

Mobilisation of the Flexibility Instrument: migration, refugee inflows and security threats; immediate measures in the context of the COVID-19 outbreak; reinforcement of the European Public Prosecutor's Office

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PURPOSE: to amend 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.

PROPOSED ACT: Decision of the European Parliament and of the Council.

BACKGROUND: 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 of the general budget of the Union. The ceiling on the annual amount available for the Flexibility Instrument is EUR 600 million (2011 prices), as laid down in [Council Regulation \(EU, Euratom\) No 1311/2013](#), increased, where applicable, by lapsed amounts made available.

On 27 November 2019, the European Parliament and the Council adopted [Decision \(EU\) 2020/265](#) mobilising the Flexibility Instrument to provide the amount of EUR 778.1 in commitment appropriations in heading 3 (Security and citizenship) as proposed by the Commission (Decision (EU) 2020/265).

The Commission submitted on 27 March 2020 draft amending budget [\(DAB\) No 1/2020](#). This included, *inter alia*, an overall increase of EUR 423.3 million of the commitment appropriations under heading 3 to meet the needs resulting from the increased migration pressure in Greece, to finance immediate measures required in the framework of the COVID19 outbreak (the first-ever stockpile of medical equipment under rescEU) and to increase the budget for the European Public Prosecutor's Office.

The Commission proposed in DAB No 1/2020 to use the Global margin for commitments (GMC) for an amount of EUR 350 million available from 2018 to cover the part of this increase related to migration. The Commission also proposed to finance the remaining part of the increase (EUR 73.3 million) by adjusting accordingly the amount mobilised from the Flexibility Instrument and to extend the purpose of Decision (EU) 2020/265.

The Commission has now submitted draft amending budget [No 2/2020](#), which includes an additional increase of commitment appropriations under heading 3 for an amount of EUR 3 000 million to cover the re-activation of the Emergency Support Instrument within the Union (ESI) to help Member States tackle the consequences of the COVID-19 outbreak and to further reinforce the Union Civil Protection Mechanism/rescEU so as to facilitate wider stock-piling and coordination of essential resource distribution across Europe.

Given the absence of room for redeployments under heading 3 and in line with the [proposal to amend the MFF Regulation](#) removing the limitations in the scope of this instrument, the Commission proposes in DAB No 2/2020 the use of the GMC for the full amount available under this special instrument of EUR 2 042.4 million to cover this increase.

This proposed mobilisation decision of the Flexibility Instrument amends Decision (EU) 2020/265 and replaces the amendment tabled together with DAB No 1/2020.

CONTENT: the aim of this new proposal covers the combined increases of commitment appropriations for heading 3 included in both DAB Nos 1 and 2/2020, increases the total amount to be mobilised to **EUR 1 094.4 million** and exhausts the amount available under this instrument for 2020.

As the use of the GMC in DAB No 2/2020 and this proposed mobilisation decision of the Flexibility Instrument are insufficient to cover the financing needs of the ESI, the Commission also makes a [separate proposal](#), together with DAB No 2/2020, to mobilise the Contingency Margin for 2020 for an amount of EUR 714.6 million.

Under the present proposal, the Commission sets out the indicative payment appropriations corresponding to the updated mobilisation of the Flexibility Instrument in 2020 as follows:

- 2020: EUR 574.6 million;
- 2021: EUR 413.7 million;
- 2022: EUR 66.2 million;
- 2023: EUR 39.9 million.

Total: EUR 1 094.4 million.