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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL IMPLEMENTING DECISION establishing the satisfactory fulfilment of the conditions for the partial payment of the ninth instalment under the Ukraine Plan of the Ukraine Facility

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COUNCIL IMPLEMENTING DECISION (EU) 2026/…

of …

establishing the satisfactory fulfilment of the conditions for the partial payment of the ninth instalment under the Ukraine Plan of the Ukraine Facility

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility[1], and in particular Article 26(4) thereof,

Having regard to the proposal from the European Commission,

[1] OJ L, 2024/792, 29.2.2024, ELI: http://data.europa.eu/eli/reg/2024/792/oj.

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Whereas:

(1) Pillar I of the Ukraine Facility (the 'Facility'), established by Regulation (EU) 2024/792, makes financial support of up to EUR 46 873 049 093,86, as set out in Council Implementing Decision (EU) 2024/1447[2], and the equivalent in EUR of NOK 1 000 000 000, as set out in that Decision[3], available to Ukraine for the period 2024-2027.

(2) The financial support takes the form of non-repayable support and loans.

(3) Financial support under Pillar I of the Facility is allocated largely on the basis of the Ukraine Plan (the 'Plan')[4], which the Council approved by Implementing Decision (EU) 2024/1447. The Plan sets out the steps that Ukraine must fulfil in order to receive the quarterly instalments.

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2 Council Implementing Decision (EU) 2024/1447 of 14 May 2024 on the approval of the assessment of the Ukraine Plan (OJ L, 2024/1447, 24.5.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/1447/oj).

3 In accordance with Implementing Decision (EU) 2024/1447, Norway will provide NOK 1 000 000 000 as an additional financial contribution to Pillar I of the Facility in the form of non-repayable financial support, following the entry into force of a transfer agreement between Norway and the Commission and the transfer of the related financial contribution.

4 Financial support under Pillar I of the Facility includes exceptional bridge financing as set out in Article 25 of Regulation (EU) 2024/792 in addition to the support available under the Plan.

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(4) To date, EUR 32 455 384 486,86 has been disbursed to Ukraine under Pillar I of the Facility. Of that amount, EUR 4 431 301 973,86 has been disbursed in the form of non-repayable financial support and EUR 20 134 082 513 in the form of loans under the first eight instalments of the Plan. In addition, Ukraine received EUR 6 000 000 000 as exceptional bridge financing and EUR 1 890 000 000 as pre-financing, pursuant to Articles 24 and 25 of Regulation (EU) 2024/792.

(5) In accordance with the loan agreement concluded between the Union and Ukraine pursuant to Article 22 of Regulation (EU) 2024/792, an amount of EUR 1 455 253 522 from those first eight instalments was used to clear the pre-financing of the Facility loan.

(6) On 30 September 2026, Ukraine submitted a request for the payment of part of the fourth, seventh, eighth and ninth instalments under the Plan, amounting to EUR 8 305 265 116. The request also covered one step in the tenth instalment.

(7) In particular, the request was accompanied by documents presented as evidence that Ukraine had fulfilled one step in the fourth instalment, three steps in the seventh instalment, one step in the eight instalment, seventeen steps in the ninth instalment and one step in the tenth instalment. Ukraine also submitted documents required under the agreements concluded pursuant to Articles 9, 10 and 22 of Regulation (EU) 2024/792[5].

[5] The respective agreements include: the framework agreement concluded pursuant to Article 9 of Regulation (EU) 2024/792, the financing agreement concluded pursuant to Article 10 of Regulation (EU) 2024/792, and the loan agreement concluded pursuant to Article 22 of Regulation (EU) 2024/792.

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(8) The steps underpinning Ukraine's latest payment request relate to various reforms and investments set out in the Plan which broadly fall under the chapters on the judicial system; the fight against corruption and money laundering; financial markets; the management of public assets; human capital; the business environment; decentralisation and regional policy; the energy sector; transport; the agri-food sector; digital transformation; and green transition and environmental protection.

(9) As set out in the Annex to this Decision, the Commission has assessed Ukraine's request in detail in accordance with Article 26(3) of Regulation (EU) 2024/792. It has concluded that Ukraine has satisfactorily fulfilled step 4.3 under the fourth instalment under the Plan, steps 4.8, 6.7 and 10.3 under the seventh instalment, step 15.8 under the eighth instalment, and steps 3.10, 3.17, 4.20, 5.3, 5.5, 7.7, 7.12, 7.14, 7.18, 7.20, 8.12, 9.7, 10.19, 12.9, 14.4 and 15.11 under the ninth instalment.

(10) The Commission has assessed that Ukraine partially fulfilled step 6.3 under the ninth instalment. In addition, the Commission has assessed that Ukraine has satisfactorily fulfilled step 10.21 under the tenth instalment. Therefore, in line with the methodology for handling partial fulfilment of steps in the Plan set out in the Communication from the Commission of 17 April 2026[6], the Commission proposes to take this into account as a mitigating factor.

[6] Communication from the Commission amending the methodology for handling the partial fulfilment of steps in the Ukraine Plan under the Ukraine Facility Regulation and replacing Communication C(2025) 1725 (OJ C, 2026/2328, 17.4.2026, ELI: http://data.europa.eu/eli/C/2026/2328/oj).

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(11) Furthermore, the Commission has assessed that Ukraine continues to fulfil the pre-condition for Union support set out in Article 5 of Regulation (EU) 2024/792. In particular, Ukraine continues to uphold and respect effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, and to guarantee respect for human rights, including the rights of persons belonging to minorities.

(12) In its payment request, Ukraine confirmed that it had not reversed any measure related to the steps which it had previously satisfactorily fulfilled.

(13) This Decision should therefore establish that Ukraine has satisfactorily fulfilled the relevant conditions for the payment of the fourth instalment in respect of one outstanding step under the Plan, of the seventh instalment in respect of three outstanding steps, of the eighth instalment in respect of one outstanding step and of the ninth instalment in respect of sixteen steps.

(14) Considering Ukraine's urgent financing needs, it is of the utmost importance to disburse the funds as soon as possible. With a view to expediting the process, this Decision should enter into force on the date of its publication in the *Official Journal of the European Union* and should apply from the date of its adoption,

HAS ADOPTED THIS DECISION:

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Article 1

1. In accordance with the Commission's assessment provided pursuant to Article 26 of Regulation (EU) 2024/792, set out in the Annex to this Decision, the Council establishes that Ukraine has satisfactorily fulfilled the relevant conditions for the partial payment pursuant to Implementing Decision (EU) 2024/1447 of the fourth, seventh, eighth and ninth instalments of financial assistance under the Ukraine Plan. Such assistance shall amount to EUR 8 040 665 425 before clearing the pre-financing, of which EUR 298 747 120 corresponds to the fourth instalment, EUR 368 010 368 corresponds to the seventh instalment, EUR 95 530 669 corresponds to the eighth instalment, and EUR 7 278 377 268 corresponds to the ninth instalment.

2. Taking into account the satisfactory fulfilment of one step under the tenth instalment and the partial fulfilment of one step under the ninth instalment, the importance of the steps that have not been fulfilled, the reasons for their non-fulfilment, and the importance of the step that has been fulfilled early, a mitigating factor amounting to EUR 529 397 883 is applied, thereby reducing the suspension value corresponding to the unfulfilled steps under the ninth instalment.

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Article 2

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union.*

It shall apply from the date of its adoption.

Done at …, …

For the Council
The President

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