



Brussels, 6 December 2018
(OR. en)

15206/18

FIN 970

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	15021/18 - COM(2018) 901 final
Subject:	Decision of the European Parliament and of the Council on the mobilisation of the Flexibility Instrument to reinforce key programmes for the competitiveness of the EU and to finance immediate budgetary measures to address the on-going challenges of migration, refugee inflows and security threats

1. On 30 November 2018, 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.
2. The purpose of this proposal was to supplement the financing available in the Union budget for 2019, beyond the ceiling of heading 3 (*Security and citizenship*), by the amount of EUR 985.63 million to finance measures in the field of migration, refugees and security.
3. At the trilogue on 4 December 2018, the European Parliament and the Council reached an *ad referendum* agreement on the mobilisation of the Flexibility Instrument in the context of the draft package comprising the second draft budget for 2019 and draft statements, as recorded in Annex 1 to document 15205/18.

In addition to the Commission proposal it was agreed to supplement the financing available in the Union budget for 2019, beyond the ceiling of sub-heading 1a (*Competitiveness for growth and jobs*), by the amount of EUR 178.71 million to reinforce key programmes for the competitiveness of the EU.

As a consequence of that agreement, the Flexibility Instrument is mobilised in the financial year 2019 for a total amount of EUR 1 164.3 million in commitment appropriations.

4. On 5 December 2018, the Permanent Representatives Committee was informed about the agreement on the above mentioned draft package.
5. Therefore, the Permanent Representatives Committee is invited to advise the Council to confirm the agreement reached on the mobilisation of the Flexibility Instrument and to consequently adopt the text of the Decision as set out in the Annex.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the Flexibility Instrument to reinforce key programmes for the competitiveness of the EU and 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 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 600 000 000 (2011 prices), as laid down in Article 11 of Council Regulation (EU, Euratom) No 1311/2013², increased, where applicable by lapsed amounts made available in accordance with the second subparagraph of paragraph 1 of that Article.
- (3) In order to reinforce key programmes for the competitiveness of the EU and to address the ongoing challenges of migration, refugee inflows and security threats, it is necessary to mobilise significant additional amounts to finance such programmes and measures as a matter of urgency.

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) Having examined all possibilities for reallocating appropriations under the expenditure ceilings of sub-heading 1a (*Competitiveness for growth and jobs*) and 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 ceilings of sub-heading 1a by the amount of EUR 178 715 475 to reinforce key programmes for the competitiveness of the EU and 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.

HAVE ADOPTED THIS DECISION:

Article 1

- (7) For the general budget of the Union for the financial year 2019, the Flexibility Instrument shall be mobilised to provide the amount of EUR 178 715 475 in commitment appropriations in sub-heading 1a (*Competitiveness for growth and jobs*) and 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 reinforce key programmes for the competitiveness of the EU and finance measures to address the ongoing challenges of migration, refugee inflows and security threats.

(8) 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 548 740 834 in 2019;
- (b) EUR 257 223 207 in 2020;
- (c) EUR 135 194 558 in 2021;
- (d) EUR 140 942 662 in 2022;
- (e) EUR 82 243 352 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

For the Council

The President

The President
