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

COUNCIL IMPLEMENTING DECISION

of ...

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

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 Facility¹, and in particular Article 20(1) thereof,

Having regard to the proposal from the European Commission,

¹ OJ L 57, 18.2.2021, p. 17, ELI: <http://data.europa.eu/eli/reg/2021/241/oj>.

Whereas:

- (1) Following the submission of the national recovery and resilience plan ('RRP') by Slovakia on 29 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')². The Council Implementing Decision of 13 July 2021 was amended by a Council implementing decision of 14 July 2023³.
- (2) On 21 March 2025, Slovakia 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, Slovakia has submitted an amended RRP.

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

- (3) The amendments to the RRP submitted by Slovakia because of objective circumstances concern 57 measures.

² See documents ST 10156/21 INIT, ST 10156/21 ADD 1 and ST 10156/21 ADD 1 COR 1 at <http://register.consilium.europa.eu>.

³ See documents ST 11205/23 INIT, ST 11205/23 ADD 1 and ST 11205/23 ADD 1 COR 1 at <http://register.consilium.europa.eu>.

- (4) Slovakia has explained that 10 measures are partially no longer achievable due to unexpected technical difficulties that significantly delayed their implementation, due to insufficient demand, due to the fact that tenders did not attract enough bidders and due to supply chain disruptions. These concern milestone 3 under investment 1 (The operation of the industry decarbonisation scheme) under component 4 (Decarbonisation of Industry); target 5 under investment 1 (The adaptation of regions to climate change with an emphasis on nature conservation and biodiversity development) under component 5 (Adaptation to climate change); target 15 under investment 1 (Removing barriers in school buildings) under component 6 (Accessibility, development and quality of inclusive education); milestone 8 under investment 2 (Completion of the school infrastructure) under component 7 (Education for the 21. Century); target 3 under investment 1 (Buildings for the reorganised court system) under component 15 (Judicial reform); and target 12 under investment 3 (Modernisation of the fire and rescue system) under component 16 (Fight against corruption and money laundering, security and protection of the population). On this basis, Slovakia has requested that the wording of the aforementioned milestones and targets be amended. Furthermore, Slovakia has requested that target 6 under investment 1 (The adaptation of regions to climate change with an emphasis on nature conservation and biodiversity development) under component 5 (Adaptation to climate change) and investment 6 (Establishment of a repository of psychodiagnostic methods) under component 12 (Human, modern and accessible mental healthcare) be removed. Furthermore, Slovakia has requested that the timeline of milestone 6 under investment 2 (Digitalisation and analytical capacities) under component 15 (Judicial reform) and milestone 7 under investment 2 (Equipping and digitalising the police force) under component 16 (Fight against corruption and money laundering, security and protection of the population) be extended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (5) Slovakia has explained that one measure is no longer achievable at all due to delays in public procurement. This concerns milestone 7 under investment 2 (Digitalisation and analytical capacities) under component 15 (Judicial reform). On this basis, Slovakia has requested that the aforementioned milestone be removed. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (6) Slovakia has explained that 14 measures have been amended as a better alternative for the implementation of each measure exists that allows the original ambition of each measure to be achieved. These concern milestone 1 under reform 1 (The harmonisation of support mechanisms for the renovation of family houses) under component 2 (Renovation of buildings); target 7 under investment 2 (Renovation of historical and listed public buildings) under component 2 (Renovation of buildings); target 5 under investment 1 (Promoting international cooperation and participation in Horizon Europe and EIT projects) under component 9 (More efficient management and strengthening of R&D&I funding); target 10 under investment 2 (New hospital network – construction, reconstruction and equipment) under component 11 (Modern and accessible healthcare); investment 1 (Project management and project preparation of investments) and target 3 under investment 3 (Building psycho-social centres), investment 4 (Completing the psychiatric stationary network) and investment 5 (Establishment of specialised centres for autism spectrum disorders) under component 12 (Human, modern, and accessible mental health care); target 8 under investment 1 (Enhancing community-based social care capacities) under component 13 (Accessible and high-quality long-term socio-health care); target 10 under investment 1 (Enhancing community-based social care capacities) under component 13 (Accessible and high-quality long-term socio-health care);

