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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL IMPLEMENTING DECISION establishing the satisfactory fulfilment of the conditions for the payment of the fifth instalment of the loan support under the Ukraine Plan of the Ukraine Facility

COUNCIL IMPLEMENTING DECISION (EU) 2025/...

of ...

**establishing the satisfactory fulfilment of the conditions
for the payment of the fifth instalment
of the loan support 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 Facility¹, 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>.

Whereas:

- (1) Pillar I of the Ukraine Facility (the ‘Facility’) makes financial support of up to EUR 38 270 000 000 available to Ukraine for the period 2024-2027 in the form of non-repayable support and a loan. Financing under Pillar I is mainly allocated on the basis of the Ukraine Plan of the Ukraine Facility (the ‘Plan’). The Plan sets out Ukraine’s reform and investment agenda, and the qualitative and quantitative steps that are linked to funding under Pillar I of the Facility.
- (2) Pursuant to Article 19 of Regulation (EU) 2024/792, the Council adopted Implementing Decision (EU) 2024/1447² on the approval of the assessment of the Plan. The timetable for monitoring and implementing the Plan and the qualitative and quantitative steps that are linked to funding under Pillar I of the Facility, are set out in the Annex to that Decision. On 7 August 2025, Ukraine proposed amendments to the Plan on the grounds that the Plan was partially no longer achievable because of objective circumstances. The Commission assessment of those amendments was approved by Council Implementing Decision (EU) 2025/...³⁺, which also amended the Plan accordingly.

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 Council Implementing Decision (EU) 2025/... of ... amending Implementing Decision (EU) 2024/1447 on the approval of the assessment of the Ukraine Plan (OJ L, ..., ELI: ...).

⁺ OJ: please insert the reference number of the Decision contained in document ST 13483/25 and complete the corresponding footnote.

- (3) The total sum of financial resources made available for the Plan under Implementing Decision (EU) 2024/1447 amounts to EUR 32 270 000 000, of which EUR 5 270 000 000 is in the form of non-repayable financial support and up to EUR 27 000 000 000 is in the form of a loan.
- (4) In accordance with Articles 24 and 25 of Regulation (EU) 2024/792, EUR 6 000 000 000 has been disbursed to Ukraine as exceptional bridge financing and EUR 1 890 000 000 in the form of pre-financing representing an advance payment of 7 % of the loan support that Ukraine is eligible to receive under the Plan.
- (5) In accordance with Article 26(4) of Regulation (EU) 2024/792, EUR 14 763 204 463 has been disbursed to Ukraine in the first four instalments under the Plan, of which EUR 3 400 000 000 has been disbursed in the form of non-repayable financial support and EUR 11 363 204 463 in the form of a loan. 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 855 294 959 from the first four instalments was used to clear the pre-financing of the loan.

- (6) In accordance with Article 26(2) of Regulation (EU) 2024/792, on 9 September 2025, Ukraine submitted a duly justified request for the partial payment of the fourth and fifth instalments of the loan support amounting to EUR 1 949 400 399. The request was accompanied by a series of documents evidencing the satisfactory fulfilment of one step in the fourth instalment and nine steps in the fifth instalment as well as all other documents required under Article 12 of the Framework Agreement, Article 5 of the Financing Agreement and Article 6 of the Loan Agreement concluded between the Union and Ukraine pursuant to Articles 9, 10 and 22, respectively, of Regulation (EU) 2024/792. As set out in Implementing Decision (EU) 2025/1799⁴, the Commission made a positive assessment of the satisfactory fulfilment of 13 of the 16 steps required for the fourth instalment. Pursuant to Article 26(5) of Regulation (EU) 2024/792, the payment corresponding to the three steps that had been negatively assessed was withheld. A withheld payment can be disbursed only when Ukraine duly justifies, as part of a subsequent payment request, that it has taken the necessary measures to ensure satisfactory fulfilment of the qualitative and quantitative steps.

⁴ Council Implementing Decision (EU) 2025/1799 of 8 August 2025 establishing the satisfactory fulfilment of the conditions for the payment of the fourth instalment of the loan support under the Ukraine Plan of the Ukraine Facility (OJ L, 2025/1799, 9.9.2025, ELI: http://data.europa.eu/eli/dec_impl/2025/1799/oj).

- (7) The 10 steps underpinning Ukraine's latest request relate to various reforms set out in the Plan under the chapters on the judicial system, the fight against corruption and money laundering, financial markets, human capital, the business environment, decentralisation and regional policy, the energy sector, the management of critical raw materials, the green transition and environmental protection. In particular, legislation on the Asset Recovery and Management Agency and on vocational education has entered into force. The strategy for resolution of non-performing loans, the resolution on purchasing social services at the expense of the state budget and the resolution on approving the SME Strategy and Action Plan for its implementation have been adopted. The study on the measures necessary for granting legal personality to municipalities has been endorsed and published. Ukraine has also adopted the roadmap for the process of separating the renewable energy surcharge from the transmission tariff. The pipeline of investment projects for extraction of critical raw materials has been published. Ukraine has also launched and published an international tender based on the model Product Sharing Agreement. The mandatory monitoring, reporting and verification (MRV) system for facilities covered by the scope of the existing legislation has been resumed.

- (8) In accordance with Article 26(3) of Regulation (EU) 2024/792, the Commission has assessed Ukraine's request in detail and made a positive assessment of the satisfactory fulfilment of one of the two outstanding steps required for the fourth instalment and nine of the 11 steps required for the fifth instalment, as specified in the Annex to this Decision. That positive assessment has been made in the context of the implementation of the Plan. Further alignment with the Union *acquis* will be facilitated through the EU accession process.
- (9) The Commission has also assessed that Ukraine has not reversed any measure related to the steps which Ukraine had previously satisfactorily fulfilled.
- (10) The Commission has further assessed that Ukraine continues to fulfil the pre-condition for Union support as 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.
- (11) This Decision should therefore establish that the relevant conditions for the payment of the fourth instalment in respect of one of the two outstanding steps and of the fifth instalment in respect of nine of the 11 steps under the Plan have been satisfactorily fulfilled.

- (12) Considering the difficult financial situation Ukraine is facing, it is of the utmost importance to disburse the funds as soon as possible. Given the urgency of the situation and with a view to expediting the process, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union* and should apply from the date of its adoption,

HAS ADOPTED THIS DECISION:

Article 1

The satisfactory fulfilment of the relevant conditions for the partial payment of the fourth and fifth instalments of the loan support amounting to EUR 1 949 400 399, out of which EUR 597 494 240 corresponds to the fourth instalment and EUR 1 351 906 159 corresponds to the fifth instalment, is hereby established in line with the assessment provided by the Commission in accordance with Article 26 of Regulation (EU) 2024/792, annexed to this Decision.

Article 2

This Decision shall enter into force on the day 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
