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WK 10430/2020 INIT

LIMITE

PROCIV

WORKING PAPER

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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Civil Protection
N° prev. doc.:	11042/20
N° Cion doc.:	8330/20
Subject:	Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism - consideration of EP amendments related to the "financial package"

Delegations will find in the Annex the four-column table, which contains the parts of the above proposal covered by the "financial package", as well as EP amendments related to these parts of the proposal.

The fourth column contains Presidency's suggestions and comments, marked as follows:

- no issue: no amendments or no differences between positions
- green: flexible position
- orange: strong position
- red: red line at present

WK 10430/2020 INIT

LIMITE

EN

Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism - " <u>Financial Package</u> " ¹				
	Commission proposal COM(2020) 220 final 8330/20	EP amendments P9_TA-PROV(2020)0218 10817/20	Draft partial mandate as submitted to Coreper on 7 October 11042/20	Compromise text
1.	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 196 <i>and Article 322(1)(a)</i> 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 Committee², Having regard to the opinion of the Committee of the Regions³, Having regard to the opinion of the Court of Auditors	AM1 Having regard to the Treaty on the Functioning of the European Union, and in particular Article 196 thereof,		 Orange (legal solution needs to be identified)

¹ Only the parts relevant to the Council's partial mandate ("financial package") are included in this four-column table.

² OJ C , , p. .

³ OJ C , , p. .

	Acting in accordance with the ordinary legislative procedure, Whereas:			
2.	(1) The Union Civil Protection Mechanism ('the Union Mechanism') governed by Decision No 1313/2013/EU of the European Parliament and of the Council ⁴ strengthens cooperation between the Union and the Member States and facilitates coordination in the field of civil protection in order to improve the Union's response to natural and man-made disasters.			No issue
3.	(2) Whilst recognising the primary responsibility of Member States for preventing, preparing for and responding to natural and man-made disasters, the Union Mechanism promotes solidarity between Member States in accordance with	AM 3 (2) Whilst the primary responsibility for preventing, preparing for and responding to natural and man-made disasters remains with the Member States , the Union Mechanism, and in particular rescEU , promotes solidarity between Member States in accordance with		 Orange

⁴ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

	Article 3(3) of the Treaty on European Union.	Article 3(3) of the Treaty on European Union <i>by complementing existing capacities of Member States, enabling more effective preparedness and response, where capacities at national level are not sufficient.</i>		
4.			(2a) Decision No 1313/2013/EU was amended by Decision (EU) 2019/420⁵ which inter alia strengthened the Union's collective response to natural and man-made disasters by establishing a reserve of capacities known as 'rescEU', reinforced the re-named European Civil Protection Pool and enhanced disaster prevention and preparedness. Adequate financial appropriations are required in order to establish, deploy and operate rescEU capacities, which are	 Orange

⁵ Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision No 1313/2013 on a Union Civil Protection Mechanism (OJ L 77, 20.3.2019, p. 1).

			<u>defined under implementing acts. The Union also needs to be able to further develop the European Civil Protection Pool and cover additional costs stemming from adaptation grants and the operation of capacities committed to the European Civil Protection Pool.</u>	
5.	(18) In order to promote predictability and long-term effectiveness, when implementing Decision No 1313/2013/EU, the Commission should adopt annual or multi-annual work programmes indicating the planned allocations. This should help the Union to have more flexibility in budget execution and thereby enhance prevention and preparedness actions.	AM 27 <i>deleted</i>	(18) In order to promote predictability and long-term effectiveness, when implementing Decision No 1313/2013/EU, the Commission should adopt annual or multi-annual work programmes indicating the planned allocations. This should help the Union to have more flexibility in budget execution and thereby enhance prevention and preparedness actions. <u>In addition, the projected future allocations</u>	 Orange

			<u>should be presented and discussed on a yearly basis in the committee assisting the Commission in accordance with Regulation (EU) No 182/2011.</u>	
6.	(19) In accordance with Regulations (EU, Euratom) 2018/1046 ⁶ ('the Financial Regulation') and (EU, Euratom) No 883/2013 of		(19) <u>Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of</u>	 Red

