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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) No 514/2014 laying down general provisions on the Asylum, Migration and Integration Fund amending Regulation (EU) 514/2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management
and
amending Regulation (EU) No 516/2014 establishing the Asylum, Migration and Integration Fund
and
amending Regulation (EU) 2021/1147 establishing the Asylum, Migration and Integration Fund

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The invasion of Ukraine by the Russian Federation on 24 February 2022 led to a mass influx of displaced persons from Ukraine to several EU Member States. This places renewed pressure on the financial resources of Member States to deal with urgent migration and border management needs. While the increased migratory pressure, including reception and asylum processing procedures, is already being felt acutely in the Member States that share a land border with Ukraine, the needs are spreading further afield throughout the whole territory of the European Union and will persist beyond 2022.

The overall objective of this proposal is to support Member States to address the consequences of the war in Ukraine, by facilitating access to unspent financial resources for the 2014-2020 programming period under the Asylum, Migration and Integration Fund¹ (“AMIF”) and the Internal Security Fund insofar as it concerns the instrument for financial support for external borders and visa,² as well as the Internal Security Fund insofar as it concerns the instrument for financial support for police cooperation, preventing and combating crime, and crisis management³ (hereinafter: the “Home Affairs Funds 2014-2020”). This proposal intends to maximise the scope of use of those funds, by extending the eligibility period and unblocking access to unspent earmarked resources, thereby avoiding the loss of unused funding due to decommitment.

On 4 March 2022, Council Implementing Decision (EU) 2022/382 was adopted establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC⁴, and having the effect of introducing temporary protection. This Implementing Decision clarifies (in Recital 22) that efforts of Member States to comply with the obligations deriving under it and to offer temporary protection will be supported, *inter alia*, by that the Asylum, Migration and Integration Fund set up by Regulation (EU) 2021/1147⁵ (“AMIF 2021-2027”). An extension of the implementation period of the Home Affairs Funds 2014-2020 could also offer Member States additional flexibility for supporting measures undertaken in accordance with this Council Directive 2001/55/EC on minimum standards for giving temporary protection to address the mass influx of displaced persons from Ukraine.

This overall flexibility is necessary in order to ensure a comprehensive approach to migration management, grounded on mutual trust, solidarity and responsibility sharing between Member

¹ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

² Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

³ Regulation (EU) No 513/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management and repealing Council Decision 2007/125/JHA (OJ L 150, 20.5.2014, p. 93).

⁴ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

⁵ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.07.2021, p. 1).

States and Union institutions, to ensure a common sustainable Union policy on asylum, migration, security and border management, and to strengthen confidence in the Union's ability to bring together European and national efforts to work in an effective way.

Extension of the implementation period of the Home Affairs Funds 2014-2020

The purpose of this proposal is to **extend, by 1 year, the implementation period of the Home Affairs Funds** for 2014-2020. This extension will be achieved by amending **Regulation (EU) 514/2014** of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management⁶, which sets out provisions of application to the Home Affairs Funds 2014-2020. This extension will enable Member States to urgently utilise remaining funds to help address the increased pressure on their border and migration management systems arising from the invasion in Ukraine. The mass influx of persons to the EU Member States also gives rise to additional security needs, which could equally benefit from remaining funds.

Unlocking access to unspent earmarked resources under the AMIF 2014-2020

Furthermore, this proposal seeks to **unblock access to unspent amounts previously earmarked for certain specific purposes** under the AMIF, to enable Member States to better address the increased pressure on their asylum and migration management systems stemming from the invasion of Ukraine. This access will be provided by amending **Regulation (EU) 516/2014** of 16 April 2014 establishing the AMIF and laying down provisions for its use.

Enabling the use of External Assigned Revenue under the AMIF 2021-2027

To enhance the scope of available funding sources to help deal with unforeseeable future events, the proposal intends to provide Member States and other public or private donors with the possibility, under the 2021-2027 programming period, to make additional financial contributions to asylum and migration management in the form of external assigned revenue. This external assigned revenue will constitute a dedicated contribution from Member States and other public or private donors to finance specific items of expenditure under the Asylum, Migration and Integration Fund for 2021-2027. The addition of this potential funding source will be provided by amending Regulation (EU) 2021/1147⁷ establishing the AMIF and laying down provisions for its use. It will allow an added preparedness measure for funding asylum and migration activities in Member States during crises such as those arising from the invasion of Ukraine.

