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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL IMPLEMENTING DECISION amending Implementing Decision of 17 June 2022 on the approval of the assessment of the recovery and resilience plan for Poland

COUNCIL IMPLEMENTING DECISION

of …

amending Implementing Decision of 17 June 2022
on the approval of the assessment of the recovery and resilience plan for Poland

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.

Whereas:

(1) Following the submission of the national recovery and resilience plan ('RRP') by Poland on 3 May 2021, the Commission has proposed its positive assessment to the Council. On 17 June 2022, the Council approved the positive assessment by means of an implementing decision ('the Council Implementing Decision of 17 June 2022')[2]. The Council Implementing Decision of 17 June 2022 was amended on 8 December 2023[3].

(2) On 30 April 2024, Poland made a reasoned request to the Commission to make a proposal to amend the Council Implementing Decision of 17 June 2022 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, Poland has submitted an amended RRP.

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

(3) The amendments to the RRP submitted by Poland because of objective circumstances concern 50 measures.

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[2] See documents ST 9728 2022 INIT and ST 9728 2022 ADD 1 at http://register.consilium.europa.eu.

[3] See documents ST 15835 2023 REV 1 and ST 15835 2023 ADD 1 at http://register.consilium.europa.eu.

(4) Poland has explained that seven measures are no longer totally achievable because supply-chain disruptions, high inflation and construction costs have led to problems in implementation with an impact on the related milestones and targets. This concerns the goal of target B17L of measure B3.2.1 (Investments in risk neutralisation and the restoration of large-scale brownfield sites and the Baltic Sea) under component B (Green energy and energy intensity reduction). This also concerns the removal of milestone D6L of measure D3.2 (Creation of favourable conditions for the development of the medicines and medical devices sector) and the respective investment, as well as the removal of milestones D7L and D8L of measure D3.2.1 (Developing the potential of the medicines and medical devices sector – investments linked to the production of API in Poland) and the respective investment, under component D (Effectiveness, accessibility and quality of the health system). This also concerns the timeline and description of milestone E19G and the goal and description of targets E19aG and E20G of measure E2.1.2 (Railways passenger rolling stock), the description of milestone E21G of measure E2.1.3 (Intermodal projects), the name, timeline and description of target E4L of measure E1.2.1 (Zero-emission public transport in cities (trams)) and the name, goal and description of targets E27G and E28G of measure E2.2.2 (Digitalisation of transport) under component E (Green, smart mobility). On this basis, Poland has requested that the descriptions of those milestones, targets and measures be amended and that the respective implementation timelines be extended. The Annex to the Council Implementing Decision of 17 June 2022 should be amended accordingly.

(5) Poland has explained that there are better alternatives for the implementation of 18 measures that would allow for the achievement of the original ambition of those measures. This concerns: the description of milestone A13G and the goal and description of target A16G of measure A1.3.1 (Implementation of land-use planning reform), the goal and description of target A40G of measure A2.4.1 (Investment in the development of research capacities) and the description and timeline of the respective investment, the goal and description of targets A3L and A4L of measure A2.5.1 (A program to support the activities of entities in the cultural and creative industries to stimulate their development) and the timeline of the respective investment, the timeline and description of milestones A51G and A52G of measure A4.1 (Effective institutions for the labour market) and the description and the timeline of the respective investment, the timeline and description of milestone A57G of measure A4.2 (Reform to improve the labour market situation of parents by increasing access to high-quality childcare for children up to the age of three) and the description of the respective investment, the name, indicator, timeline and description of milestone A70G of measure A4.6 (Increase labour market participation of certain groups by developing long-term care), and the description of the respective investment, under component A (Resilience and competitiveness of the economy). This also concerns the name and description of target B26L of measure B3.4.1 (Investments in a green transformation of cities) under component B (Green energy and energy-intensity reduction).

Moreover, this concerns the name and description of milestone C3G of measure C1.1 (Facilitating the development of network infrastructure to ensure universal access to high-speed internet), the goal, name and description of targets C14G and C15G of measure C2.1.2 (Level-playing field for schools with mobile multimedia devices – investments related to the fulfilment of minimum equipment standards) and the description and timeline of the respective investment, the name, timeline and description of milestones C21G and C22G of measure C3.1 (Enhancing the cybersecurity of information systems, strengthening the data processing infrastructure and optimising the infrastructure of the law enforcement services) and the description and timeline of the respective investment, and the name and description of target C25G of measure C3.1.1 (Cybersecurity – CyberPL, infrastructure of data processing and optimization of the infrastructure of law enforcement services) and the description of the respective investment under component C (Digital Transformation).

