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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL IMPLEMENTING DECISION amending the Implementing Decision of 5 October 2021 on the approval of the assessment of the recovery and resilience plan for Malta

COUNCIL IMPLEMENTING DECISION

of …

amending the Implementing Decision of 5 October 2021
on the approval of the assessment of the recovery and resilience plan for Malta

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[1], 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 Malta on 13 July 2021, the Commission proposed its positive assessment to the Council. On 5 October 2021, the Council approved the positive assessment by means of an implementing decision[2] (the ‘Council Implementing Decision of 5 October 2021’). The Council Implementing Decision of 5 October 2021 was amended by the Council Implementing Decisions of 14 July 2023[3], 20 June 2025[4] and 12 December 2025[5].

(2) On 26 June 2026, Malta made a reasoned request to the Commission to make a proposal to amend the Council Implementing Decision of 5 October 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, Malta has submitted an amended RRP.

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

(3) The amendments to the RRP submitted by Malta because of objective circumstances concern 20 measures.

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2 See documents ST 11941/21 and ST 11941/21 ADD 1 at http://register.consilium.europa.eu.
3 See documents ST 11202/23 and ST 11202/23 ADD 1 at http://register.consilium.europa.eu.
4 See documents ST 9589/25, ST 9589/25 ADD 1 and ST 9589/25 ADD 1 COR at http://register.consilium.europa.eu.
5 See documents ST 15661/25, ST 15661/25 ADD 1 and ST 15661/25 ADD 1 REV at http://register.consilium.europa.eu.

(4) Malta has explained that one measure is partially no longer achievable due to unexpected delays in the construction works. This concerns measure C1-I1 (Investment in the renovation and greening of public and private sector buildings). On that basis, Malta has requested that that measure be amended. The Council Implementing Decision of 5 October 2021 should be amended accordingly.

(5) Malta has explained that one measure is partially no longer achievable due to unexpected procurement delays. This concerns measure C6-I1 (Digitalisation in the justice system). On that basis, Malta has requested that that measure be amended. The Council Implementing Decision of 5 October 2021 should be amended accordingly.

(6) Malta has explained that two measures have been amended to implement better alternatives in order to achieve their original ambition. This concerns measure C6-R1 (Reform the method of appointment and dismissal of the judiciary) and measure C6-R2 (Create a separate prosecution service). On that basis, Malta has requested that those measures be amended. The Council Implementing Decision of 5 October 2021 should be amended accordingly.

(7) Malta has explained that 15 measures have been amended to implement better alternatives that allow the administrative burden to be reduced and simplify the implementation of the Council Implementing Decision of 5 October 2021, while still achieving the objectives of those measures. This concerns the following measures: C1-I2 (Investment in the renovation and retrofitting of one public hospital block), C1-I5 (Renewable energy investments in public spaces), C2-R1 (Stimulating the adoption and implementation of policies promoting the sustainability of the transport sector, including by encouraging the use of collective and multimodal transport), C2-R6 (Enhanced mobility management in the public service), C2-R7 (Measures to reduce traffic congestion), C2-I2 (Enhancing the uptake of electric vehicles in the private sector), C3-I2 (Digitalisation of the Merchant Shipping Directorate within Transport Malta), C3-I3 (Further digitalisation and modernisation of the public administration), C3-I4 (Rolling out measures to intensify the digitalisation of the private sector), C3-I5 (Mobile digitalisation of urban ecology), C4-I1 (Establishment of a Blood, Tissue and Cell Centre for Malta), C5-R3 (New education pathways towards inclusive and quality education), C5-R4 (An education policy monitoring system), C5-R5 (Reinforcing the resilience of the labour market) and C7-I2 (Investment in the renovation and greening of private sector buildings). On that basis, Malta has requested that those measures be amended. The Council Implementing Decision of 5 October 2021 should be amended accordingly.

(8) Following the decrease in the level of implementation of measures, Malta has requested, in accordance with Article 21 of Regulation (EU) 2021/241, to use the resources freed up by the decrease in the level of their implementation to increase the level of implementation of one measure. This concerns the decrease in the level of implementation of measures C1-I1 (Investment in the renovation and greening of public and private sector buildings) and C6-I1 (Digitalisation in the justice system) and the increase in the level of implementation of measure C7-I1 (Investments in distribution centres and cables). On that basis, Malta has requested that the level of implementation of that measure be increased. The Council Implementing Decision of 5 October 2021 should be amended accordingly.

Corrections of clerical errors

(9) One clerical error has been identified in the text of the Council Implementing Decision of 5 October 2021, affecting the description of Component 2: Decarbonising transport. The Council Implementing Decision of 5 October 2021 should be amended to correct that clerical error that does not reflect the content of the RRP submitted to the Commission on 31 October 2025, as agreed between the Commission and Malta. This correction does not affect the assessment or the implementation of the RRP.