target 12 under investment 2 (Extension and renewal of after-care and nursing capacities) under component 13 (Accessible and high-quality long-term socio-health care); target 13 under investment 3 (Enhancing and restoring palliative care capacities) under component 13 (Accessible and high-quality long-term socio-health care); target 11 under investment 3 (Modernisation of the fire and rescue system) under component 16 (Fight against corruption and money laundering, security and protection of the population); target 12 under investment 3 (Engaging in multi-country European projects related to the digital economy) under component 17 (Digital Slovakia); targets 14 and 15 under investment 4 (Support for projects aiming at the development and application of top digital technologies) under component 17 (Digital Slovakia); and milestone 11 under Reform 2 (Supporting the green transition) under component 19 (REPowerEU). On this basis, Slovakia has requested that the wording of the aforementioned milestones and targets be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (7) Slovakia has explained that 11 measures have been amended as a better alternative for the implementation of each measure exists that allows the administrative burden to be reduced, whilst still reaching the objectives of each respective measure. These concern target 12 under investment 3 (Digitalisation in health) under component 11 (Modern and accessible healthcare); targets 7, 8, 9 and 10 under investment 1 (Enhancing community-based social care capacities) and target 14 under investment 3 (Enhancing and restoring palliative care capacities) under component 13 (Accessible and high-quality long-term socio-healthcare); milestone 2 under investment 1 (Capacities for reforms to reduce regulatory burden) and milestone 3 under reform 1 (Reducing regulatory burden for businesses) under component 14 (Improve the business environment); targets 3 and 4 of investment 1 (Buildings for the reorganised court system) and milestone 9 of investment 2 (Digitalisation and analytical capacities) under component 15 (Judicial reform); and targets 4, 5 and 6 under investment 1 (Better services for citizens and businesses) under component 17 (Digital Slovakia). On this basis, Slovakia has requested that the wording of the aforementioned targets and milestones be amended. Furthermore, Slovakia has requested that reform 3 (Modernisation of diagnostic methods and treatments) under component 12 (Human, modern and accessible mental healthcare) be removed. Furthermore, Slovakia has requested that the timeline of target 5 under investment 1 (Support tools and assistance for returnees, highly qualified third-country workers and their family members and foreign higher education students studying in Slovakia) under component 10 (Attracting and retaining talents) and the timeline of target 8 under investment 2 (Digitalisation and analytical capacities) under component 15 (Judicial reform) be shortened. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (8) Slovakia has further requested the use of the resources freed up by the removal of measures and the decrease in their level of implementation in order to add two new measures and to increase the level of implementation of 10 measures. This request concerns one new target 9 under new investment 2 on building forests resilient to climate change and milestone 8 under reform 2 (Reforming nature conservation and water management in the countryside) under component 5 (Adaptation to climate change). On this basis, Slovakia has requested that the aforementioned target and milestone and investment description be added. Furthermore, Slovakia has requested that the level of required implementation of the following targets and milestone be increased and that measure descriptions be amended: target 7 under investment 2 (Renovation of public historical and listed buildings) under component 2 (Renovation of buildings); target 10 under investment 2 (Promoting clean passenger transport) under component 3 (Sustainable transport); target 3 under reform 1 (Providing conditions for the implementation of compulsory pre-primary education for children from the age of 5 and introducing a legal entitlement to a place in kindergarten or other pre-primary education providers from the age of 3) under component 6 (Accessibility, development and quality of inclusive education); milestone 8 under investment 2 (Completion of the school infrastructure) under component 7 (Education for the 21st century);

target 10 under investment 1 (Investment support for the strategic development of universities) under component 8 (Improving the performance of Slovak universities); target 10 under investment 2 (New hospital network – construction, reconstruction and equipment) under component 11 (Modern and accessible healthcare); targets 8 and 10 under investment 1 (Enhancing community-based social care capacities) under component 13 (Accessible and high-quality long-term socio-health care); target 15 under investment 1 (Modernisation and digitalisation of transmission system and regional distribution systems); target 22 under investment 4 (Supporting the renovation of households at risk of energy poverty); and target 25 under investment 6 (Promoting clean passenger transport) under component 19 (REPowerEU). The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (9) The Commission considers that the reasons put forward by Slovakia justify the amendments pursuant to Article 21(2) of Regulation (EU) 2021/241. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

Distribution of milestones and targets

- (10) The distribution of milestones and targets in instalments should be modified to take into account the amendments to the RRP and the indicative timeline presented by Slovakia.

