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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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 France

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 France

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 France 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 decision² ('the Council Implementing Decision of 13 July 2021'). The Council Implementing Decision of 13 July 2021 was amended by the Council Implementing Decision of 14 July 2023³.
- (2) On 28 October 2025, France 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, France has submitted an amended RRP.

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

- (3) The amendments to the RRP submitted by France because of objective circumstances concern 24 measures.

² See documents ST 10162/21 and ST 10162/21 ADD 1 at <http://register.consilium.europa.eu>.

³ See documents ST 11150/23, ST 11150/23 ADD 1 REV 2 and corrigendum ST 14651/24 at <http://register.consilium.europa.eu>.

- (4) France has explained that four measures are no longer achievable because of unforeseen technical difficulties linked to specific projects that are part of the measures. This concerns measures C3.I1 (Support to the railway sector), C4.I3 (Support plan to the aeronautics sector), C9.I3 (Renovation of medico-social establishments) and C10.I1 (Fossil-free industry). On this basis, France has requested that those measures be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (5) France has explained that one measure is no longer achievable because of the administrative burden required to implement it with a clear distinction from another measure. This concerns measure C2.I8 (Recycling and reuse). On this basis, France has requested that that measure be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (6) France has explained that one measure is no longer achievable because of the administrative burden required to implement it. This concerns measure C7.I8 (Digital upgrade of the education system). On this basis, France has requested that that measure be removed. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (7) France has explained that one measure is no longer achievable because of the bankruptcy of the joint venture 'Hyvia'. This concerns measure C10.I2 (IPCEI Hydrogen). On this basis, France has requested that that measure be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (8) France has explained that one measure is no longer achievable because of a higher level of ambition of the ‘MaPrimeRenov’ scheme than initially planned at the time of the submission of REPowerEU in 2023, which has led to an increase of the unit cost of each project. This concerns measure C10.I4 (Energy renovation of private housing, with ‘MaPrimeRenov’). On this basis, France has requested that that measure be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (9) France has explained that one measure has been amended to implement a better alternative in order to achieve its original ambition. This concerns measure C7.I11 (Support for cultural sectors and heritage renovations). On this basis, France has requested that that measure be amended. As those circumstances justify an amendment of the measure, the Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (10) France 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 13 July 2021, while still achieving the objectives of those measures. This concerns measures C1.R2 (Revision of the thermal regulation with RE2020), C2.I7 (Modernisation of sorting centres, recycling, and waste-disposal systems), C2.R2 (Law on circular economy), C3.I3 (Daily Mobility: development of public transport infrastructure), C3.I6 (Greening of harbours), C4.I2 (Develop decarbonised hydrogen), C6.R1 (Structural aspects of the Research Programming Law), C7.R1 (Law on differentiation, decentralization, deconcentration and on various measures to simplify local public action (3DS)), C7.R2 (Organic law Experimentation), C7.R5 (Assessment of the quality of public expenditure), C7.I1 (Digitisation of companies), C7.I6 (Ministry of the Interior's applications), C8.R3 (Health and safety at work), C9.I2 (Modernisation and restructuring of hospitals and health care supply) and C10.I3 (Thermal renovation of public buildings). On this basis, France has requested that those measures be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (11) Following the removal and the decrease in the level of implementation of measures in accordance with Article 21 of Regulation (EU) 2021/241, France has requested to use the resources freed up by the removal of the measure and decrease in the level of their implementation to increase the level of implementation of one measure. This concerns C10.I5 (Support to demand for clean vehicles). On this basis, France has requested that the level of implementation of one measure, namely C3.I2 (Support to demand for clean vehicles (automobile plan)) be increased. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

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 criterion 2.4 of Annex V to, Regulation (EU) 2021/241, the amended RRP is expected to ensure that no measure (rating A) for the implementation of reforms and investment 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'). The amended RRP assesses compliance with the principle of 'do no significant harm' following the methodology set out in the Commission Notice 2021/C58/01 'Technical guidance on the application of "do no significant harm" under the Recovery and Resilience Facility Regulation'⁵. The assessment is done systematically for each new or amended reform and investment following the two-step approach. The assessment concludes that for all amended measures, there is no risk of significant harm. Where needed, the requirements of the 'do no significant harm' assessment are enshrined in the design of a measure or specified in a milestone or target of such measure. Based on the information provided, it can be concluded that no measure does significant harm to environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852.

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>).