• Consistency with existing policy provisions in the policy area

The proposal is consistent with the overall legal framework established for the Home Affairs Funds 2014-2020 and is limited to a targeted amendment of specific provisions in Regulation (EU) No 514/2014 and Regulation (EU) No 516/2014 to address the urgent and exceptional circumstances arising from the invasion of Ukraine. Furthermore, the possibility to assign revenue to specific items of expenditure is provided for by Article 21(5) of Regulation (EU),

⁶ OJ L 150, 20.5.2014, p. 112. Its title can seem misleading on the application, but this Regulation also applies to the instrument for external borders and visa, pursuant to Article 1(3) of Regulation (EU) 515/2014 in conjunction with Article 2, point (a) of Regulation (EU) 514/2014.

⁷ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.07.2021, p. 1).

Euratom) 2018/1046 (the ‘Financial Regulation’), applicable to all EU funding in the relevant policy area⁸.

- **Consistency with other Union policies**

The proposal is limited to targeted amendments of Regulation (EU) 514/2014 and Regulation (EU) 516/2014 to address the urgent and exceptional circumstances arising from the invasion of Ukraine, and maintains consistency with other Union policies. Tackling the outbreak of violence in Ukraine and the ensuing refugee movements has been consistently identified as a top Union priority. The proposed approach is also consistent with the implementation cycle (‘N+3 rule’) set out in Article 136 of Regulation (EU) No 1303/2013⁹ laying down the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund. Furthermore, the use of external assigned revenue is consistent with the approach used in other funding instruments where resilience and preparedness are important factors, such as Council Regulation (EU) 2020/2094 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis¹⁰

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the proposed Union action can be found in the list of measures contained in Article 78(2), Article 79(2) and (4), Article 82(1), Article 84 and Article 87(2) of the Treaty on the Functioning of the Union (TFEU). Regulation (EU) 516/2014 is based on Article 78(2), Article 79(2) and (4), whereas Regulation (EU) 514/2014 is based on all of the above-mentioned provisions.

- **Subsidiarity (for non-exclusive competence)**

The proposal aims to support Member States to address the direct and indirect effects stemming from the invasion of the Ukraine and, in particular their increased migration and border management needs, so as to maximise the use of available EU Funds intended for related purposes. EU legislation can only be amended at Union level.

- **Proportionality**

The proposal includes limited and targeted changes that do not go beyond what is necessary to achieve the objective of ensuring that Member State can make utmost use of available financial resources in response to the invasion of Ukraine. This invasion has given rise to

⁸ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁹ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

¹⁰ Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433, 22.12.2020, p. 23).

increased needs in areas, such as migration and border management, directly covered by the Home Affairs Funds 2014-2020. The proposal thereby complies with the proportionality principle, and falls within the scope for action in the area of freedom, security and justice, as defined in Title V of the TFEU. The objectives and corresponding funding levels are proportional to what the instrument aims to achieve.

- **Choice of the instrument**

Regulation (EU) 514/2014 sets out the eligibility and implementation period of the Home Affairs Funds 2014-2020 while Regulation (EU) 516/2014 sets out the specific rules on the use of resources under the AMIF for this period. In order to extend the eligibility period of the Home Affairs Funds 2014-2020 and to unblock access to unspent resources under the AMIF, both Regulation (EU) 514/2014 and Regulation (EU) 516/2014 must be amended through the current Regulation. Regulation (EU) 2021/1147 establishes the AMIF for 2021-2027 and lays down provisions for its use, and in order to introduce provisions on external assigned revenue for use under the AMIF 2021-2027, Regulation (EU) 2021/1147 must also be amended through this proposal.