⁶ 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, p. 1)

	the European Parliament and of the Council ⁷ and Council Regulations (Euratom, EC) No 2988/95 ⁸ , (Euratom, EC) No 2185/96 ⁹ and (EU) 2017/1939 ¹⁰ , the financial interests of the Union are to be protected through proportionate measures,		<u>the Treaty on the Functioning of the European Union apply to this Decision. Rules adopted on the basis of Article 322 TFEU also concern other conditionalities to the budget and the</u>	
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- ⁷ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1)
- ⁸ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1)
- ⁹ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2)
- ¹⁰ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1)

	including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) may carry out administrative		<u>European Union Recovery Instrument.</u> <u>In particular,</u> in accordance with Regulations (EU, Euratom) 2018/1046 ¹² ('the Financial Regulation') and (EU, Euratom) No 883/2013 of the European Parliament and of the Council ¹³ and Council Regulations (Euratom, EC) No 2988/95 ¹⁴ , (Euratom, EC) No 2185/96 ¹⁵ and (EU)	
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¹² 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, p. 1)

¹³ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1)

¹⁴ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1)

¹⁵ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2)

	investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office ('EPPO') may investigate and prosecute offences against the financial interests of the Union, as provided for in Directive (EU) 2017/1371¹¹ of the European Parliament and of the Council. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission,		2017/1939¹⁶, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and	
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¹¹ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29)

¹⁶ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1)

	OLAF, the EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, and the European Court of Auditors, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights. For that reason, agreements with third countries and territories and with international organisations, and any contract or agreement resulting from the implementation of this Decision, should contain provisions expressly empowering the Commission, the European Court of Auditors, EPPO and OLAF to conduct such audits, on-the-spot checks and inspections, in accordance with their respective competences and ensuring that any third parties involved in the		inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office ('EPPO') may investigate and prosecute offences against the financial interests of the Union, as provided for in Directive (EU) 2017/1371¹⁷ of the European Parliament and of the Council. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the	
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¹⁷ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29)

	implementation of Union funding grant equivalent rights.		financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, and the European Court of Auditors, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights. For that reason, agreements with third countries and territories and with international organisations, and any contract or agreement resulting from the implementation of this Decision, should contain provisions expressly empowering the Commission, the European Court of Auditors, EPPO and OLAF to conduct such	
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			audits, on-the-spot checks and inspections, in accordance with their respective competences and ensuring that any third parties involved in the implementation of Union funding grant equivalent rights.	
7.	(20) Third countries which are members of the European Economic Area may participate in Union programmes in the framework of the cooperation established under the Agreement on the European Economic Area, which provides for the implementation of the programmes by a decision under that Agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Decision to grant the necessary rights for and access to the authorising officer responsible, OLAF, EPPO and the European Court of			No issue

	Auditors to comprehensively exert their respective competence.			
8.	(22) The financial envelope set out in Article 19 of Decision No 1313/2013/EU needs to be replaced by the new figures provided for in the Commission's updated proposal for the 2021-2027 multiannual financial framework ('MFF').		(22) Decision No 1313/2013/EU sets out a financial envelope for the Union Mechanism that constitutes the prime reference amount intended to cover programme expenditure until the end of the 2014-2020 budgetary period. The That financial envelope should set out in Article 19 of Decision No 1313/2013/EU needs to be replaced updated as from the date of applicability of [Council Regulation laying down the multiannual financial framework for the years 2021 to 2027] by the new figures provided therein for in the Commission's updated proposal for the 2021-2027 multiannual	 Red