⁵ OJ C 58, 18.2.2021, p. 1.

Contribution to the REPowerEU objective

- (14) 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 in energy storage capacities or the necessary reduction of dependence on fossil fuels before 2030.
- (15) The removal of target 10-6 (Light commercial vehicles H2 (Hyvia project)) of investment C10.I2 (IPCEI Hydrogen) and the decrease in the level of implementation of investment C10.I1 (Fossil-free industry) is counterbalanced by the addition of the scale-up measure C10.I5 (Support to demand for clean vehicles under REPowerEU). This scale-up measure included in the REPowerEU chapter introduces a substantive improvement in the level of ambition of the investment already included in measure C3.I2 (Support to demand for clean vehicles), which supports both hybrid and fully electric vehicles. The scale-up measure supports the purchase of an additional 109 300 zero-emission electric or hydrogen vehicles. The changes introduced in the measures through the revision of the RRP do not affect the assessment carried out of the REPowerEU, which remains the same.

Contribution to the green transition, including biodiversity

- (16) 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 from it. The measures supporting climate objectives account for an amount which represents 49 % of the amended RRP's total allocation and 93,4 % of the estimated total cost 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.
- (17) The amended RRP does not materially alter its ambition towards the green transition, given that the total allocation for measures supporting the climate objectives have only decreased by 0,5 percentage points compared with the amended assessment of 26 June 2023. This decrease is the result of the scale down of several measures, namely investment C3.I1 (Support to railway), investment C10.I1 (Fossil-free industry) and investment C10.I2 (IPCEI Hydrogen), and of the removal of the green tagging of measure C9.I3 (Renovation of medico-social establishments), which is largely compensated by the scale up of measure C10.I5 (Support to demand for clean vehicles). The limited scope of those amendments does not change the overall assessment of this criterion.

Contribution to the digital transition

- (18) In accordance with Article 19(3), point (f), of, and of criterion 2.6 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 21,5 % 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 amended RRP does not materially alter its ambition towards the digital transition, given that the total allocation for measures supporting the digital transition has decreased by only 0,1 percentage points compared with the amended assessment of 26 June 2023. This decrease is due to the removal of investment C7.I8 (Digital upgrade of the education system). The limited scope of those amendments does not change the overall assessment of this criterion.

Costing

- (20) In accordance with Article 19(3), point (i), of, and of criterion 2.9 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.

- (21) For the measures that were downscaled in the amended RRP, the decrease in estimated cost was either proportional to the decrease in the relevant milestones and targets or based on good-quality methodologies and supporting documentation with evidence that the cost modifications were justified, reasonable and plausible. 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.

Protection of the financial interests of the Union

- (22) In accordance with Article 19(3), point (j), of, and criterion 2.10 of Annex V, to Regulation (EU) 2021/241, the arrangements proposed in the amended RRP are adequate (rating A) to prevent, detect and correct corruption, fraud and conflicts of interest 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 Council⁶.
- (23) Since the previous assessment, the Commission has had access to information on the current implementation of the French audit and control system. This includes the findings of the audit on the protection of the financial interests of the Union performed by the Commission in France.

⁶ 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 433 I, 22.12.2020, p. 1, ELI: <http://data.europa.eu/eli/reg/2020/2092/oj>).

- (24) In light of this information, the Commission considers that the internal control system of the French RRP is overall adequate.

Any other assessment criteria

- (25) The Commission considers that the amendments put forward by France 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), (db), (g), (h), (j) and (k), of Regulation (EU) 2021/241.

Positive assessment

- (26) 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

- (27) The estimated total cost of France's amended RRP is EUR 41 089 518 309. As the amount of the estimated total cost of the amended RRP is higher than the updated maximum financial contribution available for France, the financial contribution determined in accordance with Article 4a of Regulation (EU) 2021/1755 of the European Parliament and of the Council⁷ and with Article 20(4) and Article 21a(6) of Regulation (EU) 2021/241 that is allocated for France's amended RRP should be equal to EUR 40 269 973 178. Therefore, the financial contribution made available to France remains unchanged.
- (28) 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.
- (29) 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:

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>).

Article 1

Approval of the assessment of the amended recovery and resilience plan

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

Article 2

Amendment

The Annex to the Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for France is replaced by the text appearing in the Annex to this Decision.

Article 3

Addressee

This Decision is addressed to the Republic of France.

Done at ...,

For the Council

The President
