



Council of the  
European Union

Brussels, 30 November 2018  
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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: 30 November 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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No. Cion doc.: COM(2018) 901 final

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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

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Delegations will find attached document COM(2018) 901 final.

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Encl.: COM(2018) 901 final



Brussels, 30.11.2018  
COM(2018) 901 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**

## 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 *Security and Citizenship* (heading 3), the Commission proposes to mobilise the Flexibility Instrument in 2019. The annual amount available in 2019 is EUR 600 million (2011 prices) corresponding to EUR 703 million in current prices. Moreover, EUR 520 million is available from the unused 2018 portion.

This mobilisation concerns an amount of EUR 985,6 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. Together with the initial draft budget 2019, the Commission made a proposal to mobilise the Flexibility Instrument<sup>3</sup> for the same purpose. This first mobilisation, which also included EUR 38,1 million to be mobilised above the ceiling of heading 1b to provide financing of the extension of the Structural Reforms Support Programme was repealed by a second proposal<sup>4</sup> which accompanied the amending letter 1/2019<sup>5</sup> adopted by the Commission on 16 October 2018.

In the absence of agreement of the Conciliation Committee on the budget 2019 during the period of twenty-one days foreseen in Article 314 §6 of the Treaty on the Functioning of the European Union (TFEU), which ended on 19 November 2018, the Commission submits today a second draft budget for 2019<sup>6</sup>, in accordance with Article 314 §8 of the TFEU. The present proposal to mobilise the Flexibility Instrument accompanies this second DB and repeals and replaces the second proposal made on 16 October 2018.

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	496,7
2020	198,8
2021	118,5
2022	119,3
2023	52,3
<b>Total</b>	<b>985,6</b>

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

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

<sup>3</sup> COM(2018) 280, 23.5.2018.

<sup>4</sup> COM(2018) 708, 16.10.2018.

<sup>5</sup> COM(2018) 709, 16.10.2018.

<sup>6</sup> COM(2018) 900, 30.11.2018.

**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**

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>7</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>8</sup>, increased, where applicable by lapsed amounts made available in accordance with the second subparagraph of paragraph 1 of that Article.
- (3) In order to address the ongoing challenges of migration, refugee inflows and security threats, 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 of heading 3 (*Security and citizenship*), 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 985 629 138 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.
- (6) In order to allow for rapid use of the funds, this Decision should apply from the beginning of the financial year 2019.

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<sup>7</sup> OJ C 373, 20.12.2013, p. 1.

<sup>8</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).

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 985 629 138 in commitment appropriations in heading 3 (*Security and Citizenship*).

The amount referred to in the first subparagraph shall be used to finance measures to address the ongoing challenges of migration, refugee inflows and security threats.

- (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 496 697 300 in 2019;
- (b) EUR 198 761 656 in 2020;
- (c) EUR 118 520 503 in 2021;
- (d) EUR 119 297 639 in 2022;
- (e) EUR 52 352 040 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*