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FIN 193

## 'I' ITEM NOTE

From:	Budget Committee
To:	Permanent Representatives Committee
No. Cion doc.:	7048/20 - COM(2020) 140 final
Subject:	Decision of the European Parliament and of the Council on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures in the context of the COVID-19 outbreak and a reinforcement of the European Public Prosecutor's Office

1. On 27 March 2020, the Commission forwarded to the Council a proposal for a Decision of the European Parliament and of the Council amending Decision (EU) 2020/265 as regards adjustments to the amounts mobilised from the Flexibility Instrument for 2020 to be used for migration, refugee inflows and security threats, for immediate measures in the context of the COVID-19 outbreak and for reinforcement of the European Public Prosecutor's Office.

The objective of this proposal is to supplement the financing in the general budget of the Union for the financial year 2020 beyond the ceiling of heading 3 (*Security and citizenship*) by the amount of EUR 73 300 000 in commitment appropriations, to finance immediate measures in the context of the COVID-19 outbreak and for reinforcement of the European Public Prosecutor's Office, following the adoption of draft amending budget No 1/2020<sup>1</sup>.

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<sup>1</sup> Doc. 7142/20 (COM(2020) 170 final).

2. The proposal was examined at Budget Committee level in a silent procedure, which ended on 3 April 2020, without any objections being raised to the changes proposed.
3. In view of the above, the Permanent Representatives Committee is invited to:
  - confirm its agreement on the text of the Decision on the mobilisation of the Flexibility Instrument, as set out in the Annex;
  - decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision 2020/430<sup>1</sup>, that the Council uses the written procedure for its adoption.

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<sup>1</sup> Council Decision (EU) 2020/430 of 23 March 2020 on a temporary derogation from the Council's Rules of Procedure in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 88 I, 24.3.2020, p. 1).

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures in the context of the COVID-19 outbreak and a reinforcement of the European Public Prosecutor's Office**

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>1</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>2</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 challenges in the context of the COVID-19 outbreak, it is necessary to mobilise amounts to finance appropriate measures as a matter of urgency. It is also necessary to provide for financing of a necessary reinforcement of the European Public Prosecutor's Office.

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

<sup>2</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).

- (4) Having examined all possibilities for re-allocating appropriations under the expenditure ceiling for heading 3 (*Security and citizenship*), it is necessary to mobilise the Flexibility Instrument to supplement the financing in the general budget of the Union for the financial year 2020 beyond the ceiling of heading 3 by the amount of EUR 73 300 000, to finance immediate measures in the context of the COVID-19 outbreak and for reinforcement of the European Public Prosecutor's Office.
- (5) On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument should be distributed over two financial years.
- (6) This Decision is linked to financing included in amending budget No 1 to the general budget of the European Union for 2020. In order to ensure coherence with that amending budget, this Decision should apply from the date of its adoption.

HAVE ADOPTED THIS DECISION:

*Article 1*

1. For the general budget of the Union for the financial year 2020, the Flexibility Instrument shall be mobilised to provide the amount of EUR 73 300 000 in commitment appropriations in heading 3 (*Security and citizenship*).

This amount shall be used to finance immediate measures in the context of the COVID-19 outbreak and for reinforcement of the European Public Prosecutor's Office.

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 43 300 000 in 2020;
- (b) EUR 30 000 000 in 2021.

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 ...[the date of its adoption]\*\*.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*

*\*\* Date to be inserted by the Parliament before the publication in the OJ.*

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