3. BUDGETARY IMPLICATIONS

The budgetary impact is already accommodated within the budget of the Home Affairs Funds 2014-2020. The objective of this proposal is to optimise the use of the Home Affairs Funds 2014-2020 in the context of the mass influx of displaced persons from Ukraine to EU Member States.

The budgetary impact of external assigned revenue within the budget of the AMIF 2021-2027 cannot be known in advance. Article 21(5) of the Financial Regulation provides that the budget shall include lines to accommodate external assigned revenue and internal assigned revenue and wherever possible shall indicate the amount. Assigned revenue may be included in the draft budget only for the amounts which are certain at the date of the establishment of the draft budget.

Proposal for a

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amending Regulation (EU) No 514/2014 laying down general provisions on the Asylum, Migration and Integration Fund amending Regulation (EU) 514/2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management
and
amending Regulation (EU) No 516/2014 establishing the Asylum, Migration and Integration Fund
and
amending Regulation (EU) 2021/1147 establishing the Asylum, Migration and Integration Fund

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2), Article 79(2) and (4), Article 82(1), Article 84 and Article 87(2),

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The invasion of Ukraine by the Russian Federation on 24 February 2022 led to a mass influx of displaced persons from Ukraine to several Member States. This places renewed pressure on the financial resources of Member States to deal with urgent migration, border management and security needs. Taking into account the nature and dimension of the crisis, these unforeseen needs will persist beyond 2022.
- (2) Since 1 January 2014 the Union's Home Affairs policy for migration, border management and security has been supported by funding from the Asylum, Migration and Integration Fund³ and the Internal Security Fund insofar as it concerns the instrument for financial support for external borders and visa,⁴ as well as the Internal

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

⁴ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

Security Fund insofar as it concerns the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (the “Home Affairs Funds 2014-2020”).

- (3) It is necessary to extend the implementation period of the Home Affairs Funds 2014-2020 by one year, to allow the Member States to fully use any unspent funds from these programmes, and, if necessary, to swiftly revise the implementation of their programmes as needed to address the unforeseen challenges arising from the invasion of Ukraine.
- (4) It is also necessary to provide for more flexibility in the use of earmarked resources under Regulation (EU) No 516/2014 of the European Parliament and of the Council that currently prevents unspent funds of the 2014-2020 programming period from being used for actions to address pressing needs arising from the invasion of Ukraine.
- (5) Regulation (EU) No 514/2014 of the European Parliament and of the Council⁵ lays down general rules for the implementation of the Home Affairs Funds 2014-2020 with regard to, *inter alia*, the financing of expenditure and the implementation period, that limits the eligibility of Member States’ disbursements to 30 June 2023 at the latest, and sets the closure of the implementation period on 31 December 2023.
- (6) As of 1 January 2021, under the Multiannual Financial Framework for 2021-2027, a renewed package of Funds in the area of migration and border management entered into application in the form of the new Asylum, Migration and Integration Fund,⁶ the Instrument for Financial Support for Border Management and Visa Policy⁷ and the Internal Security Fund⁸ (the “Home Affairs Funds 2021-2027”).
- (7) Although the Home Affairs Funds 2021-2027 entered into force on 15 July 2021, and became applicable on 1 January 2021, the programmes of the Member States have not [as of the adoption date of this present Regulation,] yet been approved.
- (8) In order to ensure continuity in the implementation of the policy objectives of the Home Affairs Funds 2014-2020 and 2021-2027, as well as to allow for a smooth transition between the programming period for 2014-2020 and that for 2021-2027, thereby minimising the administrative burden for Member States, it is necessary for some overlap to exist between the implementation of the respective funding instruments.
- (9) This necessity is expressly recognised by the legal bases of the Home Affairs Funds 2021-2027 and Regulation (EU) 2021/1060⁹, which allow for retroactive eligibility of expenditure as of 1 January 2021.
- (10) Despite those provisions to help bridge the gap between the funding instruments, the end date of the implementation of the Home Affairs Funds 2014-2020 and the

⁵ OJ L 150, 20.5.2014, p. 112.

⁶ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021. p. 1).

