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FIN 806

'A' ITEM NOTE

From:	General Secretariat of the Council
To:	Council
No. Cion doc.:	10764/16 FIN 411 - COM(2016) 313 final
Subject:	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 migration, refugee and security crisis

1. On 30 June 2016, the Commission submitted to the Council a proposal for a Decision of the European Parliament and of the Council on the mobilisation of the Flexibility Instrument.

The purpose of this proposal is to supplement the financing available in the Union budget for 2017, beyond the ceiling of heading 3 (*Security and citizenship*), by the amount of EUR 530,0 million to finance measures in the field of migration, refugees and security.

2. During the Conciliation Committee meeting on 16/17 November 2016, the European Parliament and the Council reached a political agreement on the mobilisation of the Flexibility Instrument for that purpose for an amount of EUR 530,0 million in commitment appropriations in heading 3 (*Security and citizenship*) in the framework of the joint text concerning the 2017 budget.

3. The Council is invited to confirm the agreement reached on the mobilisation of the Flexibility Instrument and to consequently adopt the text of the Decision, according to the third paragraph of point 12 of the Interinstitutional Agreement of 2 December 2013¹, as set out in the Annex.
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¹ 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 (OJ C 373, 20.12.2013, p. 1).

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 migration, refugee and security crisis**

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 management¹, 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 471 million (2011 prices), as laid down in Article 11 of Council Regulation (EU, Euratom) No 1311/2013².
- (3) Due to the urgent needs, it is necessary to mobilise significant additional amounts to finance measures to alleviate the ongoing migration, refugee and security crisis.

¹ OJ C 373, 20.12.2013, p. 1.

² 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).

- (4) After having examined all possibilities for re-allocating appropriations under the expenditure ceiling for heading 3 (*Security and citizenship*), it appears necessary to mobilise the Flexibility Instrument to supplement the financing available in the general budget of the Union for the financial year 2017, beyond the ceiling of heading 3 by the amount of EUR 530,0 million, 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 and are estimated at EUR 238,3 million in 2017, EUR 91,0 million in 2018, EUR 141,9 million in 2019 and EUR 58,8 million in 2020.
- (6) In order to minimise the time taken to mobilise the Flexibility Instrument, this Decision should apply from the beginning of the financial year 2017,

HAVE ADOPTED THIS DECISION:

Article 1

1. For the general budget of the Union for the financial year 2017, the Flexibility Instrument shall be mobilised to provide the amount of EUR 530,0 million in commitment appropriations in heading 3 (*Security and citizenship*).

That amount shall be used to finance measures for managing the ongoing migration, refugee and security crisis.
2. On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument will be as follows:
 - (a) EUR 238,3 million in 2017;
 - (b) EUR 91,0 million in 2018;
 - (c) EUR 141,9 million in 2019;

(d) EUR 58,8 million in 2020.

The specific amounts 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 2017.

Done at Brussels,

For the European Parliament

For the Council

The President

The President
