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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Delegations will find attached document COM(2016) 152 final.

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Brussels, 9.3.2016
COM(2016) 152 final

**DRAFT AMENDING BUDGET No 1
TO THE GENERAL BUDGET 2016**

New instrument to provide emergency support within the Union

Having regard to:

- the Treaty on the Functioning of the European Union, and in particular Article 314 thereof, in conjunction with the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,
- the Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the Financial Regulation applicable to the general budget of the Union¹, and in particular Article 41 thereof,
- the general budget of the European Union for the financial year 2016 adopted on 25 November 2015²,

The European Commission hereby presents to the European Parliament and to the Council the Draft Amending Budget No 1 to the 2016 budget.

CHANGES TO THE STATEMENT OF REVENUE AND EXPENDITURE BY SECTION

The changes to the statement of revenue and expenditure by section are available on EUR-Lex (<http://eur-lex.europa.eu/budget/www/index-en.htm>). An English version of the changes to this statement is attached for information as a budgetary annex.

¹ OJ L 298, 26.10.2012, p. 1.

² OJ L 48, 24.2.2016, p. 1.

TABLE OF CONTENT

1. INTRODUCTION	4
2. PROVIDING EMERGENCY SUPPORT WITHIN THE UNION.....	4
3. REINFORCING THE STAFFING LEVELS OF EUROPOL'S EUROPEAN COUNTER- TERRORISM CENTRE	5

1. INTRODUCTION

The purpose of Draft Amending Budget (DAB) No 1 for the year 2016 is twofold:

- To create the budget structure for the proposed new instrument to provide emergency support within the Union, and to make an amount of EUR 100 million in commitment appropriations available for immediate funding needs. At this early stage of the year no alternative source of redeployment of commitment appropriations can easily be identified within heading 3. Therefore, the Commission proposes to finance the appropriations for the new instrument requested in this draft amending budget through an adjustment of the funding currently available for the Asylum, Migration and Integration Fund (AMIF). The amount proposed to be transferred from AMIF takes into account the immediate funding needs of the new instrument as well as the current state of implementation and the foreseeable needs of AMIF in the coming months. The Commission will carefully monitor the implementation of the 2016 budget and may propose transfers and/or an amending budget to secure the necessary funding for both AMIF and the emergency support instrument at the appropriate time. This will take account of the evolving needs assessment for the year as a whole.
- To reinforce the staffing levels of the European Counter-Terrorism Centre in EUROPOL, to enable the agency to play a central role in the fight against terrorism in the EU, in particular in the light of the terrorist attacks in Paris of 13 November 2015. The related funding for the remuneration of new staff (25 additional establishment plan posts, 5 contract agents and 5 seconded national experts) amounts to EUR 2,0 million, and is proposed to be redeployed from the Police Union actions under the Internal Security Fund (ISF).

Overall, this DAB has no net impact on the level of appropriations in the 2016 budget.

2. PROVIDING EMERGENCY SUPPORT WITHIN THE UNION

The massive influx of refugees and migrants into Europe has created an exceptional situation where large numbers of people require urgent humanitarian assistance, going beyond the organisational capacity of one or several Member States. The Commission proposes to create an instrument³ that will allow the Union to provide financial support, for instance through partner organisations capable of rapidly implementing emergency actions in support of those Member States which are most affected.

The new instrument will be funded under heading 3 'Security and Citizenship' of the multiannual financial framework (MFF), in the policy area 'Migration and home affairs' (Title 18). It is proposed to create a new budget chapter 18 07 and two new budget lines: budget article 18 07 01 for the implementation of the operational measures and the administrative support expenditure item 18 01 04 05.

As set out in the proposal for a Council Regulation, the funding needs for the new instrument in 2016 are estimated at EUR 300 million in commitment appropriations. In the same way as for humanitarian assistance outside the Union, a pre-financing rate of 80 % will apply to commitments in order to provide the cash-flow required to immediately start the support actions. The outstanding balance of 20 % will be paid in 2017. Of the overall amount for commitment appropriations, 1 % is proposed to be used to finance administrative support expenditure directly related to the implementation.

With this draft amending budget, the Commission proposes to make a first tranche of EUR 100 million in commitment appropriations available to cover the immediate funding needs of the

³ COM(2016) 115, 2.3.2016.

instrument, awaiting a further needs assessment for the year as a whole. The Commission will use bridging measures to address the immediate needs until the new instrument and the proposed amending budget enter into effect.

