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## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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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 Germany

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## 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 Germany

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 20(1) 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, ELI: <http://data.europa.eu/eli/reg/2021/241/oj>.

Whereas:

- (1) Following the submission of the national recovery and resilience plan ('RRP') by Germany on 28 April 2021, the Commission 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 by Council implementing decisions of 14 February 2023<sup>3</sup>, 8 December 2023<sup>4</sup>, and 16 July 2024<sup>5</sup>.
- (2) On 6 May 2025, Germany 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, Germany has submitted an amended RRP.

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

- (3) The amendments to the RRP submitted by Germany because of objective circumstances concern 14 measures.

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<sup>2</sup> See documents ST 10158/21 and ST 10158/21 ADD 1 at <http://register.consilium.europa.eu>.

<sup>3</sup> See document ST 5536/23 at <http://register.consilium.europa.eu>.

<sup>4</sup> See document ST 15572/23 at <http://register.consilium.europa.eu>.

<sup>5</sup> See documents ST 11674/24, ST 11674/24 COR 1 and ST 11674/24 ADD 1 at <http://register.consilium.europa.eu>.

- (4) Germany has explained that four measures are partially no longer achievable, because of uncertainty in the development of the market. This concerns milestone 4 under measure 1.1.1 (Hydrogen projects within the framework of IPCEIs), target 10 under measure 1.1.2 (Support programme for decarbonisation in industry) and target 13 under measure 1.1.3 (Pilot scheme for climate action contracts based on the principle of Carbon Contracts for Difference), all under component 1.1 (Decarbonisation using renewable hydrogen in particular), and target 58 under measure 2.1.3 (IPCEI Next Generation Cloud Infrastructure and Services (IPCEI CIS)) under component 2.1 (Data as the raw material of the future). On this basis, Germany has requested that milestone 4 and target 13 be removed and that the description of measure 1.1.3 be amended. Furthermore, Germany has requested that target 10 be amended and that the disbursement target 58 be amended and decreased. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (5) Germany has explained that one measure is partially no longer achievable because of a limited response from market participants. This concerns target 38 under measure 1.2.6 (Support to promote alternative rail propulsion) under component 1.2 (Climate-friendly mobility). On this basis, Germany has requested that the implementation timeline for target 38 be extended and that the description of measure 1.2.6 be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (6) Germany has explained that one measure is partially no longer achievable, because of supply-chain disruptions and delays in development. This concerns target 133 under measure 7.1.2 (Support programme for light- and heavy-duty zero-emission transport) under component 7.1 (REPowerEU). On this basis, Germany has requested the description of target 133 be amended and that target 133 be decreased. Furthermore, Germany has requested that the description of measure 7.1.2 be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (7) Germany has explained that one measure is partially no longer achievable, because of unexpected difficulties related to the drilling at a geothermal source. This concerns target 45 under measure 1.3.2 (Municipal living labs for the energy transition) under component 1.3 (Climate-friendly renovation and construction). On this basis, Germany has requested that the measure and target descriptions be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (8) Germany has explained that two measures are partially no longer achievable, because of increased costs and a lack of demand. This concerns target 23 under measure 1.2.1 (Support for the construction of charging infrastructure) under component 1.2 (Climate-friendly mobility) and target 113A under measure 6.1.2 (Digitalisation of the administration – Implementation of the Online Access Act) under component 6.1 (Modern Public Administration). On this basis, Germany has requested that target 23 and the scope of the measure 1.2.1 be reduced. Furthermore, Germany has requested that target 113A be reduced. Finally, Germany has requested that two additional milestones 113B and 113C be added and that the corresponding description of measure 6.1.2 be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (9) Germany has explained that two measures have been amended to implement better alternatives in order to achieve the original ambition of the measure. This concerns target 103 under measure 5.1.2 (Programme to future-proof hospitals) under component 5.1 (Strengthening of a Pandemic-resilient Healthcare System) and milestone 129 under measure 6.2.3 (Acceleration of planning and approval procedures in the transport sector) under component 6.2 (Reducing barriers to investment). On this basis, Germany has requested that target 103, milestone 129, and the description of measure 6.2.3 be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (10) Germany has explained that four measures have been amended in order to implement a better alternative that allows the administrative burden to be reduced while still achieving the objectives of those measures. This concerns target 37 under measure 1.2.6 (Support to promote alternative rail propulsion) under component 1.2 (Climate-friendly mobility), target 48B under measure 1.3.3 (Building renovation: federal funding for energy-efficient buildings) under component 1.3 (Climate-friendly renovation and construction), target 64 under measure 2.2.2 (Federal programme ‘Building continuing education and training networks’ [CET networks]) under component 2.2 (Digitalisation of the Economy) and target 88 under measure 4.1.1 (Investment programme ‘Childcare-financing’ 2020/2021: special fund ‘Child Day-care expansion’) under component 4.1 (Strengthening of social inclusion). On this basis, Germany has requested that the intermediary target 48A be removed and that the description of the corresponding measure 1.3.3 be amended. Furthermore, Germany has requested that the description of targets 37 and 64 be amended. Furthermore, Germany has requested that target 88 be amended in order to reduce the administrative burden by updating the scope of the measure 4.1.1 to reflect only the small part of the investment programme that is financed through the Recovery and Resilience Facility and not the broader national measure. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (11) Germany has requested to use the resources freed up by the decrease in the level of the implementation of one measure to increase the level of implementation of another measure. This concerns target 132 under measure 7.1.2 (Support programme for light- and heavy-duty zero-emission transport) under component 7.1 (REPowerEU). On this basis, Germany has requested that the level of required implementation of that target be increased. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (12) The Commission considers that the reasons put forward by Germany 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*

