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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL IMPLEMENTING DECISION amending Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Spain

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# **COUNCIL IMPLEMENTING DECISION**

**of ...**

**amending Implementing Decision of 13 July 2021 on the approval  
of the assessment of the recovery and resilience plan for Spain**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility<sup>1</sup>, and in particular Article 21(2) thereof,

Having regard to the proposal from the European Commission,

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<sup>1</sup> OJ L 57, 18.2.2021, p. 17.

Whereas:

- (1) Following the submission of the national recovery and resilience plan ('RRP') by Spain on 30 April 2021, the Commission has proposed its positive assessment to the Council. On 13 July 2021, the Council approved the positive assessment by means of an implementing decision ('the Council Implementing Decision of 13 July 2021')<sup>2</sup>. The Council Implementing Decision of 13 July 2021 was amended on 17 October 2023<sup>3</sup>.
- (2) On 19 March 2024, Spain made a reasoned request to the Commission to make a proposal to amend the Council Implementing Decision of 13 July 2021 in accordance with Article 21(1) of Regulation (EU) 2021/241 on the grounds that the RRP is partially no longer achievable because of objective circumstances. On that basis, Spain has submitted an amended RRP.

Amendments based on Article 21 of Regulation (EU) 2021/241

- (3) The amendments to the RRP submitted by Spain because of objective circumstances concern 16 measures.

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<sup>2</sup> See documents ST 10150/21 and ST 10150/21 ADD 1 REV 1 at <http://register.consilium.europa.eu>.

<sup>3</sup> See documents ST 13695/23 REV 1 and ST 13695/23 ADD 1 REV 1 at <http://register.consilium.europa.eu>.

- (4) Spain has explained that, for seven measures, it is not possible to prove the achievement of 15 milestones and targets because the Spanish internal procedures do not provide for unequivocal primary evidence that would allow for the explicit verification of the satisfactory fulfilment of those milestones and targets. The types of indicator used for the assessment of satisfactory fulfilment should be modified in order to allow for such a verification, without changing the objectives or the nature of the relevant measures. The specific quantities for the new indicators should be established so that the level of ambition of the respective measures is preserved. This concerns the target with sequential number 8 under measure I1 (Investment: Low-emission areas and transformation of urban and metropolitan transport) and the target with sequential number 17 under measure I3 (Investment: Measures to improve the quality and reliability of rail transport services) under component 1 (Sustainable, safe and connected mobility shock plan in urban and metropolitan environments). This also concerns the milestone with sequential number 85 under measure I1 (Investment: National transmission network – European Corridors), the milestones with sequential numbers 88 and 94 and the targets with sequential numbers 89 and 92 under measure I2 (Investment: Trans-European Network for Transport Program, other works) and the description of the respective investment, the milestones with sequential numbers 95 and 96 and the targets with sequential numbers 97 and 98 under measure I3 (Investment: Intermodality and logistics), and the milestones with sequential numbers 99 and 100 under measure I4 (Investment: Support programme for sustainable and digital transport) and the description of the respective investment, under component 6 (Sustainable mobility (long distance)). This also concerns the targets with sequential numbers 300 and 302 under measure I3 (Investment: Innovation and internationalisation of vocational training) under component 20 (Strategic plan to boost vocational training) and the description of the respective investment. On this basis, Spain requested that the aforementioned milestones and targets be amended. The Annex to the Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (5) Spain has explained that, for nine measures, better alternatives for their implementation exist in order to achieve the original ambition of the measure. This concerns the target with sequential number 107 under measure R1 (Reform: Regulatory framework for the promotion of renewable generation) under component 7 (Deployment and integration of renewable energy sources) and the target with sequential number 164 under measure I2 (Investment: Specific projects to digitalise the central government) under component 11 (Modernisation of Public Administrations). This also concerns the target with sequential number 188 under measure I3 (Investment: Plan to support the implementation of waste legislation and the promotion of the circular economy) and the description of the respective investment under component 12 (Industrial policy). This also concerns the milestones with sequential numbers 448.a and 448.c under measure I6 (Investment: Subsidy scheme to support strategic projects in the value chain of electric cars (grants)) and the description of the respective investment, as well as the milestone with sequential number L22 and the target with sequential number L24 under measure I7 (Investment: Support scheme to strategic projects in the value chain of electric cars and agrifood (loans)) and the description of the respective investment under component 12 (Industrial policy). This also concerns the targets with sequential numbers 202, 203, 206, 207 and 209 under measure I3 (Investment: Digitalisation and Innovation), and the description of the respective investment under component 13 (Support to SMEs). This also concerns the milestone with sequential number 276 under measure R4 (Reform: Strengthening professional skills and reducing temporary employment) under component 18 (Refurbishment and extension of capacities of the national health system) and the description of the respective reform. This also concerns the milestones with sequential numbers 494, 496 and 497 under measure I6 (Investment: Subsidy scheme for decarbonisation projects (grants)) and the description of the respective investment, as well as milestone L86 and target L88 under measure I8 (Investment: Support scheme for decarbonisation projects (loans)) and the description of the respective investment under component 31 (REPowerEU chapter). On this basis, Spain has requested that the aforementioned measure descriptions, milestones and targets be amended. The Annex to the Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (6) Spain has explained that one measure is no longer achievable because of insufficient demand due to recent developments in the electricity market. This concerns the target with sequential number 106 under measure R1 (Reform: Regulatory framework for the promotion of renewable generation) under component 7 (Deployment and integration of renewable energy sources). The Annex to the Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (7) The Commission considers that the reasons put forward by Spain justify the amendments pursuant to Article 21(2) of Regulation (EU) 2021/241. The Annex to the Council Implementing Decision of 13 July 2021 should be amended accordingly.

