



Council of the
European Union

**Brussels, 3 July 2019
(OR. en)**

10881/19

FIN 465

PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	3 July 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2019) 600 final
Subject:	Proposal for a Decision of the European Parliament and of the Council amending Decision (EU) 2019/276 as regards adjustments to the amounts mobilised from the Flexibility Instrument for 2019 to be used for migration, refugee inflows and security threats

Delegations will find attached document COM(2019) 600 final.

Encl.: COM(2019) 600 final



Brussels, 2.7.2019
COM(2019) 600 final

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Decision (EU) 2019/276 as regards adjustments to the amounts mobilised from the Flexibility Instrument for 2019 to be used for migration, refugee inflows and security threats

EXPLANATORY MEMORANDUM

The European Parliament and the Council decided on 12 December 2018 to mobilise the Flexibility instrument for an amount of EUR 1 164 million: EUR 179 million for heading 1a *Competitiveness for Growth and Jobs* to reinforce key competitiveness programmes (namely Horizon 2020 and Erasmus+), and EUR 985,6 million for heading 3 as proposed by the Commission.

The Commission submits today draft amending budget No 4/2019¹ that includes reductions in the level of commitment appropriations for both heading 1a and 3 and therefore reduces the need for the use of the Flexibility instrument. The present proposal accompanies this DAB and aims at adjusting accordingly the amounts mobilised from the Flexibility Instrument while respecting the purpose of the mobilisation.

The adjusted mobilisation of the Flexibility Instrument will amount to EUR 1 090 million (from EUR 1 164 million), of which EUR 160 million for heading 1a and EUR 930 million for heading 3.

This proposed mobilisation decision will amend Decision (EU) 2019/276 of 12 December 2018².

The indicative payment appropriations corresponding to the proposed reduced mobilisation of the Flexibility Instrument 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	511,5
2020	242,3
2021	126,3
2022	132,0
2023	78,3
Total	1 090,4

¹ COM(2019) 610, 2.7.2019.

² OJ L54, 22.2.2019, p.3.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Decision (EU) 2019/276 as regards adjustments to the amounts mobilised from the Flexibility Instrument for 2019 to be used for 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 management³, 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 1311/2013⁴, increased, where applicable by lapsed amounts made available in accordance with the second subparagraph of paragraph 1 of that Article.
- (3) On 12 December 2018 the European Parliament and the Council adopted Decision (EU) 2019/276⁵ mobilising the Flexibility instrument for the financial year 2019 beyond the ceiling of heading 1a (*Competitiveness for Growth and Jobs*) by the amount of EUR 178 715 475 to reinforce key competitiveness programmes and beyond the ceiling of heading 3 (*Security and citizenship*) by the amount of EUR 985 629 138 to finance measures in the field of migration, refugees and security.
- (4) The Draft Amending Budget 4/2019⁶ includes reductions in the level of commitment appropriations for both heading 1a and 3 and therefore reduces the need for the use of the Flexibility instrument. It is therefore necessary to adjust the amounts mobilised from the Flexibility Instrument for 2019 accordingly. It is also necessary to adjust the expected payment profile.
- (5) Decision (EU) 2019/276 should therefore be amended accordingly.
- (6) The mobilisation of the Flexibility instrument is adopted simultaneously with the amendment of the 2019 budget as it allows financing of some actions over and above a

³ OJ C 373, 20.12.2013, p. 1.

⁴ 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).

⁵ Decision (EU) 2019/276 of the European Parliament and of the Council of 12 December 2018 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 ongoing challenges of migration, refugee inflows and security threats (OJ L 54, 22.2.2019, p. 3).

⁶ COM(2019) 610 of 2 July 2019.

Multiannual Financial Framework ceiling. In order to ensure coherence with that amendment, this Decision should enter into force on the day of its adoption.

HAVE ADOPTED THIS DECISION:

Article 1

The first subparagraph of paragraph 1 of Article 1 of Decision (EU) 2019/276 is amended as follows: “EUR 178 715 475” is replaced by “EUR 160 195 475” and “EUR 985 629 138” is replaced by “EUR 930 188 138”. In the first subparagraph of paragraph 2, points (a) to (e) are replaced by the following:

- “(a) EUR 511 468 976 in 2019;
- (b) EUR 242 308 256 in 2020;
- (c) EUR 126 300 853 in 2021;
- (d) EUR 131 990 641 in 2022;
- (e) EUR 78 314 887 in 2023.”

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the European Parliament
The President

For the Council
The President