Corrections of clerical errors

- (11) Two clerical errors have been identified in the text of the Council Implementing Decision of 13 July 2021, affecting one milestone and one target and two measures under two components. The Council Implementing Decision of 13 July 2021 should be amended to correct those clerical errors, which do not reflect the content of the RRP submitted to the Commission on 29 April 2021, as agreed between the Commission and Slovakia. Those clerical errors relate to milestone 2 under investment 1 (Capacities for reforms to reduce regulatory burden) under component 14 (Improve the business environment); and target 5 of investment 2 (Equipping and digitalising the police force) under component 16 (Fight against corruption and money laundering, security and protection of the population). Those corrections do not affect the implementation of the measures concerned.

Commission's assessment

- (12) The Commission has assessed the amended RRP against the assessment criteria laid down in Article 19(3) of Regulation (EU) 2021/241.

Do no significant harm

- (13) In accordance with Article 19(3), point (d), of and Annex V, criterion 2.4, to Regulation (EU) 2021/241, the amended RRP is expected to ensure that no measure (rating A) for the implementation of reforms and investments projects included in the RRP does significant harm to environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council⁴ (the principle of ‘do no significant harm’).
- (14) Slovakia has submitted an assessment of the principle of ‘do no significant harm’ for one new investment (target 9 of new investment 2 on building forests resilient to climate change under component 5 (Adaptation to climate change)). The information provided shows that the amended RRP is expected to ensure compliance with this principle. Other modifications of the measures included in the original RRP do not have an impact on the assessment of the principle of ‘do no significant harm’.

⁴ Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13, ELI: <http://data.europa.eu/eli/reg/2020/852/oj>).

Contribution to the green transition including biodiversity

- (15) In accordance with Article 19(3), point (e), of and Annex V, criterion 2.5, to Regulation (EU) 2021/241, the amended RRP contains measures that contribute to a large extent (rating A) to the green transition, including biodiversity, or to addressing the challenges resulting therefrom. The measures supporting climate objectives account for an amount which represents 41,08 % of the amended RRP's total allocation and 84,66 % of the total estimated costs of measures in the REPowerEU chapter calculated in accordance with the methodology set out in Annex VI to Regulation (EU) 2021/241. In accordance with Article 17 of Regulation (EU) 2021/241, the amended RRP is consistent with the information included in the National Energy and Climate Plan 2021-2030.
- (16) The amendment of the RRP does not materially impact its ambition towards the green transition despite a decrease of 4,6 percentage points in the share of the amended RRP's total allocation to measures supporting climate objectives which is mainly a result of the EUR 327 million decrease in the allocation to investment 1 (The operation of the industry decarbonisation scheme) under component 4 (Decarbonisation of industry). The amended RRP still significantly supports green transition objectives, the enhancement of biodiversity and environmental protection. In particular, the REPowerEU chapter continues to support the green transition, as its reforms and investments contribute to reduce the reliance on fossil fuels, reduce energy demand and increase energy efficiency.

Contribution to the digital transition

- (17) In accordance with Article 19(3), point (f), of and Annex V, criterion 2.6, to Regulation (EU) 2021/241, the amended RRP contains measures that contribute to a large extent (rating A) to the digital transition or to addressing the challenges resulting from it. The measures supporting digital objectives account for an amount which represents 21,02 % of the amended RRP's total allocation calculated in accordance with the methodology set out in Annex VII to that Regulation.
- (18) The amendment of the RRP reinforces its ambition towards the digital transition, in particular due to the increase in the digital contribution of investment 3 (Modernisation of the fire and rescue system) under component 16 (Fight against corruption and money laundering, security and protection of the population) and investment 1 (Modernisation and digitalisation of transmission system and regional distribution systems) under component 19 (REPowerEU).

Protection of the financial interests of the Union

- (19) In accordance with Article 19(3), point (j), of and Annex V, criterion 2.10, to Regulation (EU) 2021/241, the arrangements proposed in the amended RRP including the REPowerEU chapter and the additional measures contained in this Decision are adequate (rating A) to prevent, detect and correct corruption, fraud and conflicts of interests when using the funds provided under that Regulation, and the arrangements are expected to effectively avoid double funding under that Regulation and other Union programmes. This is without prejudice to the application of other instruments and tools to promote and enforce compliance with Union law, including for preventing, detecting and correcting corruption, fraud and conflicts of interest, and for protecting the Union budget in accordance with Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council⁵.
- (20) Since the previous assessment, the Commission has had access to information on the Slovak audit and control system's actual implementation. This includes the findings of the audit on the protection of the financial interests of the Union performed by the Commission in Slovakia.