Commission's assessment

(10) 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 REPowerEU objectives

(11) In accordance with Article 19(3), point (da), of, and criterion 2.12 of Annex V to, Regulation (EU) 2021/241, the REPowerEU chapter is expected to effectively contribute to a large extent (rating A) to energy security, the diversification of the Union's energy supply, an increase in the uptake of renewables and in energy efficiency, an increase of energy storage capacities or the necessary reduction of dependence on fossil fuels before 2030.

(12) Malta has requested to use the resources freed up by the decrease in the level of implementation of two measures to increase the level of implementation of one measure. This concerns measure C7-I1 (Investments in distribution centres and cables). This does not affect the previous positive assessment of the REPowerEU chapter, which continues to address the uptake of renewables, energy efficiency and the reduction of dependence on fossil fuels in Malta.

Contribution to the green transition including biodiversity

(13) In accordance with Article 19(3), point (e), of, and criterion 2.5 of Annex V 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 63,6 % of the amended RRP's total allocation and 100 % 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.

(14) The measures in the amended RRP continue to significantly contribute to the green transition. The green contribution of the amended RRP has increased from 62,0 % to 63,6 %. That increase was the result of the scaling up of measure C7-I1 (Investments in distribution centres and cables), which outweighed the scaling down of measure C1-I1 (Investment in the renovation and greening of public and private sector buildings).

(15) The measures related to the green transition in the amended RRP, including the REPowerEU chapter, have a lasting impact as the measures aim to promote the uptake of renewables in Malta, reducing Malta's dependence on fossil fuels and increasing energy efficiency in buildings. As a result, those measures also contribute to achieving the 2030-2050 climate targets and the objective of EU climate neutrality by 2050. The scope of the amendments does not change the overall assessment of this criterion.

Contribution to the digital transition

(16) In accordance with Article 19(3), point (f), of, and criterion 2.6 of Annex V 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 26,0 % of the amended RRP's total allocation calculated in accordance with the methodology set out in Annex VII to that Regulation.

(17) The measures in the amended RRP continue to significantly contribute to the digital transition. The amendment of the contribution to the digital transition relates to the decrease in allocation for one measure, namely C6-I1 (Digitalisation in the justice system). Overall, due to this change in the digital allocation, the amendment to Malta's RRP entails a net decrease in the overall contribution to the digital target of the RRP by 0,9 percentage points, from 26,9 % to 26,0 %. The limited scope of this amendment does not change the overall assessment of this criterion.

Costing

(18) In accordance with Article 19(3), point (i), of, and criterion 2.9 of Annex V to, Regulation (EU) 2021/241, the justification provided in the amended RRP on the amount of the estimated total cost of the RRP is to a medium extent (rating B) reasonable and plausible, is in line with the principle of cost efficiency and is commensurate with the expected national economic and social impact.

(19) According to the information provided, the assessment of the cost estimates for the existing measures whose amendments entailed a new cost assessment shows that most of the costs are reasonable and plausible. In only a few cases, the methodology and calculations used to make the cost estimates were not as solid. This precludes a rating of A for this assessment criterion. Furthermore, the changes in the cost estimates for the amended measures were justified and proportionate to the new amended measures and supported by detailed calculations and evidence, and as such the reasonability and plausibility of those cost estimates were not altered compared to the original RRP. Finally, the amount of the estimated total cost of the RRP is in line with the principle of cost efficiency and commensurate with the expected national economic and social impact.

Any other assessment criteria

(20) The Commission considers that the amendments put forward by Malta do not affect the positive assessment of the RRP set out in the Council Implementing Decision of 5 October 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), (db), (g), (h), (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 should be set out.

Financial contribution

(22) The estimated total cost of Malta's amended RRP is EUR 329 083 116. As the amount of the estimated total cost of the amended RRP is higher than the updated maximum financial contribution available for Malta, the financial contribution determined in accordance with Article 4a of Regulation (EU) 2021/1755 of the European Parliament and of the Council[6], and with Article 20(4) and Article 21a(6) of Regulation (EU) 2021/241 that is allocated for Malta's amended RRP should be equal to EUR 328 230 928. Therefore, the financial contribution made available to Malta remains unchanged.

(23) The Council Implementing Decision of 5 October 2021 should therefore be amended accordingly. For the sake of clarity, the Annex to the Council Implementing Decision of 5 October 2021 should be replaced entirely.

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6 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: https://eur-lex.europa.eu/eli/reg/2021/1755/oj).

(24) This Decision is without prejudice to the outcome of any procedures relating to the award of Union funds under any Union programme other than the Recovery and Resilience Facility or to procedures relating to distortions of the operation of the internal market that may be undertaken, in particular under Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Approval of the assessment of the amended recovery and resilience plan

The assessment of the amended recovery and resilience plan for Malta on the basis of the criteria provided for in Article 19(3) of Regulation (EU) 2021/241 is approved.

Article 2

Amendments

The Annex of the Council Implementing Decision of 5 October 2021 on the approval of the assessment of the recovery and resilience plan for Malta is replaced by the text appearing in the Annex to this Decision.

Article 3

Addressee

This Decision is addressed to the Republic of Malta.

Done at …, …

For the Council
The President