)

	Commitments	Payments
1. Appropriation available at start of year	0	0
2. Appropriation available on 23/10/2012	0	0
3. Rate of utilisation [(1-2)/1]	n/a	n/a

d) Detailed grounds for the decrease

The balance of commitment and payment appropriations currently available on the reserve line is sufficient to cover the increase in the operational line.

(*) In addition to the proposed decrease of EUR 2 567 480 in commitment appropriations, a decrease of EUR 45 652 520 in commitments has been proposed as part of an Amending Budget (DAB 6/2012).

(**) In addition to the proposed decrease of EUR 378 384.59 in payment appropriations, a decrease of EUR 47 252 520 in payments has been proposed as part of an Amending Budget (DAB 6/2012).