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**OUTCOME OF PROCEEDINGS**

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| From: | General Secretariat of the Council |
| To: | Delegations |
| No. prev. doc.: | 10499/1/20 REV 1 |
| 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<br>– Letter to the Chair of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) |

Following the Permanent Representatives Committee meeting of 16 September 2020 which endorsed the final compromise text with a view to agreement, delegations are informed that the Presidency sent the attached letter, together with its Annex, to the Chair of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE).

Council of the European Union
General Secretariat

S&S 20 / 003903

Mr Juan Fernando LÓPEZ AGUILAR
Chairman, European Parliament Committee on Civil Liberties,
Justice and Home Affairs
BRUSSELS

Brussels, 22 September 2020

**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 (2020/0140(COD)**

Dear Mr López Aguilar,

I am pleased to inform you that the Permanent Representatives' Committee, at its meeting on 16 September 2020, reached an agreement concerning 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.

I am therefore now in a position to confirm that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the form set out in the Annex to this letter (subject to revision by the lawyer linguists of both institutions), the Council would, in accordance with Article 294, paragraph 4 of the Treaty, approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position.

On behalf of the Council I also wish to thank you for your close cooperation which should enable us to reach agreement on this dossier at first reading.

Yours sincerely,

Michael Clauss
Chairman of the Permanent Representatives Committee (Part 2)

Copy to: Ylva JOHANSSON, Commissioner
Joaquim Stanisław BRUDZIŃSKI , Rapporteur

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1/39

**ANNEX**

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**

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,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

[1] OJ C , , p. .
[2] OJ C , , p. .LS

Whereas:

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

(2) It is necessary to provide additional flexibility to Member States to enable them to respond to this unprecedented crisis by enhancing the possibility to make full use of the available implementation period up until the closure of programmes by 31 December 2023. In order to respond to this need, the deadlines for decommitment and submission of requests for payment of the annual balance should be aligned. The regulatory deadline for requests for payment of the annual balance is 15 February, whereas the initially foreseen decommitment deadline was 31 December of the preceding year. By aligning both deadlines to 15 February, the request for payment of the annual balance submitted by the Member State on 15 February will be taken into consideration for the purpose of the decommitment exercise.

(3) In order to ensure that Member States can make full use of additional allocations granted in 2018 and 2019, the year of the budget commitment should be adjusted. Those additional allocations were included in the European Union's general budget for the financial years 2018 and 2019[3] and subsequently committed to the national programmes as referred to in Article 14 of the Regulation (EU) No 514/2014.

(4) In order to provide Member States with legal certainty about the decommitment deadline this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.

(5) Regulation (EU) No 514/2014 should therefore be amended accordingly,

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[3] OJ L 57 p. 317 and OJ L 67 p.318.

HAVE ADOPTED THIS REGULATION:

*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 amounts linked to a commitment which are not covered by the initial and annual pre-financing referred to in Article 35 and a request for payment by the deadline set out in paragraph 1 of Article 44 in the year following the second year of the budget commitment 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 the year 2018, the year of the budget commitment shall be 2019. In respect of amounts corresponding to the additional allocations assigned to the national programmes in the year 2019, the year of the budget commitment shall be 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 Brussels,

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