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COVER NOTE

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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	Draft amending budget No 3 to the general budget 2024: Reinforcing the European Public Prosecutor's Office following the accession of Poland and the expected participation of Sweden

Delegations will find attached document COM(2024) 921 final.

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EUROPEAN
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2024/0090 (BUD)

**DRAFT AMENDING BUDGET No 3
TO THE GENERAL BUDGET 2024**

**Reinforcing the European Public Prosecutor's Office following the accession of Poland
and the expected participation of Sweden**

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,
- Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union¹, entered into force on 1 June 2021,
- Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (...)², and in particular Article 44 thereof,
- the general budget of the European Union for the financial year 2024, as adopted on 22 November 2023³,
- draft amending budget No°1/2024⁴, adopted on 29 February 2024,
- draft amending budget No°2/2024⁵, adopted on [9 April 2024],

The European Commission hereby presents to the European Parliament and to the Council Draft Amending Budget No 3 to the 2024 budget.

CHANGES TO THE STATEMENT OF REVENUE AND EXPENDITURE BY SECTION

The changes to the general statement of revenue and to the individual section III are available on EUR-Lex (<https://eur-lex.europa.eu/budget/www/index-en.htm>).

¹ Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom, OJ L 424, 15.12.2020.

² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018.

³ OJ L, 2024/207, 22.2.2024.

⁴ COM(2024) 80 final.

⁵ COM(2024) 920 final.

EXPLANATORY MEMORANDUM

1. INTRODUCTION

The purpose of Draft Amending Budget No 3 for the year 2024 (DAB 3/2024) is to introduce the necessary reinforcement to the European Public Prosecutor's Office ('the EPPO') following the Commission decision confirming the participation of Poland in the enhanced cooperation on the establishment of the EPPO that was adopted on 29 February 2024⁶, as well as the expected participation of Sweden.

Overall, the net impact of DAB 3/2024 on expenditure amounts to an increase of EUR 3,6 million in commitment and in payment appropriations.

2. EUROPEAN PUBLIC PROSECUTOR'S OFFICE (EPPO)

Since its establishment, 22 Member States have been participating in the enhanced cooperation on the establishment of the EPPO under Regulation (EU) 2017/1939⁷. On 29 February 2024, the Commission confirmed the participation of Poland in the enhanced cooperation on the establishment of the EPPO, following the notification of Poland of its intention to participate on 5 January 2024. The future accession of Sweden is expected to be confirmed in the coming months.

The Commission therefore proposes in DAB 3/2024 to reinforce the EPPO by allocating an additional twenty establishment plan posts for the recruitment of European Prosecutors and the necessary support functions, to take account of the additional workload due to two additional participating Member States. The budget of the EPPO is proposed to be increased by EUR 3,6 million to cover, for the remaining part of the year 2024, the expenditure linked to the participation of Poland and Sweden, related to the salaries of the staff to be hired as well as operational expenditure, including salaries of additional European Delegated Prosecutors to be appointed in Poland and Sweden.

EUR

Budget line	Name	Commitment appropriations	Payment appropriations
<i>Section III – Commission</i>			
07 10 08	European Public Prosecutor's Office (EPPO)	3 600 000	3 600 000
Total		3 600 000	3 600 000

Given the absence of a margin in sub-heading 2b (Resilience and Values), it is proposed to mobilise the Flexibility instrument for this reinforcement.

The related changes to the establishment plan are set out in the budgetary annex.

3. FINANCING

Overall, the net impact of DAB 3/2024 on expenditure amounts to an increase of EUR 3,6 million in commitment and payment appropriations.

Given the absence of margins and room for redeployment under sub-heading 2b, the Commission proposes to mobilise the Flexibility Instrument in line with Article 12 of Regulation (EU, Euratom)

⁶ Commission Decision (EU) 2024/807 of 29 February 2024 confirming the participation of Poland in the enhanced cooperation on the establishment of the European Public Prosecutor's Office (OJ L, 2024/807, 29.2.2024).

⁷ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office OJ L 283, 31.10.2017, p. 1.

2020/2093⁸ in commitment appropriations for an amount of EUR 3,6 million for sub-heading 2b Resilience and Values to reinforce the EPPO.

The 2024 payment appropriations related to the mobilisation of the Flexibility Instrument in the years 2021 to 2024 are estimated at EUR 1 738,0 million. The estimated payment schedule of the related outstanding amounts for these years is detailed in the following table:

<i>Flexibility Instrument - payment profile (in EUR million)</i>					
<i>Mobilisation year</i>	2024	2025	2026	2027	Total
2021	7,6	0,0	0,0	0,0	7,6
2022	49,8	36,7	0,0	0,0	86,5
2023	279,0	120,6	83,2	0,0	482,8
2024	1 401,6	107,6	83,7	46,3	1 639,1
Total	1 738,0	265,0	166,9	46,3	2 216,1

⁸ Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027, OJ L 433I, 22.12.2020, p. 11.