⁷ Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (OJ L 251, 15.7.2021. p. 48).

⁸ Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund (OJ L 251, 15.7.2021. p. 94).

⁹ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.06.2021. p. 159).

anticipated dates for approval of the programmes under the Home Affairs Funds 2021-2027 risk exposing the Member States to a considerable funding gap. This may result in ensuing liquidity problems due to the additional pressure on their migration and border management activities following the mass influx of displaced persons from Ukraine.

- (11) The risk is exacerbated by the fact that the HOME Affairs Funds 2014-2020 follow a shorter cycle for implementing budgetary commitments (the N+2 rule) that is not aligned to other EU funding instruments in shared management, such as Cohesion Funds, where a longer implementation period (N+3) applies. This N+3 rule¹⁰ will apply to the HOME Affairs Funds 2021-2027 as set out in Regulation (EU) 2021/1060 for the period 2021-2027.
- (12) Due, in part, to reasons outside the control of the Member States, such as implementation delays caused by the Coronavirus pandemic in 2020-2021, available data on the state of play of implementation by Member States indicate a high risk of decommitting funds, that could otherwise be used to address newly arisen needs. Meanwhile, extending the deadline for implementing funds by one year would make it possible for Member States to make full use of the budgetary commitments within the 2014-2020 programmes to address the challenges they are now facing due to events in Ukraine.
- (13) Regulation (EU) No 514/2014 recognises that, in the light of new or unforeseen circumstances, at the initiative of the Commission or the Member State concerned, an approved national programme may be re-examined and, if necessary, revised for the rest of the programming period. Pursuant to this, it should be appropriate to consider the war in Ukraine as constituting ‘new or unforeseen circumstances’ to justify a re-examination and operational re-direction of the programme’s implementation, in the light of these new needs and within the specific objectives of the previously adopted programme.
- (14) In order to grant Member States continued access to unspent amounts under the Home Affairs Funds 2014-2020, it is necessary to extend the eligibility period of those funds by one year, and to make the necessary related adjustments to the dates applicable to the implementation, reporting, evaluation and closure of the programmes, as well as the dates related to decommitted amounts.
- (15) To ensure that the extension of the eligibility period is introduced in the clearest way possible, it is necessary to establish one final key date by which expenditure must be both incurred and disbursed.
- (16) Regulation (EU) 2018/2000 of 12 December 2018¹¹ amended Regulation (EU) No 516/2014 to unblock access to resources earmarked for the transfer or applicants and

¹⁰ Budgetary commitments relating to the operational programmes are made per annual tranches. The N+3 rule foresees that a commitment made at year N has to be covered by the same amount of pre-financing and interim payment claims before 31 December N+3 (for example, a commitment made in 2014 has to be fully covered by pre-financing and payment claims before 31 December 2017). The amount not covered is de-committed, which means that the Member State loses the funding. The purpose of the rule is to ensure financial discipline in managing the EU funds by obliging the Member States to implement the projects in a dynamic manner and to avoid problems at the very end of the cycle.

¹¹ Regulation (EU) 2018/2000 of the European Parliament and of the Council of 12 December 2018 amending Regulation (EU) No 516/2014 of the European Parliament and of the Council, as regards the recommitment of the remaining amounts committed to support the implementation of Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation of those amounts to other actions under the national programmes (OJ L 328, 21.12.2018. p. 78).

beneficiaries of international protection and to allow their use for certain other actions under the national programme. It is necessary to extend this principle of flexibility to address pressing needs in the light of new or unforeseen circumstances, particularly to address the new asylum and migration management needs of Member States arising from the invasion of Ukraine.

