



Brussels, 14.10.2015
COM(2015) 514 final

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the Mobilisation of the Flexibility Instrument for immediate budgetary measures
under the European Agenda on Migration**

EXPLANATORY MEMORANDUM

The Council Regulation (EU, EURATOM) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020¹ 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 on and sound financial management², after having examined all possibilities for re-allocating appropriations and exhausted any unallocated margin under the expenditure heading *Security and Citizenship* (heading 3), the Commission proposes to mobilise the Flexibility Instrument, for which the ceiling on the annual amount available is EUR 471 million (2011 prices).

This mobilisation concerns an amount of EUR 1 504,0 million beyond the ceiling of heading 3 of the multiannual financial framework, and is intended to finance support for measures for managing the refugee crisis. This includes an amount of EUR 123 966 698 for which the Commission had made a proposal to mobilise the Flexibility Instrument for the same purpose which accompanied the initial draft budget 2016³, and which is now repealed and replaced by the present proposal.

In accordance with Article 11(2) of Council Regulation N° 1311/2013, the amount proposed to be mobilised for budget year 2016 uses annual amounts not used of previous years of the Flexibility Instrument (2014 and 2015).

The 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 for measures for managing the refugee crisis in 2016
2016	710,0
2017	652,9
2018	82,7
2019	58,5
Total	1 504,0

¹ OJ L347, 20.12.2013, p.884.

² OJ C 373, 20.12.2013, p. 1.

³ COM(2015) 238, 27.5.2015.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the Mobilisation of the Flexibility Instrument for immediate budgetary measures under the European Agenda on Migration

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 on and sound financial management⁴, and in particular the third paragraph of point 12 thereof,

Having regard to the proposal from the European Commission,

Whereas,

- (1) Article 11 of Council Regulation (EU, EURATOM) No 1311/2013⁵ has established a Flexibility Instrument of up to EUR 471 million (2011 prices) per year.
- (2) Due to the urgent needs to manage the refugee crisis, it is necessary to mobilise important additional appropriations to finance the Migration and Home affairs policy.
- (3) After having examined all possibilities for re-allocating appropriations under the expenditure ceiling Security and Citizenship (heading 3), it is appropriate to mobilise EUR 1 504,0 million through the Flexibility Instrument to finance measures in the field of migration. The unused annual amounts available for the Flexibility Instruments of previous years (2014 and 2015) are used.
- (4) The payment appropriations corresponding to the envisaged mobilisation of the Flexibility Instrument should be distributed over several budgetary years (EUR 710,0 million in 2016, EUR 652,9 million in 2017, EUR 82,7 million in 2018, and EUR 58,5 million in 2019),

HAVE ADOPTED THIS DECISION:

Article 1

- (1) For the general budget of the European Union for the financial year 2016, the Flexibility Instrument shall be mobilised to increase commitment appropriations by EUR 1 504,0 million above the expenditure ceiling of the heading Security and Citizenship (heading 3).

That amount shall be used to finance measures for managing the refugee crisis.

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).

- (2) The payment appropriations corresponding to the mobilisation of the Flexibility Instrument shall be as follows:
- (a) EUR 710,0 million in 2016;
 - (b) EUR 652,9 million in 2017;
 - (c) EUR 82,7 million in 2018;
 - (d) EUR 58,5 million in 2019.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels,

For the European Parliament
The President

For the Council
The President