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



### *Corrections of clerical errors*

- (14) Five clerical errors have been identified in the text of the Council Implementing Decision of 13 July 2021, affecting two targets and three measures under four 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 28 April 2021, as agreed between the Commission and Germany. Those clerical errors relate to target 30A and the description of measure 1.2.3 (Support for the replacement of the private vehicle fleet) under component 1.2 (Climate-friendly mobility), target 131 of measure 7.1.2 (Support programme for light- and heavy-duty zero-emission transport) under component 7.1 (REPowerEU), the description of measure 6.1.1 (European identity ecosystem) under component 6.1 (Modern Public Administration) and the descriptions of component 1.1 (Decarbonisation using renewable hydrogen in particular) and 1.2 (Climate-friendly mobility). Those corrections do not affect the implementation of the measures concerned.

### *Commission's assessment*

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

### *Contribution to the green transition, including biodiversity*

- (16) 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 46,3 % of the RRP's total allocation, calculated in accordance with the methodology set out in Annex VI to Regulation (EU) 2021/241. In accordance with Article 17 of that Regulation, the amended RRP is consistent with the information included in the National Energy and Climate Plan 2021-2030.
- (17) The measures removed or reduced do not significantly impact the overall ambition of the RRP regarding the green transition. The climate contribution of the amended RRP has decreased from 49,5 % to 46,3 % compared to the amended assessment.

### *Contribution to the digital transition*

- (18) 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 46,1 % of the amended RRP's total allocation calculated in accordance with the methodology set out in Annex VII to Regulation (EU) 2021/241.

- (19) The measures removed or reduced do not significantly impact the overall ambition of the RRP regarding the digital transition. The digital contribution of the amended RRP has decreased from 47,5 % to 46,1 % compared to the amended assessment.

***Commission's assessment***

- (20) The Commission considers that the amendments put forward by Germany 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 (a), (b), (c), (d), (da), (db), (g), (h), (i), (j) and (k), of Regulation (EU) 2021/241.

***Positive assessment***

- (21) 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*

- (22) The estimated total cost of Germany's amended RRP is EUR 31 081 926 119. As the amount of the estimated total cost of the amended RRP is higher than the maximum financial contribution available for Germany, the financial contribution determined in accordance with Article 20(4) of Regulation (EU) 2021/241 that is allocated for Germany's amended RRP should be equal to the total amount of the maximum financial contribution available for Germany's amended RRP. This amount is equal to EUR 30 324 665 082.
- (23) 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 Germany 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 Germany 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 Federal Republic of Germany.

Done at ..., ...

*For the Council*

*The President*

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