⁵ Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ L 433I, 22.12.2020, p. 1, ELI: <http://data.europa.eu/eli/reg/2020/2092/oj>).

- (21) In light of this information, the Commission considers that the internal control system of the amended RRP is adequate overall, but considers that it has some deficiencies that should be addressed through a dedicated audit and control milestone. The internal control system described in the amended RRP and arrangements proposed, including the REPowerEU chapter, are based on robust processes and structures, clearly identifying the roles and responsibilities of different bodies involved in the implementation, monitoring, control and audit of the amended RRP, as well as their interactions. The National Implementation and Coordination Authority is responsible for the preparation and transmission of applications for payment of financial support, the management declaration and the summary of audits. The audit actors, their relationships and their administrative capacities are also explained. Management verifications performed by implementing bodies are not only verifying that serious irregularities are not present but are also verifying the fulfilment of milestones and targets. Arrangements and mechanisms to collect and to ensure access to data of final recipients, contractors, sub-contractors and beneficial owners are explained and the recordkeeping obligation provided for in Article 22(2), points (d) and (f), of Regulation (EU) 2021/241 is assigned to implementing bodies and final recipients.

- (22) An additional milestone on audit and control should be introduced. The milestone requires the adoption of a revised methodology for the management of corruption risks in Slovakia to be applicable to all bodies implementing the Recovery and Resilience Facility. The milestone also requires the adoption of a procedure for supervision by the National Implementation and Coordination Authority of the implementation of the methodology for the management of corruption risks. The milestone should be fulfilled at the latest by the time of Slovakia's sixth request for payment to the Commission.

Any other assessment criteria

- (23) The Commission considers that the amendments put forward by Slovakia 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), points (c), (g), (h), (j), and (k), of Regulation (EU) 2021/241.

Measures supporting investment operations contributing to the objectives of the Strategic Technologies for Europe Platform (STEP)

- (24) In accordance with Article 4(4) of Regulation (EU) 2024/795 of the European Parliament and of the Council⁶, Slovakia considered as priority projects those projects that have been awarded a Sovereignty Seal pursuant to Article 4(1) of that Regulation. However, Slovakia considered that no project having been awarded a Sovereignty Seal was to be included in the amended RRP.

⁶ Regulation (EU) 2024/795 of the European Parliament and of the Council of 29 February 2024 establishing the Strategic Technologies for Europe Platform (STEP), and amending Directive 2003/87/EC and Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241 (OJ L, 2024/795, 29.2.2024, ELI: <http://data.europa.eu/eli/reg/2024/795/oj>).

Positive assessment

- (25) Following the positive assessment by the Commission of 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 relevant milestones, targets and indicators, and the amount made available from the Union for the implementation of the amended RRP in the form of non-repayable financial support should be set out.

Financial contribution

- (26) The estimated total cost of Slovakia's amended RRP is EUR 6 408 465 020. As the amount of the estimated total cost of the amended RRP is higher than the updated maximum financial contribution available for Slovakia, the financial contribution determined in accordance with Article 4a of Regulation (EU) 2021/1755 of the European Parliament and of the Council⁷ and Article 20(4) and Article 21a(6) of Regulation (EU) 2021/241 allocated for Slovakia's amended RRP should be equal to the total amount of the maximum financial contribution available for Slovakia's amended RRP. This amount is equal to EUR 6 408 465 019.

⁷ Regulation (EU) 2021/1755 of the European Parliament and of the Council of 6 October 2021 establishing the Brexit Adjustment Reserve (OJ L 357, 8.10.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/1755/oj>).

- (27) The Council Implementing Decision of 13 July 2021 should therefore be amended accordingly. 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 Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Slovakia is amended as follows:

- (1) Article 1 is replaced by the following:

‘Article 1

Approval of the assessment of the RRP

The assessment of the amended RRP of Slovakia 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, 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.’;

- (2) the Annex is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Slovak Republic.

Done at ..., ...

For the Council

The President
