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## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	25 May 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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No. Cion doc.:	COM(2018) 280 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 challenges of migration, refugee inflows and security threats as well as the extension of the Structural Reform Support Programme

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Delegations will find attached document [COM\(2018\) 280 final](#).

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Encl.: [COM\(2018\) 280 final](#)



Brussels, 23.5.2018  
COM(2018) 280 final

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 as well as the extension of the Structural Reform Support Programme**

## 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<sup>1</sup> 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<sup>2</sup>, after having examined all possibilities for re-allocating appropriations and exhausted any unallocated margin under the expenditure headings *Economic, Social and Territorial Cohesion* (heading 1b) and *Security and Citizenship* (heading 3), the Commission proposes to mobilise the Flexibility Instrument in 2019. The annual amount available is EUR 600 million (2011 prices) corresponding to EUR 703 million in current prices. Moreover, EUR 520 million is available in the 2018 portion.

This mobilisation concerns an amount of EUR 927,5 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. In addition EUR 38,1 million is proposed to be mobilised above the ceiling of heading 1b to provide financing of the extension of the Structural Reforms Support Programme.

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 2019
2019	486,6
2020	194,7
2021	116,1
2022	116,9
2023	51,3
<b>Total</b>	<b>965,6</b>

<sup>1</sup> OJ L347, 20.12.2013, p.884.

<sup>2</sup> OJ C 373, 20.12.2013, p. 1.

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 as well as the extension of the Structural Reform Support Programme**

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<sup>3</sup>, 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<sup>4</sup>.
- (3) In order to address the ongoing challenges of migration, refugee inflows and security threats as well as the extension of the Structural Reform Support Programme, 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 ceilings for heading 3 (*Security and citizenship*) and for heading 1b (*Economic, social and territorial cohesion*), it is necessary to mobilise the Flexibility Instrument to supplement the financing available in the general budget of the Union for the financial year 2019 beyond the ceiling of heading 3 by the amount of EUR 927 518 138 to finance measures in the field of migration, refugees and security and beyond the ceiling of heading 1b by the amount of EUR 38 069 903 to provide the additional funding for the extension of the Structural Reform Support programme<sup>5</sup>.

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<sup>3</sup> OJ C 373, 20.12.2013, p. 1.

<sup>4</sup> 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).

<sup>5</sup> COM(2017) 825, 6.12.2017

- (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 2019.

HAVE ADOPTED THIS DECISION:

#### *Article 1*

- (1) For the general budget of the Union for the financial year 2019, the Flexibility Instrument shall be mobilised to provide the amount of EUR 927 518 138 in commitment appropriations in heading 3 (*Security and Citizenship*) and the amount of EUR 38 069 903 in commitment appropriations in heading 1b (*Economic, Social and Territorial Cohesion*).

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 extension of the Structural Reform Support Programme.

- (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 486 597 803 in 2019;
  - (b) EUR 194 720 174 in 2020;
  - (c) EUR 116 110 590 in 2021;
  - (d) EUR 116 871 924 in 2022;
  - (e) EUR 51 287 550 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 2019.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*