4. SUMMARY TABLE BY MFF HEADING

In EUR

		Budget 2024 (incl. DAB 1-2/2024)		Draft Amending Budget 3/2024		Budget 2024 (incl. DAB 1-3/2024)	
		CA	PA	CA	PA	CA	PA
1	Single Market, Innovation and Digital	21 493 372 987	20 827 967 003			21 493 372 987	20 827 967 003
	<i>Ceiling</i>	<i>21 598 000 000</i>				<i>21 598 000 000</i>	
	<i>Margin</i>	<i>104 627 013</i>				<i>104 627 013</i>	
2	Cohesion, Resilience and Values	74 560 690 949	33 715 996 204	3 600 000	3 600 000	74 564 290 949	33 719 596 204
	<i>Of which under Flexibility Instrument</i>	<i>1 289 495 333</i>		<i>3 600 000</i>		<i>1 293 095 333</i>	
	<i>Ceiling</i>	<i>73 289 000 000</i>				<i>73 289 000 000</i>	
	<i>Margin</i>	<i>17 804 384</i>				<i>17 804 384</i>	
2a.	Economic, social and territorial cohesion	64 665 195 616	24 155 654 152			64 665 195 616	24 155 654 152
	<i>Ceiling</i>	<i>64 683 000 000</i>				<i>64 683 000 000</i>	
	<i>Margin</i>	<i>17 804 384</i>				<i>17 804 384</i>	
2b.	Resilience and values	9 895 495 333	9 560 342 052	3 600 000	3 600 000	9 899 095 333	9 563 942 052
	<i>Of which under Flexibility Instrument</i>	<i>1 289 495 333</i>		<i>3 600 000</i>		<i>1 293 095 333</i>	
	<i>Ceiling</i>	<i>8 606 000 000</i>				<i>8 606 000 000</i>	
	<i>Margin</i>						
3	Natural Resources and Environment	57 338 630 839	54 151 402 941			57 338 630 839	54 151 402 941
	<i>Ceiling</i>	<i>57 449 000 000</i>				<i>57 449 000 000</i>	
	<i>Margin</i>	<i>110 369 161</i>				<i>110 369 161</i>	
	Of which: Market related expenditure and direct payments	40 517 278 000	40 505 482 213			40 517 278 000	40 505 482 213
	<i>EAGF sub-ceiling</i>	<i>41 649 000 000</i>				<i>41 649 000 000</i>	
	<i>Rounding difference excluded for calculating the sub-margin</i>	<i>722 000</i>				<i>722 000</i>	
	<i>Net transfers between EAGF and EAFRD</i>	<i>-1 046 000 000</i>				<i>-1 046 000 000</i>	
	<i>Net balance available for EAGF expenditure (sub-ceiling corrected by transfers between EAGF and EAFRD)</i>	<i>40 603 000 000</i>				<i>40 603 000 000</i>	
	<i>EAGF sub-margin</i>	<i>85 722 000</i>				<i>85 722 000</i>	
4	Migration and Border Management	3 892 705 671	3 248 967 443			3 892 705 671	3 248 967 443
	<i>Ceiling</i>	<i>4 020 000 000</i>				<i>4 020 000 000</i>	
	<i>Margin</i>	<i>127 294 329</i>				<i>127 294 329</i>	
5	Security and Defence	2 697 177 926	2 035 413 531			2 697 177 926	2 035 413 531
	<i>Of which under Flexibility Instrument</i>	<i>317 177 926</i>				<i>317 177 926</i>	
	<i>Ceiling</i>	<i>2 380 000 000</i>				<i>2 380 000 000</i>	
	<i>Margin</i>						
6	Neighbourhood and the World	16 731 000 000	15 315 050 313			16 731 000 000	15 315 050 313
	<i>Of which under Flexibility Instrument</i>	<i>28 828 204</i>				<i>28 828 204</i>	
	<i>Of which under Single Margin Instrument 11(1)(a)</i>	<i>371 171 796</i>				<i>371 171 796</i>	
	<i>Ceiling</i>	<i>16 331 000 000</i>				<i>16 331 000 000</i>	
	<i>Margin</i>						

7	European Administration	Public	11 988 000 603	11 988 000 603			11 988 000 603	11 988 000 603
	<i>Of which under Single Margin Instrument 11(1)(a)</i>		215 000 603				215 000 603	
	<i>Ceiling</i>		11 773 000 000				11 773 000 000	
	<i>Margin</i>							
	of which: Administrative expenditure of the institutions		9 175 375 841	9 175 375 841			9 175 375 841	9 175 375 841
	<i>Sub-ceiling</i>		9 006 000 000				9 006 000 000	
	<i>Sub-margin</i>							
	Appropriations for headings		188 701 578 975	141 282 798 038	3 600 000	3 600 000	188 705 178 975	141 286 398 038
	<i>Ceiling</i>		186 840 000 000	170 543 000 000			186 840 000 000	170 543 000 000
	<i>Of which under Flexibility Instrument</i>		1 635 501 463	1 734 392 297	3 600 000	3 600 000	1 639 101 463	1 737 992 297
	<i>Of which under Single Margin Instrument 11(1)(a)</i>		586 172 399				586 172 399	
	<i>Margin</i>		360 094 887	30 994 594 259			360 094 887	30 994 594 259
	Thematic special instruments		6 517 600 432	5 491 076 559			6 517 600 432	5 491 076 559
	Total appropriations		195 219 179 407	146 773 874 597	3 600 000	3 600 000	195 222 779 407	146 777 474 597