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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

DECISIONS

DECISION (EU) 2020/545 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 17 April 2020

on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures in the context of the COVID-19 outbreak and a reinforcement of the European Public Prosecutor's Office

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 ⁽¹⁾, 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 1311/2013 ⁽²⁾, increased, where applicable, by lapsed amounts made available in accordance with the second subparagraph of paragraph 1 of that Article.
- (3) In order to address the challenges in the context of the COVID-19 outbreak, it is necessary to mobilise amounts to finance appropriate measures as a matter of urgency. It is also necessary to provide for financing of a necessary reinforcement of the European Public Prosecutor's Office.
- (4) Having examined all possibilities for re-allocating appropriations under the expenditure ceiling for heading 3 (*Security and citizenship*), it is necessary to mobilise the Flexibility Instrument to supplement the financing in the general budget of the Union for the financial year 2020 beyond the ceiling of heading 3 by the amount of EUR 73 300 000, to finance immediate measures in the context of the COVID-19 outbreak and for reinforcement of the European Public Prosecutor's Office.
- (5) On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument should be distributed over two financial years.
- (6) This Decision is linked to financing included in Amending budget No 1 to the general budget of the European Union for 2020. In order to ensure coherence with that amending budget, this Decision should apply from the date of its adoption,

⁽¹⁾ OJ C 373, 20.12.2013, p. 1.

⁽²⁾ 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 2020, the Flexibility Instrument shall be mobilised to provide the amount of EUR 73 300 000 in commitment appropriations in heading 3 (*Security and citizenship*).

This amount shall be used to finance immediate measures in the context of the COVID-19 outbreak and for reinforcement of the European Public Prosecutor's Office.

2. On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument shall be estimated as follows:

(a) EUR 43 300 000 in 2020;

(b) EUR 30 000 000 in 2021.

The specific amounts of payment appropriations 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 17 April 2020.

Done at Brussels, 17 April 2020.

For the European Parliament
The President
D.M. SASSOLI

For the Council
The President
G. GRLIĆ RADMAN

DECISION (EU) 2020/546 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 17 April 2020****on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures in the context of the COVID-19 outbreak**

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 ⁽¹⁾, 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 1311/2013 ⁽²⁾, increased, where applicable, by lapsed amounts made available in accordance with the second subparagraph of paragraph 1 of that Article.
- (3) In order to address the challenges in the context of the COVID-19 outbreak, it is necessary to mobilise amounts to finance appropriate measures as a matter of urgency.
- (4) Having examined all possibilities for re-allocating appropriations under the expenditure ceiling for heading 3 (*Security and Citizenship*), it is necessary to mobilise the Flexibility Instrument to supplement the financing in the general budget of the Union for the financial year 2020 beyond the ceiling of heading 3 by the amount of EUR 243 039 699 to finance immediate measures in the context of the COVID-19 outbreak. This amount complements financing from the Flexibility Instrument mobilised in the context of Amending budget No 1 to the general budget of the Union for 2020.
- (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.
- (6) This Decision is linked to financing included in Amending budget No 2 to the general budget of the Union for 2020. In order to ensure coherence with that Amending budget, this Decision should apply from the date of its adoption,

HAVE ADOPTED THIS DECISION:

Article 1

1. For the general budget of the Union for the financial year 2020, the Flexibility Instrument shall be mobilised to provide the amount of EUR 243 039 699 in commitment appropriations in heading 3 (*Security and Citizenship*).

This amount shall be used to finance immediate measures to address the current health crisis in the European Union resulting from the COVID-19 outbreak.

⁽¹⁾ OJ C 373, 20.12.2013, p. 1.

⁽²⁾ 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).

2. On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument shall be estimated as follows:

- (a) EUR 123 950 247 in 2020;
- (b) EUR 71 453 672 in 2021;
- (c) EUR 23 817 890 in 2022;
- (d) EUR 23 817 890 in 2023.

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 17 April 2020.

Done at Brussels, 17 April 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
G. GRLIĆ RADMAN

DECISION (EU) 2020/547 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 17 April 2020****on the mobilisation of the Contingency Margin in 2020 to provide emergency assistance to Member States and further reinforce the Union Civil Protection Mechanism/rescEU in response to the COVID-19 outbreak**

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 ⁽¹⁾, and in particular point 14 thereof,

Having regard to the proposal from the European Commission,

Whereas,

- (1) Article 13 of Council Regulation (EU, Euratom) No 1311/2013 ⁽²⁾ has established a Contingency Margin of up to 0,03 % of the Gross National Income of the Union.
- (2) In accordance with Article 6 of Regulation (EU, Euratom) No 1311/2013, the Commission has calculated the absolute amount of this Contingency Margin for 2020 ⁽³⁾.
- (3) After having examined all other financial possibilities to react to unforeseen circumstances within the 2020 commitment ceiling for heading 3 (*Security and citizenship*) of the multiannual financial framework (MFF), and having regard to the mobilisation of the Global Margin for Commitments for the full amount of 2 392 402 163 available in 2020 and of the Flexibility Instrument for the full amount of EUR 1 094 414 188 available in 2020, it is necessary to mobilise the Contingency Margin to address the needs stemming from the COVID-19 outbreak by increasing the commitment appropriations in the general budget of the Union for the financial year 2020, over and above the ceiling of heading 3 of the MFF.
- (4) Having regard to this very particular situation, the last-resort condition set in Article 13(1) of Regulation (EU, Euratom) No 1311/2013 is fulfilled.
- (5) This Decision is linked to financing included in Amending budget No 2 to the general budget of the European Union for 2020. In order to ensure coherence with that amending budget, this Decision should apply from the date of its adoption,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the Union for the financial year 2020, the Contingency Margin shall be mobilised to provide the amount of EUR 714 558 138 in commitment appropriations over and above the commitment ceiling of heading 3 (*Security and citizenship*) of the multiannual financial framework.

Article 2

The total amount of EUR 714 558 138 referred to in Article 1 shall be offset against the margin under the commitment ceiling of the financial year 2020 of heading 5 (*Administration*) of the multiannual financial framework.

⁽¹⁾ OJ C 373, 20.12.2013, p. 1.

⁽²⁾ 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).

⁽³⁾ Communication from the Commission to the Council and the European Parliament of 15 May 2019 on the technical adjustment of the financial framework for 2020 in line with movements in GNI (COM(2019) 310).

Article 3

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

It shall apply from 17 April 2020.

Done at Brussels, 17 April 2020.

For the European Parliament

The President

D. M. SASSOLI

For the Council

The President

G. GRLIĆ RADMAN

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