This also concerns the name, indicators, timeline and description of milestones D1G, D2G, D3G, D4G, D5G and D8G of measure D1.1 (Improving the effectiveness, accessibility and quality of health services) and the description of the respective reform, the name, timeline and description of milestones D9G, D10G and the name, goal, timeline and description of targets D11G, D12G, D13G and D14G of measure D1.1.1 (Development and modernisation of the infrastructure of highly specialised care centres and other healthcare providers), and the description and timeline of the respective investment, the unit of measure, goal and description of targets D19G and D20G of measure D1.1.2 (Accelerating the digital transformation of health by further developing digital health services), the description of target D21G and the description of milestones D25G and D27G of measure D2.1 (Creating the right conditions for an increase in the number of medical staff), the name and indicators of milestone D34G, the removal of milestone D35G, and the name, goal and description of targets D36G and D37G of measure D3.1.1 (Comprehensive development of research in the field of medical sciences and health sciences) and the description of the respective investment under component D (Effectiveness, accessibility and quality of the health system). This also concerns the name, timeline and description of milestone E4G, combined with the introduction of new milestones E4aG, E4bG and E4cG, of measure E1.1 (Increase in the use of environmentally friendly transport) and the description of the respective measure, and the removal of milestone E9G and targets E10G, E11G and E12G under measure E.1.1.1 (Support for a low-carbon economy) under component E (Green, smart mobility). On this basis, Poland has requested that the descriptions of those milestones, targets and measures be amended and that the respective implementation timelines be extended. The Annex to the Council Implementing Decision of 17 June 2022 should be amended accordingly.

(6) Poland has also explained that, for 14 measures, there are better alternatives that allow for the reduction of the administrative burden during implementation while preserving the level of ambition of those measures. This concerns: the description of measure B1.2 (Facilitating the energy saving obligation for energy companies), the indicators and description of targets B8G, B9G, B10G and B11G of measure B1.1.2 (Replacement of heat sources and improvement of energy efficiency in single family residential buildings) and the description of the respective investment, the description of milestone B4G of measure B1.1 (Clean air and energy efficiency) and the description of the respective investment, the description of measure B1.1.1 (Investment in heat sources in district heating systems), the description of milestone B2L of measure B1.2.1 (Energy efficiency and RES in companies – investments with the highest greenhouse gas reduction potential), the description of milestone B32L of measure B3.6 (Improving the conditions for the development of renewable energy sources) and the description of the respective measure, the name, indicators, description and timeline of milestones B37G and B38G under measure B2.2.3 (Construction of offshore terminal infrastructure) under component B (Green energy and energy-intensity reduction). This also concerns the description of milestone C16G of measure C2.1.3 (E-competences), as well as the description of measure C2.2.1 (Equipping schools/institutions with adequate ICT devices and infrastructure to improve the overall performance of education system) and the corresponding description of milestone C14L under component C (Digital Transformation). It also concerns the description of milestone E1G under measure E1.1 (Increase in the use of environmentally friendly transport) and milestones E1L and E2L under measure E1.2 (Increase the share of zero and low emission transport, prevent and reduce the negative impact of transport on the environment) and the description of the respective measure under component E (Green, smart mobility).

This also concerns the description of milestone E13G and the description of and timeline for target E14G of measure E.1.1.2 (Zero and low-emission collective transport (buses)), and the description of the respective investment, and the description of milestone E17G and the name, timeline and description of target E18G, combined with the introduction of a new target E18aG, under measure E.2.1.1 (Railways lines) under component E (Green, smart mobility). This also concerns the description of milestone F4G of measure F2.1 (Improving the process of law-making) and the description of the respective reform under component F (Improving the quality of institutions and the conditions for the implementation of the RRP). This also concerns the description of milestone G15L of measure G3.1.4 (Support for the national energy system – Energy Support Fund) under sub-component G3.1 (Improving renewable energy deployment, green skills, and energy efficiency) of component G (REPowerEU). On this basis, Poland has requested that the descriptions of those milestones, targets and measures be amended and that the respective implementation timelines be extended. The Annex to the Council Implementing Decision of 17 June 2022 should be amended accordingly.