#### Corrections of clerical errors

- (8) Four clerical errors have been identified in the text of the Annex to the Council Implementing Decision of 13 July 2021 affecting two milestones, three targets and four measures under four components. That Annex should be amended to correct such clerical errors, as agreed between the Commission and Spain. Those clerical errors relate to the milestones with sequential number 166 under measure I2 (Investment: Specific projects to digitalise the central government) under component 11 (Modernisation of public administrations), the milestone with sequential number 251 under measure R1 (Reform: National AI Strategy) under component 16 (Artificial intelligence), the targets with sequential numbers 200, 204 and 208 under measure I3 (Investment: Digitalisation and Innovation) under component 13 (Support to SMEs), and the description of measure R4 (Strengthening professional skills and reducing temporary employment) under component 18 (Refurbishment and extension of capacities of the national health system). Those corrections do not affect the implementation of the measures concerned.

## Commission's assessment

- (9) The Commission has assessed the amended RRP against the assessment criteria laid down in Article 19(3) of Regulation (EU) 2021/241.
- (10) The Commission considers that the amendments put forward by Spain do not affect the positive assessment of the RRP set out in the Council Implementing Decision of 13 July 2021 regarding the relevance, effectiveness, efficiency and coherence of the RRP against the assessment criteria laid down in Article 19(3) of Regulation (EU) 2021/241.

## Positive assessment

- (11) Following the positive assessment of the Commission concerning the amended RRP with the finding that the RRP satisfactorily complies with the criteria for assessment set out in Regulation (EU) 2021/241, in accordance with Article 20(2) of and Annex V to that Regulation, the reforms and investment projects necessary for the implementation of the amended RRP, the arrangements and timetable for the monitoring and implementation of the RRP, including the relevant milestones and targets and the additional milestones and targets related to the payment of the loan, the relevant indicators relating to the fulfilment of the envisaged milestones and targets, and the arrangements for providing full access by the Commission to the underlying relevant data should be set out.

- (12) For the sake of clarity, the Annex to the Council Implementing Decision of 13 July 2021 should be replaced entirely,

HAS ADOPTED THIS DECISION:



### *Article 1*

The assessment of the amended RRP of Spain on the basis of the criteria provided for in Article 19(3) of Regulation (EU) 2021/241 is approved. The reforms and investment projects under the RRP, the arrangements and timetable for the monitoring and implementation of the RRP, including the relevant milestones and targets and the additional milestones and targets related to the payment of the loan, the relevant indicators relating to the fulfilment of the envisaged milestones and targets, and the arrangements for providing full access by the Commission to the underlying relevant data are set out in the Annex to this Decision.

### *Article 2*

The Annex to the Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Spain is replaced by the text set out in the Annex to this Decision.

### *Article 3*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, ...

*For the Council*

*The President*

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