			financial — framework (‘MFF’).	
9.		AM 30 <i>(22a) The Union Mechanism should also allow for the possibility of additional, voluntary contributions by Member States.</i>		To be further discussed
10.	(23) While prevention and preparedness measures are essential to enhance the robustness of the Union in facing natural and man-made disasters, the occurrence, timing and magnitude of disasters is by its nature unpredictable. As shown in the recent COVID-19 crisis, financial resources requested to ensure an adequate response may significantly vary from year to year and should be made available immediately. Reconciling the principle of predictability with the need to react rapidly to new needs consequently means adapting the financial implementation of the	AM 31 (23) While prevention and preparedness measures are essential to enhance the robustness of the Union in facing natural and man-made disasters, the occurrence, timing and magnitude of disasters is by its nature unpredictable. As shown in the recent COVID-19 crisis, financial resources requested to ensure an adequate response may significantly vary from year to year and should be made available immediately. Reconciling the principle of predictability with the need to react rapidly to new needs consequently means adapting the financial implementation of the programmes. Consequently, it is appropriate to authorise carry-over of unused appropriations, limited to the following year and devoted to <i>prevention, preparedness and</i> response		 Red

	programmes. Consequently, it is appropriate to authorise carry-over of unused appropriations, limited to the following year and <i>solely</i> devoted to response <i>action</i> , in addition to Article 12(4) of the Financial Regulation..	<i>actions</i> , in addition to Article 12(4) of the Financial Regulation.		
11.	(24) In accordance with Regulation (European Union Recovery Instrument) and within the limits of resources allocated therein, recovery and resilience measures under the Union Civil Protection Mechanism should be carried out to address the unprecedented impact of the COVID-19 crisis ¹⁸ . Such additional resources should be used in such a way as to ensure compliance with the time limits provided for in Regulation [ERI].		(24) In accordance with Regulation (European Union Recovery Instrument) and within the limits of resources allocated therein, recovery and resilience measures under the Union Civil Protection Mechanism should be carried out to address the unprecedented impact of the COVID-19 crisis <u>on the Member States</u> ¹⁹ . Such additional resources should be used in such a way as to ensure compliance with the <u>objectives and</u> time limits provided for in	 Red

¹⁸ OJ L

¹⁹ OJ L

			Regulation [ERI].	
12.			<u>(24a) The Commission reports on the implementation of the budget of the Union Civil Protection Mechanism in accordance with Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council (the "Financial Regulation")²⁰.</u>	 Orange
13.	(25) Annex I to Decision No 1313/2013/EU is not flexible enough to allow the Union to properly adjust investments in prevention, preparedness and response and thus it is deleted. Investment levels to be allocated to the different phases of the disaster risk management cycle need to be determined in advance.	AM 32 deleted	<u>(25) Percentages for adaptation for allocation of financial envelope laid down in Annex I to Decision No 1313/2013/EU is <u>are</u> not flexible enough to allow the Union to properly adjust investments in prevention, preparedness and response and thus it</u>	 Orange

²⁰ 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, p. 1).

	This absence of flexibility prevents the Union from being able to react to the unpredictable nature of disasters.		is—deleted. Investment levels to be allocated to the different phases of the disaster risk management cycle need to be determined in advance. This absence of flexibility prevents the Union from being able to react to the unpredictable nature of disasters. <u>Therefore, Annex I should be deleted. The Commission should ensure a significant allocation of funds to prevention and preparedness actions in order to guarantee continued investments and long-term sustainability in these areas of the disaster management cycle.</u>	
14.		AM 33 <i>(25a) During the COVID-19 pandemic, in order to have functioning rescEU capacities and for the Union Mechanism to effectively respond to the needs of Union citizens, additional financial appropriations have been made</i>		 Orange

		<i>available to finance actions under the Union Mechanism. It is important to give the Union the necessary flexibility to be able to react effectively to the unpredictable nature of disasters, while at the same time maintaining a certain predictability in the fulfilment of the objectives set out in this Decision. It is important to achieve the necessary balance in the fulfilment of those objectives. In order to update the percentages set out in Annex I, according to the priorities of the reformed Union Mechanism, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission.</i>		
15.	(26) Decision No 1313/2013/EU should therefore be amended accordingly,			
16.	HAVE ADOPTED THIS DECISION: <i>Article 1</i> Decision No 1313/2013/EU is amended as follows:		HAVE ADOPTED THIS DECISION: <i>Article 1</i> Decision No 1313/2013/EU is amended as follows:	

