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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 514/2014 of the European Parliament and the Council, as regards the decommitment procedure - Outcome of the European Parliament's first reading (Brussels, 5 to 8 October 2020)

I. INTRODUCTION

On 16 September 2020, the Permanent Representatives Committee confirmed that, should the European Parliament approve the abovementioned Commission proposal without amendments, the Council would approve the European Parliament's position.

In this context, the rapporteur, Joachim Stanisław BRUDZIŃSKI (ECR, PL), presented a report on behalf of the said committee, aiming at taking over the Commission proposal. No other amendments were tabled.

II. VOTE

The Parliament adopted its first-reading position on 5 October 2020 by taking over the Commission's proposal. This position is contained in its legislative resolution.

The Council should therefore be in a position to approve the European Parliament's position as set out in the Annex hereto, thus bringing to a close the first reading for both Institutions.

The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

P9_TA(2020)0244

Amending Regulation (EU) No 514/2014 of the European Parliament and the Council, as regards the decommitment procedure ***I

European Parliament legislative resolution of 6 October 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 514/2014 of the European Parliament and the Council, as regards the decommitment procedure (COM(2020)0309 – C9-0202/2020 – 2020/0140(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2020)0309),

– having regard to Article 294(2) and 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 European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0202/2020),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the undertaking given by the Council representative by letter of 22 September 2020 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

– having regard to Rules 59 and 52(1) of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0171/2020),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2020)0140

Position of the European Parliament adopted at first reading on 6 October 2020 with a view to the adoption of Regulation (EU) 2020/… of the European Parliament and of the Council amending Regulation (EU) No 514/2014 as regards the decommitment procedure

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) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure[1],

[1] Position of the European Parliament of 6 October 2020.

Whereas:

(1) Member States have been affected by the consequences of the COVID-19 pandemic in an unprecedented manner. The COVID-19 pandemic has affected migration, security and border management in Member States, which in turn has aggravated the serious liquidity shortages that Member States are facing due to the sudden and significant increase in public investments needed in many sectors. That has created an exceptional situation which should be addressed with specific measures.

(2) It is necessary to provide Member States with additional flexibility to enable them to respond to this unprecedented crisis by enhancing the possibility to make full use of the available implementation period for national programmes as referred to in Regulation (EU) No 514/2014 of the European Parliament and of the Council[2] up until the closure of those programmes by 31 December 2023. In order to respond to such a need, the deadlines for decommitment and submission of requests for payment of the annual balance should be the same. The regulatory deadline for requests for payment of the annual balance is 15 February of the year following the relevant financial year, which the Commission can exceptionally extend to 1 March of that year, whereas the deadline initially set for decommitment was 31 December of the second year following that of the budget commitment. By aligning the deadline for decommitment to the relevant deadline for the submission of requests for payment, the Commission will be able to take the request for payment of the annual balance submitted by the Member State on 15 February or 1 March, as appropriate, into consideration for the purpose of the decommitment exercise.

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[2] Regulation (EU) No 514/2014 of the European Parliament and of the Council 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 management (*OJ L 150, 20.5.2014, p. 112).*

(3) In order to ensure that Member States can make full use of additional allocations granted in 2018 and 2019, the year in which the budget commitment is effected should be adjusted. Those additional allocations were included in the general budget of the European Union for the financial years 2018 and 2019 and subsequently committed to the national programmes.

(4) In view of the urgency entailed by the exceptional circumstances caused by the COVID-19 pandemic, it is considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union (TEU), to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

(5) Since the objective of this Regulation, namely to maximise the use of the Asylum, Migration and Integration Fund, established by Regulation (EU) No 516/2014[3], and the Internal Security Fund, established by Regulations (EU) No 513/2014[4] and 515/2014[5] of the European Parliament and of the Council, in addressing the direct and indirect effects stemming from the unprecedented public health crisis in the context of the COVID-19 pandemic, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(6) Regulation (EU) No 514/2014 should therefore be amended accordingly.

(7) In order to provide Member States with legal certainty as regards the decommitment deadline, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

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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 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*).

5 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*).

Article 1

In Article 50 of Regulation (EU) No 514/2014, paragraph 1 is replaced by the following:

‘1. National programmes shall be submitted to a decommitment procedure established on the basis that where, by 15 February or, in the event that the Commission exceptionally extends the deadline for the submission of the request for payment in accordance with Article 44(1), 1 March of the year following the second year following that of the budget commitment, amounts linked to a commitment are not covered by the initial and annual pre-financing referred to in Article 35 and by a request for payment submitted in accordance with Article 44(1), those amounts shall be decommitted. For the purpose of the decommitment, the Commission shall calculate the amount by adding one sixth of the annual budget commitment related to the 2014 total amount contribution to each of the 2015-20 budget commitments.

In respect of amounts corresponding to the additional allocations assigned to the national programmes in 2018, the budget commitment shall be effected in 2019. In respect of amounts corresponding to the additional allocations assigned to the national programmes in 2019, the budget commitment shall be effected in 2020.’.

Article 2

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 ...,

For the European Parliament	*For the Council*
The President	*The President*