- (17) In order to unblock access to all available funds and avoid their loss through decommitment of unused resources previously earmarked for certain specific purposes under Regulation (EU) No 516/2014, including resources for specific actions and for the Union Resettlement programme, it is necessary to offer Member States flexibility to exceptionally use these resources in the light of new or unforeseen circumstances, such as those arising as a result of the invasion of Ukraine.
- (18) To enhance the scope of available funding sources to help deal with unforeseeable future events, it is appropriate to provide Member States and other public or private donors with the possibility, under the 2021-2027 programming period, to make additional financial contributions to asylum and migration management, in the form of external assigned revenue. This external assigned revenue will constitute a dedicated contribution from Member States and other public or private donors to finance specific items of expenditure under the Asylum, Migration and Integration Funds for 2021-2027, and will allow an added preparedness measure for funding asylum and migration activities in Member States during crises such as those arising from the invasion of Ukraine.
- (19) The support provided under the AMIF should be complementary notably to actions financed under other Union Funds, in particular under cohesion policy, to maximise the impact of available funding
- (20) Regulation (EU) No 514/2014 and Regulation (EU) No 516/2014 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 514/2014 is amended as follows:

- (1) in Article 17, paragraph 3 is replaced by the following:
“3. Expenditure shall be eligible for support under the Specific Regulations if it has been incurred by a beneficiary and fully disbursed by the designated Responsible Authority between 1 January 2014 and 30 June 2024.”
- (2) in Article 40, paragraphs 1 and 2 are replaced by the following:
“1. Member States shall submit the following documents by 31 December 2024:
 - (a) the information required for the last annual accounts, in accordance with Article 44(1);
 - (b) a request for payment of the final balance; and
 - (c) the final implementation report for the national programme as referred to in Article 54(1).*“2. The payments made by the Responsible Authority from 16 October 2023 to 30 June 2024 shall be included in the last annual accounts.”*

- (3) in Article 50, paragraph 4 is replaced by the following:
- “4. The commitment related to the last **two financial** years of the period shall be decommitted in accordance with the rules followed for the closure of the programme.”*
- (4) in Article 54, paragraph 1 is replaced by the following:
- “1. By 31 March 2016 and by 31 March of each subsequent year until and including 2023, the Responsible Authority shall submit to the Commission an annual report on the implementation of each national programme in the previous financial year and may, at the appropriate level, publish that information. The report submitted in 2016 shall cover the 2014 and 2015 financial years. The Member State shall submit a final report on the implementation of the national programmes by 31 December **2024**.”*
- (5) Article 57 is amended as follows:
- (a) in paragraph 1, point (b) is replaced by the following:
- “(b) an ex post evaluation report on the effects of actions under their national programmes by 31 December **2024**.”*
- (b) in paragraph 2, point (b) is replaced by the following:
- “(b) an ex post evaluation report on the effects of this Regulation and the Specific Regulations, following the closure of the national programmes, by 30 June **2025**.”*

Article 2

Regulation (EU) No 516/2014 is amended as follows:

- (1) in Article 16, paragraph 3 is replaced by the following:
- “3. The additional amounts referred to in paragraphs 1 and 2 of this Article shall be allocated to the Member States in the individual financing decisions approving or revising their national programmes in the context of the mid-term review according to the procedure laid down in Articles 14 and 15 of Regulation (EU) No 514/2014. Those amounts shall only be used for the implementation of the specific actions listed in Annex II to this Regulation. However where, **in the light of new or unforeseen circumstances, another use under the national programme is necessary the Member State concerned shall consult the Commission prior to such use of those amounts.**”*
- (2) in Article 17, paragraph 9 is replaced by the following:
- “9. The additional amounts referred to in paragraphs 1 and 2 of this Article shall be allocated to the Member States every 2 years, for the first time in the individual financing decisions approving their national programme in accordance with the procedure laid down in Article 14 of Regulation (EU) No 514/2014, and later in a financing decision to be annexed to the decisions approving their national programme. Those amounts shall not be transferred to other actions under the national programme. However where, **in the light of new or unforeseen circumstances, a transfer is necessary, the Member State concerned shall consult the Commission prior to such transfer of those amounts.**”*

Article 3

Regulation (EU) 2021/1147 is amended as follows:

(1) A new paragraph (5) is added to Article 10 as follows:

“5. Support under this Regulation may also be financed by contributions made by Member States and by other public or private donors as external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046.¹²”

Article 4

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

¹² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).