



Brussels, 30.6.2016  
COM(2016) 313 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 migration, refugee and security crisis**

## **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 heading *Security and Citizenship* (heading 3), the Commission proposes to mobilise the Flexibility Instrument in 2017, for which the ceiling on the annual amount available is EUR 471 million (2011 prices) corresponding to EUR 530 million in current prices.

This mobilisation concerns an amount of EUR 530,0 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.

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)

| <b>Year</b>  | <b>Payment appropriations related to the mobilisation of the flexibility instrument for measures for managing the refugee crisis in 2017</b> |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 2017         | 238.3                                                                                                                                        |
| 2018         | 91.0                                                                                                                                         |
| 2019         | 141.9                                                                                                                                        |
| 2020         | 58.8                                                                                                                                         |
| <b>Total</b> | <b>530,0</b>                                                                                                                                 |

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

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

**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 migration, refugee and security crisis**

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) As laid down in Article 11 of Council Regulation (EU, EURATOM) No 1311/2013<sup>2</sup> there is a ceiling on the annual amount available for the Flexibility instrument of EUR 471 million (2011 prices).
- (3) Due to the urgent needs, it is necessary to mobilise significant additional amounts to finance measures to alleviate the ongoing migration, refugee and security crisis.
- (4) Having examined all possibilities for reallocating appropriations under the expenditure ceiling for heading 3 (Security and citizenship), it appears necessary to mobilise the Flexibility Instrument to complement the financing in the general budget of the European Union for the financial year 2017, beyond the ceilings of heading 3 by the amount of EUR 530,0 million 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 and are estimated at EUR 238.3 million in 2017, EUR 91.0 million in 2018, EUR 141.9 million in 2019 and EUR 58.8 million in 2020.
- (6) In order to minimise the time taken to mobilise the Flexibility Instrument, this decision should apply from 1 January 2017.

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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).

HAVE ADOPTED THIS DECISION:

*Article 1*

- (1) For the general budget of the Union for the financial year 2017, the Flexibility Instrument shall be mobilised to provide the amount of EUR 530,0 million in commitment appropriations in heading 3 (Security and Citizenship).

That amount shall be used to finance measures for managing the ongoing migration, refugee and security crisis.

- (2) On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument will be as follows:

- (a) EUR 238.3 million in 2017;
- (b) EUR 91.0 million in 2018;
- (c) EUR 141.9 million in 2019;
- (d) EUR 58.8 million in 2020.

The specific amounts 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 2017.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*