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

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 posibilities 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.

Changes to legislation: *There are currently no known outstanding effects for the Decision (EU) 2020/545 of the European Parliament and of the Council. (See end of Document for details)*

(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,

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