	(12) Article 19 is amended as follows: (a) the following paragraph is inserted: ‘1a. The financial envelope for the implementation of the Union Mechanism for the period 2021 to 2027 shall be EUR 1 268 282 000 in current prices.’;		(12) Article 19 is amended as follows: (a) the following paragraph is inserted: ‘1a. The financial envelope for the implementation of the Union Mechanism for the period 2021 to 2027 shall be EUR 1 268 282 000 <u>1 263 000</u> in current prices.’;	Red
17.	(b) paragraph 2 is replaced by the following: ‘2. Appropriations resulting from reimbursement made by the beneficiaries for disaster response actions shall constitute assigned revenue within the meaning of Article 21(5) of the Financial Regulation.’;			No issue

18.	<i>[Paragraph 3 of the Decision in force]</i> 3. The financial allocation referred to in paragraph 1 may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities, which are required for the management of the Union Mechanism and the achievement of its objectives	AM 63 <i>(ba) in paragraph 3, the first subparagraph is replaced by the following</i> "The financial allocation referred to in paragraphs 1 and 1a of this Article and in Article 19a may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities, which are required for the management of the Union Mechanism and the achievement of its objectives."		To be further discussed
19.		AM 64 <i>(bb) the following paragraph is inserted:</i> <i>"3a. The financial envelope referred to in paragraphs 1 and 1a of this Article and in Article 19a shall be allocated to cover actions on preventing, preparing for and responding to natural and man-made disasters."</i>		 Red
20.	(c) paragraph 4 is replaced by the following: ‘4. The financial envelope	AM 65 deleted		 Red

	referred to in paragraphs 1 and 1a shall be allocated to cover actions on preventing, preparing for and responding to natural and man-made disasters.';			
21.	<i>[Paragraph 4 of the Decision in force]</i> 4. The financial envelope referred to in paragraph 1 shall be allocated, over the period 2014-2020, according to the percentages and principles set out in Annex I.	AM 66 (ca) Paragraph 4 is replaced by the following: "4. The financial envelope referred to in paragraph 1 shall be allocated, over the period 2014-2020, according to the percentages set out in point 1 of Annex 1 and the principles set out in point 3 of that Annex.";		 Orange
22.		AM 67 (cb) the following paragraph is inserted: "4a. The financial envelope referred to in paragraph 1a of this Article and in Article 19a shall be allocated, over the period 2021-2027, according to the percentages set out in point 2 of Annex 1 and the principles set out in point 3 of that Annex."		 Orange

23.	(d) paragraphs 5 and 6 are deleted.	AM 68 deleted		 Orange
24.	<i>[Paragraph 5 of the Decision in force]</i> 5. The Commission shall review the breakdown set out in Annex I in <i>the</i> light of the outcome of the <i>interim</i> evaluation referred <i>to in point (a) of</i> Article 34(2). The Commission shall be empowered to adopt, where necessary in light of <i>the results of that evaluation</i> , delegated acts in accordance with Article 30, to adjust each of the figures in Annex I by more than <i>8 percentage points and up to 16 percentage points</i> . <i>Those delegated acts shall be adopted by 30 June 2017.</i>	AM 69 <i>(da) paragraph 5 is replaced by the following:</i> "5. The Commission shall review the breakdown set out in Annex I in light of the outcome of the evaluation referred <i>in</i> Article 34(3). The Commission shall be empowered to adopt, where necessary in light of <i>unexpected events affecting the execution of the budget or in light of the establishment of rescEU capacities</i> , delegated acts in accordance with Article 30 <i>in order to amend Annex I so as</i> to adjust each of the figures in <i>points 1 and 2 of</i> Annex I by more than <i>10</i> percentage points.";		 Orange
25.	<i>[Paragraph 6 of the Decision in force]</i> 6. Where, in case of a	AM 70 (db) paragraph 6 is replaced by the following		 Orange