(7) Poland has explained that, in the case of five measures, unexpected legal or technical difficulties have caused significant delays in implementation, impacting the ability to fully achieve the milestones and targets in their original format. This concerns: the timeline of targets A55G and A56G of measure A4.1.1 (Investment in support of labour market institution reform) and the description and timeline of the respective investment under component A (Resilience and competitiveness of the economy).

This also concerns the name, goal, description of targets C4G, C5G, C6G of measure C1.1.1 (Ensuring access to very high-speed internet in white spots) and the description of the respective investment, and the name, indicators, timeline and description of milestones C7G, C8G, C9G and C10G of measure C2.1 (Scaling up digital applications in the public sphere, the economy and society) and the description and timeline of the respective investment under component C (Digital Transformation). This also concerns the removal of milestone D3L and targets D4L and D5L of measure D1.2.1 (Development of long-term care by modernisation of medical entities' infrastructure at district level) and the respective investment under component D (Effectiveness, accessibility and quality of the health system). This also concerns the timeline of target E16G of measure E2.1 (Enhance the competitiveness of the railway sector) under component E (Green, smart mobility). On this basis, Poland has requested that the descriptions of those milestones, targets and measures be amended and that the respective implementation timelines be extended. The Annex to the Council Implementing Decision of 17 June 2022 should be amended accordingly.

(8) Poland has further requested to use the resources freed up by the removal of measures and the decrease in the level of their implementation under Article 21 of Regulation (EU) 2021/241 to increase the level of implementation of three measures and to introduce three new measures. This concerns: targets A21G, A23G, A25G and A26G, and a new target A26aG, of measure A1.4.1 (Investments to diversify and shorten the supply chain of agricultural and food products and build the resilience of the entities in the chain) and the description and timeline of the respective investment under component A (Resilience and competitiveness of the economy).

This also concerns a new measure B1.1.5 (Improvement of energy efficiency in multi-apartment residential buildings) with targets B42G and B43G under component B (Green energy and energy-intensity reduction). This also concerns new targets C13bG, C13cG and C13dG, and the adjustment of target C12G, of measure C2.1.1 (Public e-services, IT solutions improving the functioning of administrations and economic sectors), and the description of the respective investment, under component C (Digital Transformation). This also concerns a new milestone D38G and new targets D39G and D40G of a new measure D4.1.1 (Development of long-term care by modernisation of medical entities' infrastructure at district level), and the description of the respective investment, under component D (Effectiveness, accessibility and quality of the health system). This also concerns a new target E18aG of measure E2.1.1 (Railways lines) under component E (Green, smart mobility). This also concerns a new measure E3.1.1 (Facility for support of a low-carbon economy), new milestones E7L, E8L, E9L and target E10L. On this basis, Poland has requested that the descriptions of those existing targets and measures be amended in order to increase the level of required implementation and that those new measures, together with their related milestones and targets, be introduced. The Annex to the Council Implementing Decision of 17 June 2022 should be amended accordingly.

(9) The Commission considers that the reasons put forward by Poland justify the amendments pursuant to Article 21(2) of Regulation (EU) 2021/241. The Annex to the Council Implementing Decision of 17 June 2022 should be amended accordingly.

Distribution of milestones and targets

(10) 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 Poland.

Correction of clerical errors

(11) Sixteen clerical errors have been identified in the text of the Council Implementing Decision, affecting the description of milestone A2G of measure A1.1 (Reform of the fiscal framework), the name, goal and description of target A16G and the baseline of target A17G of measure A1.3.1 (Implementation of land-use planning reform), target A28G under measure A2.1.1 (Investments supporting robotisation and digitalisation in enterprises), milestone A52G of measure A4.1 (Effective institutions for the labour market), and the indicator and description of milestone A69G of measure A4.6 (Increase labour market participation of certain groups by developing long-term care) under component A (Resilience and competitiveness of the economy).