In the authorised budget 2016, no margin in commitment appropriations is available under the expenditure ceiling of heading 3, whereas all available tranches of the Flexibility Instrument have been used. Any net increase of commitment appropriations in this heading would therefore require a mobilisation of the Contingency Margin for commitments. Given that the MFF Regulation defines the Contingency Margin as a last resort instrument, the Commission considers such a request premature.

As a consequence, the Commission proposes to finance EUR 100 million of the appropriations requested for the new instrument through an adjustment of the funding currently available for AMIF, taking into account the current state of implementation and the foreseeable needs of AMIF in the coming months. At this early stage of the year, no alternative appropriations are available for redeployment in heading 3, whereas an important share of the appropriations for AMIF are scheduled to be committed only later on in the year. Taking into account the urgency to fund the new instrument for emergency support, it is proposed to use EUR 100 million of these appropriations and to reassess the AMIF needs in the course of the year. If necessary, appropriations will be transferred from other budget lines and/or proposed to be made available through a new draft amending budget.

The table below shows the proposed changes in heading 3:

Budget line	Name	Commitment appropriations	Payment appropriations
18 03 01 01	Strengthening and developing the Common European Asylum System and enhancing solidarity and responsibility sharing between the Member States	-100 000 000	-80 200 000
18 07 01	Emergency support within the Union	99 000 000	79 200 000
18 01 04 05	Support expenditure for Emergency support within the Union	1 000 000	1 000 000

3. REINFORCING THE STAFFING LEVELS OF EUROPOL'S EUROPEAN COUNTER-TERRORISM CENTRE

In 2015 it proved necessary for the EU substantially to reinforce the staffing levels of EUROPOL (along with FRONTEX and EASO) in response to the refugee crisis. In the case of EUROPOL, the 33 additional posts authorised in the 2015 and 2016 budgets for this purpose were requested in order to disrupt trafficking networks as well as to strengthen further the efforts to detect and request the removal of internet content used by traffickers to attract migrants and refugees. The agency has proceeded swiftly with the recruitment of the additional staff: when including recruitment offers sent to successful candidates, all positions in EUROPOL's authorised establishment plan for 2016 (480 posts) were filled at the end of January 2016.

The Conciliation Committee reached agreement on the 2016 budget (including the response to the refugee crisis as proposed in amending letter 2/2016) on the evening of 13 November 2015, when the terrorist attacks in Paris were unfolding. The European Counter Terrorism Centre (ECTC) was established in EUROPOL on 1 January 2016. The ECTC is expected to be the central hub in the fight against terrorism in the EU, contributing to a coordinated reaction against the ongoing and anticipated terrorist threat and attacks. The Centre will support Member States by providing operational and analytical support for investigations into terrorist activities as well as cooperation with international partners.

In the wake of the latest terrorist attacks, the level of information submitted to EUROPOL and requests for support from Member States has increased steeply, which creates a significant additional workload in the agency. Ahead of the creation of the ECTC, EUROPOL had already made a

significant redeployment effort so as to allocate 37 temporary agents, 2 contract agents and 5 seconded national experts to counter-terrorist activities. However, the agency will need a further reinforcement of resources in order to deliver fully on its key role in the fight against terrorism at Union level. This is why the Commission requests 25 additional establishment plan posts, 5 contract agents and 5 seconded national experts, of which 20 temporary agents and 5 seconded national experts to reinforce operations and 5 temporary agents and 5 contract agents for ICT support.

The related additional appropriations for the remuneration of new staff (EUR 2,0 million) has been calculated on the basis of an average of six months' presence in 2016. The funding is proposed to be redeployed from budget item 18 02 01 02 'Prevention and fight against cross-border organised crime and better management of security related risks and crisis', for which some procurement actions originally planned for the 2016 work programme could be tendered using appropriations under the 2015 work programme.

Budget line	Name	Commitment appropriations	Payment appropriations
18 02 01 02	Prevention and fight against cross-border organised crime and better management of security related risks and crisis	-2 000 000	-2 000 000
18 02 04	European Police Office (Europol)	2 000 000	2 000 000

EUROPOL's revised establishment plan for 2016 is set out in the budgetary annex.