	necessary revision of the budgetary resources available for response actions, imperative grounds of urgency so require, the Commission shall be empowered to adopt delegated acts to adjust each of the figures in Annex I by more than 8 percentage points and up to 16 percentage points, within the available budgetary allocations and in accordance with the procedure provided for in Article 31.	“6. Where, in case of a necessary revision of the budgetary resources available for response actions, imperative grounds of urgency so require, the Commission shall be empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex I so as to adjust each of the figures in points 1 and 2 of Annex I by more than 10 percentage points, within the available budgetary allocations in accordance with the procedure provided for in Article 31.”;		
26.		AM 71 (dc) In Article 19, the following paragraph is added: “6a. The European Parliament and the Council shall authorise the available annual appropriations without prejudice to the provisions of Council Regulation (EU, Euratom) No/... laying down the multiannual financial framework for the years 2021-2027 and the Interinstitutional Agreement of ... 2020 between the European Parliament, the Council and the Commission on		To be further discussed

		<i>cooperation in budgetary matters and sound financial management.”</i>		
27.	(13) The following Article is inserted: ‘Article 19a Resources from the European Union Recovery Instrument Measures referred to in Article 2 of Regulation [ERI] shall be implemented under this Decision <i>through amounts</i> referred to in point (iv) of Article 3(2)(a) of that Regulation, subject to its Article 4(4) and (8).	AM 72 Measures referred to in Article 2 of Regulation [ERI] shall be implemented under this Decision <i>with an amount of EUR 2 187 620 000 in current prices</i> as referred to in point (iv) of Article 3(2)(a) of that Regulation, subject to its Article 4(4) and (8).	(13) The following Article is inserted: ‘Article 19a Resources from the European Union Recovery Instrument²¹ (1) Measures referred to in [Article <u>1(2)(d)</u> <u>and (e)</u>]²² of Regulation [ERI] shall be implemented under this Decision through <u>an amount amounts of up to EUR 2 056 000 000 in current prices</u> referred to in	 Red

²¹ References to the draft Council Regulation on ERI are in line with the text of a preliminary lawyer-linguist revision (not issued yet). They might be further adjusted to reflect the final text of the Regulation.

²² Corresponds to Art. 2(1)(e) and (f) of document 9785/1/20 REV 1.

			point [(iv iii) of Article 32 (2)(a)] ²³ of that Regulation, subject to its [Article 43 (43), (4), (7) and (8 2)] ²⁴ .	
28.	These amounts shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council.’;		(2) These amounts <u>This amount</u> shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council as set out in [Article 3(1)]²⁵ of Regulation [ERI].	 Red

²³ Corresponds to point (iii) of Art. 3(2)(a) of document 9785/1/20 REV 1.

²⁴ Corresponds to Art. 4(3),(4), (7) and (9) of document 9785/1/20 REV 1.

²⁵ Corresponds to Art. 4(1) of document 9785/1/20 REV 1.

29.			<u>(3) Measures referred to in paragraph 1 shall be eligible for financial assistance in accordance with conditions set out in this Decision and shall be implemented in full respect of the objectives of [ERI Regulation].</u>	 Red
30.			<u>(4) Without prejudice to conditions of eligibility of actions in favour of third countries set out in this Decision, the financial assistance referred to in this Article may be granted to a third country only where that assistance is implemented in full respect of the objectives of [ERI</u>	 Red

			<u>Regulation], regardless of whether that third country participates in the Union Mechanism or not.';</u>	
31.	(...)²⁶ <i>[Third subparagraph of article 21.3 of the Commission's proposal]</i> The financial assistance referred to in this paragraph may be implemented by multi-annual work programmes. For actions extending beyond one year, budgetary commitments may be broken down into annual instalments.'; (...)	AM 76 <i>[Third subparagraph of para 3] deleted</i>	(15) Article 21 is amended as follows:<u>the fourth subparagraph of Article 21(3) becomes a new paragraph and is amended as follows:</u> <u>“3a. The financial assistance referred to in this article may be implemented by multi-annual work programmes. For actions extending beyond one year, budgetary commitments may be broken down into annual instalments.”</u>	 Orange

²⁶ Some parts of the Commission proposal are not currently addressed here as they are not part of the partial Council's mandate "financial package".