This also concerns the description of milestone B41G of measure B3.1.1 (Investments in wastewater treatment systems and water supply in rural areas), the description of measure B1.1.3 (Thermal modernization of schools) and the name of targets B12G and B13G, the description of measures B1.1.4 (Strengthening the energy efficiency of local social activity facilities), B1.2.1 (Energy efficiency and RES in companies), B2.1.1 (Investment in hydrogen, hydrogen manufacturing, storage and transport) and B3.1 (Support of sustainable water and wastewater management in rural areas), the description of milestone B24L of measure B3.4 (Enabling framework for green transition investments in urban areas), and the description of milestones B29L and B30L of measure B3.5.1 (Investments in energy-efficient housing for low- and average-income households) under component B. This also affects the correction of the amount included in the description of the investment under measure C4.1.1 under component C (Digital Transformation). The Council Implementing Decision of 17 June 2022 should be amended to correct those clerical errors, which do not reflect the content of the RRP submitted to the Commission on 3 May 2021, as agreed between the Commission and Poland. 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.

(13) The Commission considers that the amendments put forward by Poland do not affect the positive assessment of the RRP set out in the Council Implementing Decision of 17 June 2022, as amended by the Council Implementing Decision of 8 December 2023, regarding the relevance, effectiveness, efficiency and coherence of the RRP against the assessment criteria laid down in Article 19(3) of Regulation (EU) 2021/241.

Contribution to the green transition including biodiversity

(14) 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 45 % 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.

(15) 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 46,6 % to 45 % compared to the amended assessment.

Costing

(16) In accordance with Article 19(3), point (i), of and Annex V, criterion 2.9, 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.

(17) The original assessment determined that Poland had provided estimated costs for each investment included in the RRP. The justification provided by Poland on the amount of the estimated total cost of the RRP was, to a medium extent, reasonable, plausible, in line with the principle of cost-efficiency and commensurate with the expected national economic and social impact.

(18) The assessment of the cost estimates for the revised measures, based on the information provided, shows that the cost estimates are generally reasonable and plausible even though the evidence shows varying degrees of detail and depth of calculations. In some cases, details on the methodology and assumptions used to make the cost estimates were limited, partly due to the novelty of the measures, or less clear, preventing an award of rating A under this assessment criterion. Furthermore, the changes in the cost estimates for amended measures were justified and proportional and as such the reasonableness and plausibility of these cost estimates were not altered compared to the original RRP. Finally, the estimated total cost of the amended RRP is in line with the principle of cost efficiency and commensurate with the expected national economic and social impact.

Positive assessment

(19) 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

(20) The estimated total cost of Poland's amended RRP is EUR 59 818 157 236, which is equivalent to PLN 266 282 978 035 at the European Central Bank's reference rate for EUR-PLN of 3 May 2021, the European Central Bank's reference rate for EUR-PLN of 31 August 2023, and the European Central Bank's reference rate for EUR-PLN of 30 April 2024. Amounts in euros referred to in the descriptions of the measures and the corresponding milestones and targets have been calculated on the same basis and should be assessed while taking this into account.

(21) As the amount of the estimated total cost of the amended RRP is higher than the updated maximum financial contribution available for Poland, the total financial contribution determined in accordance with Article 20(4), Article 21a(6) and Article 21b(2) of Regulation (EU) 2021/241 allocated for Poland amended RRP should be equal to EUR 25 276 853 716.

Loans

(22) The loan support made available to Poland amounting to EUR 34 541 303 518 remains unchanged.

(23) The Council Implementing Decision of 17 June 2022 on the approval of the assessment of the recovery and resilience plan for Poland should therefore be amended accordingly. For the sake of clarity, the Annex to the Council Implementing Decision of 17 June 2022 should be replaced entirely,

HAS ADOPTED THIS DECISION:

Article 1

The assessment of the amended RRP of Poland 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 and the additional milestones and targets related to the payment of non-repayable financial support and the loan, 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.

Article 2

The Annex to the Council Implementing Decision of 17 June 2022 on the approval of the assessment of the recovery and resilience plan for Poland is replaced by the text set out in the Annex to this Decision.

Article 3

This Decision is addressed to the Republic of Poland.

Done at …, …

For the Council
The President