



Council of the European Union
General Secretariat

Brussels, 30 October 2020

CM 4414/20

PROCED
BUDGET

COMMUNICATION

WRITTEN PROCEDURE

Contact: josemaria.perezsantander@consilium.europa.eu
kirsten.bachour@consilium.europa.eu
radu-ioan.gafta@consilium.europa.eu

Tel./Fax: +32 2 281 30 82
+32 2 281 67 25
+32 2 281 25 31

Subject:

- Adoption of the Council's position on DAB No 9/2020 accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Croatia and Poland in relation to a natural disaster and to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency
- Approval of the Decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Croatia and Poland in relation to a natural disaster and to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency
- Approval of transfers of appropriations Nos DEC 17/2020, DEC 18/2020, DEC 19/2020 and DEC 20/2020 within Section III - Commission - of the general budget for 2020

= *End of written procedure*

Delegations are informed that the written procedure opened by CM 4242/20 of 26 October 2020 was completed on 30 October 2020 at 16:50 and that:

- (1) (a) all delegations, except for Spain that abstained, agreed to the adoption of the Council Decision adopting the Council's position on draft amending budget No 9 to the general budget of the Union for 2020, as set out in document 11807/20, accepting the Commission proposal¹ without any changes, as explained in document 11806/20.
- (b) all delegations agreed to derogate, on the basis of the second subparagraph of Article 3(3) of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article, in view of the urgency of the matter as set out in the preamble of that act.

Therefore, the above position of the Council is adopted.

The statement by Spain is reproduced in the Annex to this CM.

The above statement will be included in the summary of acts adopted by the written procedure as statement to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

The Council agreed to derogate, on the basis of the second subparagraph of Article 3(3) of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article;

- (2) all delegations, except for Spain that abstained, agreed to the approval of the Decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Croatia and Poland in relation to a natural disaster and to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency, as set out in document 11809/20.

Therefore the above Decision is approved.

¹ Doc. 11672/20 + REV 1(en).

- (3) all delegations, except for Austria, Denmark, Finland, the Netherlands and Sweden that abstained, agreed to the approval of transfer of appropriations No DEC 17/2020 within Section III - Commission - of the general budget for 2020, as proposed by the Commission².

Therefore the above transfer is approved.

The statement by Austria, Denmark, the Netherlands and Sweden is reproduced in the Annex to this CM.

The above statement will be included in the summary of acts adopted by the written procedure as statement to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure;

- (4) all delegations agreed to the approval of transfer of appropriations No DEC 18/2020 within Section III - Commission - of the general budget for 2020, as proposed by the Commission³.

Therefore the above transfer is approved;

- (5) all delegations agreed to the approval of transfer of appropriations No DEC 19/2020 within Section III - Commission - of the general budget for 2020, as proposed by the Commission⁴.

Therefore the above transfer is approved;

- (6) all delegations agreed to the approval of transfer of appropriations No DEC 20/2020 within Section III - Commission - of the general budget for 2020, as proposed by the Commission⁵.

Therefore the above transfer is approved.

² Doc. 11470/20.

³ Doc. 11680/20.

⁴ Doc. 11681/20.

⁵ Doc. 11883/20.

The statement by Austria, Denmark, the Netherlands and Sweden is reproduced in the Annex to this CM.

The above statement will be included in the summary of acts adopted by the written procedure as statement to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure;

Statement by Spain on the DAB No 9/2020 and the mobilisation of the EU Solidarity Fund

"Spain fully supports this instrument but we are in total disagreement with the procedure followed by the Commission in the proposal to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency.

The Commission has not followed the normal procedure of communication to the Member States the decision on the amounts and did not follow-up the corresponding contradictory procedure."

Statement by Austria, Denmark, The Netherlands and Sweden on transfer No DEC 17/2020

"The recovery of unused funds from a programme where the legal base has expired violates the budgetary principles of annuality and accuracy as set out in the financial regulation and thus cannot be considered a good budgeting practice. The possibility to reactivate unused funds set out in Article 32(1) of the Financial Regulation should in our opinion be used only in exceptional cases where there is an urgent need for funds and the programme cannot be financed otherwise. The Commission has been unsuccessful in showing the urgency and necessity of the transfer, which is why we, AT, DK, NL and SE, will abstain from voting."

Statement by Austria, Denmark, the Netherlands and Sweden on transfer No DEC 20/2020

"The recovery of unused funds from a programme where the legal base has expired violates the budgetary principles of annuality and accuracy as set out in the financial regulation and thus cannot be considered a good budgeting practice. The possibility to reactivate unused funds set out in Article 32(1) of the Financial Regulation should in our opinion be used only in exceptional cases where there is an urgent need for funds and the programme cannot be financed otherwise. The Commission has in this case demonstrated the urgency and necessity of the transfer, which is why we can support it.