32.	(18) Article 25 is replaced by the following: ‘Article 25 Types of financial intervention and implementing procedures 1. The Commission shall implement the Union's financial support in accordance with the Financial Regulation.			No issue
33.	(...)²⁷ 3. Financial support under this Decision may take any of the forms laid down in the Financial Regulation, in particular the form of grants, procurement or contributions to trust funds.			No issue
34.	4. In order to implement this Decision, the Commission shall adopt annual <i>or multi-</i>	AM 78 4. In order to implement this Decision, the		

²⁷ Some parts of the Commission proposal are not currently addressed here as they are not part of the partial Council's mandate "financial package".

	annual work programmes, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2). The annual or multi-annual work programmes shall set out the objectives pursued, the expected results, the method of implementation and their total amount. They shall also contain a description of actions to be financed, an indication of the amount allocated to each action and an indicative implementation timetable. With regard to the financial support referred to in Article 28(2), the annual or multi-annual work programmes shall describe the actions foreseen for countries referred to therein.	Commission shall adopt annual work programmes, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2). The annual work programmes shall set out the objectives pursued, the expected results, the method of implementation and their total amount. They shall also contain a description of actions to be financed, an indication of the amount allocated to each action and an indicative implementation timetable. With regard to the financial support referred to in Article 28(2), the annual work programmes shall describe the actions foreseen for countries referred to therein		Orange
35.	However no annual or multi-annual work programmes shall be required for actions falling under the disaster	AM 79 However no annual work programme shall be required for actions falling under the		 Orange

	response laid down in Chapter IV, which cannot be provided for in advance.	disaster response laid down in Chapter IV, which cannot be provided for in advance		
36.			<u>4a. For the purposes of transparency and predictability, the budgetary execution and the projected future allocations shall be presented and discussed on a yearly basis in the Committee referred to in Article 33. The European Parliament shall be kept informed.”</u>	 Orange
37.	5. In addition to Article 12(4) of the Financial Regulation, commitment and payment appropriations, which have not been used by the end of the financial year for which they were entered in the annual budget shall be	AM 80 5. In addition to Article 12(4) of the Financial Regulation, commitment and payment appropriations, which have not been used by the end of the financial year for which they were entered in the annual budget shall be automatically carried over		 Red

	automatically carried over and may be committed and paid up to 31 December of the following year. The carried-over appropriations shall be used <i>solely</i> for response actions. The carried-over appropriations shall be used first in the following financial year.’	and may be committed and paid up to 31 December of the following year. The carried-over appropriations shall be used for <i>prevention, preparedness and</i> response actions. The carried-over appropriations shall be used first in the following financial year		
38.	(19) Article 27 is replaced by the following: ‘Article 27 Protection of the financial interests of the Union Where a third country participates in the Union Mechanism by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, OLAF and the European Court of Auditors to comprehensively exert their respective competences. In the case of			No issue

	OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, as provided for in Regulation (EU, Euratom) No 883/2013.'			
39.	(20) Article 30 is amended as follows: (a) Paragraph 2 is replaced by the following: '2. The power to adopt delegated acts referred to in Article 6(5) and in the second subparagraph of Article 21(3) shall be conferred on the Commission until 31 December 2027.'	AM 81 2. The power to adopt delegated acts referred to in Article 6(5), Article 19(5) and (6), the second subparagraph of Article 21(3) and Article 25(2) shall be conferred on the Commission until 31 December 2027	(20) Article 30 is amended as follows: (a) Paragraph 2 is deleted replaced by the following: '2. The power to adopt delegated acts referred to in Article 6(5) and in the second subparagraph of Article 21(3) shall be conferred on the Commission until 31 December 2027.'	 Orange
40.	<i>[Paragraph 3 of the Decision in force]</i> 3. The power to adopt delegated acts referred to in Article 21(3) shall be conferred on	AM 82 (aa) paragraph 3 is deleted		 Green (Art. 21(3) is covered by the previous

	the Commission for an indeterminate period of time from 21 March 2019.			paragraph - it needs to be deleted either from para 2 or from para 3)
41.	(b) paragraph 4 is replaced by the following: ‘4. The delegation of power referred to in Article 6(5) and in the second subparagraph of Article 21(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the Decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.’	AM 83 4. The delegation of power referred to in Article 6(5), in Article 19(5) and (6), in the second subparagraph of Article 21(3) and in Article 25(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the Decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	(b) paragraph 4 is replaced by the following: ‘4. The delegation of power referred to in Article 6(5) and in the second third subparagraph of Article 21(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the Decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of	Orange

			any delegated acts already in force.'	
42.	(c) paragraph 7 is replaced by the following: '7. A delegated act adopted pursuant to Article 6(5) or the second subparagraph of Article 21(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.'	AM 84 7. A delegated act adopted pursuant to Article 6(5), <i>Article 19(5) and (6)</i>, the second subparagraph of Article 21(3) <i>or Article 25(2)</i> shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council	(c) paragraph 7 is replaced by the following: '7. A delegated act adopted pursuant to Article 6(5) or the second third subparagraph of Article 21(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be	 Orange

			extended by two months at the initiative of the European Parliament or of the Council.'	
43.	(23) Annex I is deleted.	<i>AM 86</i> <i>deleted</i>	(23) Annex I is deleted.	 Orange
44.	Article 2 Entry into force This Decision shall enter into force on the day following that of its publication in the Official Journal of the European Union. However, points (a) and (c) of Article 1(12) shall apply from 1 January 2021.			No issue
45.	<i>Article 3</i> Addressees This Decision is addressed to the Member States.		<i>Article 3</i> Addressees This Decision is addressed to	 Red

	Done at Brussels, <i>For the European Parliament The President</i> <i>For the Council The President</i>		the Member States. Done at Brussels, <i>For the European Parliament The President</i> <i>For the Council The President</i>	
46.	<i>[Annex I of the Decision in force]</i> Annex I Percentages for allocation of the financial envelope for the implementation of the Union Mechanism referred to in Article 19(1) Prevention: 20 % +/- 8 percentage points Preparedness: 50 % +/- 8 percentage points Response: 30 % +/- 8 percentage points.	AM 87 (23a) <i>Annex I is amended as follows:</i> "Annex I <i>Percentages and principles for allocation of the financial envelope for the implementation of the Union Mechanism referred to in Article 19(1) and (1a) and Article 19a</i> 1. Percentages for allocation of the financial envelope for the implementation of the Union Mechanism referred to in Article 19(1) <i>for the period 2014 to 2020</i>		 Orange

	Principles When implementing this Decision, the Commission shall give priority to actions for which this Decision sets a deadline within the period leading to the expiry of that deadline, with the objective of meeting the deadline in question.	Prevention: 10 % +/- 10 percentage points Preparedness: 65 % +/- 10 percentage points Response: 25 % +/- 10 percentage points 2. Percentages for allocation of the financial envelope for the implementation of the Union Mechanism referred to in Article 19(1a) and Article 19a for the period 2021 to 2027 Prevention: 8 % +/- 10 percentage points Preparedness: 80 % +/- 10 percentage points Response: 12 % +/- 10 percentage points 3. Principles When implementing this Decision, the Commission shall give priority to actions for which this Decision sets a deadline within the period leading to the expiry of that deadline, with the objective of meeting the deadline in question."		
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