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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 Denmark

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 Denmark

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 Denmark on 30 April 2021, the Commission has 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')². The Council Implementing Decision of 13 July 2021 was amended by a Council implementing decision of 9 November 2023³.
- (2) On 22 October 2024, Denmark 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, Denmark has submitted an amended RRP.

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

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

² See documents ST 10154/21 and ST 10154/21 ADD 1 at <http://register.consilium.europa.eu>.

³ See documents ST 14473/23 and ST 14473/23 ADD1 at <http://register.consilium.europa.eu>.

- (4) Denmark has explained that three measures have been amended to implement better alternatives in order to achieve the original ambition of those measures. This concerns target 8 of Investment 2 (Organic transition of public kitchens) under Component 2 (Green transition of agriculture and environment), milestones 39 and 40 of Reform 2 (Emission taxes on industries) under Component 4 (Green tax reform) and target 59 of Reform 1 (Digital Strategy) under Component 6 (Digitalisation). This also concerns the measure description of Reform 2 (Emission taxes on industries) under Component 4 (Green tax reform). On this basis, Denmark has requested that the aforementioned milestones, targets and measures be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (5) Denmark has explained that nine measures have been amended to implement better alternatives that allow for the reduction of the administrative burden in order to achieve the original ambition of those measures. This concerns milestone 17 of Investment 6 (Rehabilitation of industrial sites and contaminated land) under Component 2 (Green transition of agriculture and environment), milestone 26 of Investment 3 (Energy renovations in public buildings) and milestone 28 of Investment 5 (Carbon capture and storage (CCS) potential) under Component 3 (Energy efficiency, green heating and carbon capture and storage), targets 51 and 52 of Investment 7 (Investments in bike paths in state roads and bicycle subsidy scheme for municipalities) under Component 5 (Sustainable road transport), and milestones 55 and 56 of Reform 1 (Digital Strategy) under Component 6 (Digitalisation). This also concerns the description of the following measures: Investment 6 (Rehabilitation of industrial sites and contaminated land) under Component 2 (Green transition of agriculture and environment), Investment 1 (Replacing Oil Burners and Gas Furnaces) and Investment 4 (Energy Efficiency in Households) under Component 3 (Energy efficiency, green heating and carbon capture and storage), Reform 1 (Expert group to prepare proposals for a CO₂e-tax) under Component 4 (Green tax reform), and Investment 2 (Development test of road-pricing) and Investment 7 (Investments in bike paths in state roads and bicycle subsidy scheme for municipalities) under Component 5 (Sustainable road transport). On this basis, Denmark has requested that the aforementioned milestones, targets and measures be amended. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (6) Denmark has explained that there are four measures that are partially no longer achievable in order to adapt to new recommendations from health authorities, and because of high inflation and insufficient market demand within the given terms. This concerns milestone 5 of Investment 1 (Clinical study on effect of COVID-19 vaccines) under Component 1 (Strengthening the resilience of the healthcare system), target 24 of Investment 2 (Energy efficiency in industry) under Component 3 (Energy efficiency, green heating and carbon capture and storage), target 50 of Investment 8 (Subsidy scheme to green ferries) under Component 5 (Sustainable road transport), and milestone 84 and target 85 of sub-measure 3 of Investment 1 (Supporting the deployment of wind energy) under Component 8 (REPowerEU). On this basis, Denmark has requested that milestone 5 of Investment 1 (Clinical study on effect of COVID-19 vaccines) under Component 1 (Strengthening the resilience of the healthcare system) be amended and that target 24 of Investment 2 (Energy efficiency in industry) under Component 3 (Energy efficiency, green heating and carbon capture and storage) be decreased. Furthermore, Denmark has requested that target 50 of Investment 8 (Subsidy scheme to green ferries) under Component 5 (Sustainable road transport) and milestones 84 and target 85 of sub-measure 3 of Investment 1 (Supporting the deployment of wind energy) under Component 8 (REPowerEU) be removed. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (7) Denmark has explained that there is one measure that is totally no longer achievable, because of insufficient market demand as the tender received no eligible bids. This concerns milestone 90 and target 91 of Investment 4 (Scaled-up measure: Carbon Capture Storage (CCS) Potential) under Component 8 (REPowerEU). On this basis, Denmark has requested that milestone 90 and target 91 of Investment 4 (Scaled-up measure: Carbon Capture Storage (CCS) Potential) under Component 8 (REPowerEU) be removed. The Council Implementing Decision of 13 July 2021 should be amended accordingly.
- (8) Denmark 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 add one new measure and increase the level of implementation of two measures. This concerns: target 43 of Reform 1 (Re-prioritisation of the registration tax of vehicles and low electricity tax on charging electric vehicles) under Component 5 (Sustainable road transport), target 89 of Investment 3 (Scaled-up measure: Replacing oil burners and gas furnaces) and the new target 94 of the new Investment 5 (Energy efficiency in industry) under Component 8 (REPowerEU). On this basis, Denmark has requested that the level of required implementation of target 43 of Reform 1 (Re-prioritisation of the registration tax of vehicles and low electricity tax on charging electric vehicles) under Component 5 (Sustainable road transport) and target 89 of Investment 3 (Scaled-up measure: Replacing oil burners and gas furnaces) under Component 8 (REPowerEU) be increased. Furthermore, Denmark has requested that target 94 of the new Investment 5 (Scale-up measure: Energy efficiency in industry) under Component 8 (REPowerEU) be added. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (9) The Commission considers that the reasons put forward by Denmark justify the amendment pursuant to Article 21(2) of Regulation (EU) 2021/241. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

Correction of clerical errors

- (10) 23 clerical errors have been identified in the text of the Council Implementing Decision of 13 July 2021, affecting eight milestones and targets and six measures under five components. The Council Implementing Decision of 13 July 2021 should be amended in order to correct those clerical errors, which do not reflect the content of the RRP submitted to the Commission on 30 April 2021, as agreed between the Commission and Denmark. Those clerical errors relate to target 7 of Investment 1 (Organic Farming) and milestones 14 and 15 under Reform 1 (Carbon rich soils) under Component 2 (Green transition of agriculture and environment); milestone 21 of Investment 1 (Replacing Oil Burners and Gas Furnaces), milestone 28 of Investment 5 (Carbon Capture Storage (CCS) Potential) and milestone 29 of Investment 4 (Energy Efficiency in Households) under Component 3 (Energy efficiency, green heating and carbon capture and storage); target 43 of Reform 1 (Re-prioritisation of the registration tax of vehicles and low electricity tax on charging electric vehicles) and target 52 of Investment 7 (Investments in bike paths in state roads and bicycle subsidy scheme for municipalities) under Component 5 (Sustainable road transport); and milestone 83 of Investment 1 (Supporting the deployment of wind energy) under Component 8 (REPowerEU).

Those clerical errors also relate to the description of the following measures: Investment 1 (Clinical study on effect of COVID-19 vaccines) under Component 1 (Strengthening the resilience of the healthcare system), Investment 5 (Carbon Capture Storage (CCS) Potential) under Component 3 (Energy efficiency, green heating and carbon capture and storage), Reform 1 (Re-prioritisation of the registration tax of vehicles and low electricity tax on charging electric vehicles) under Component 5 (Sustainable road transport) and Investment 1 (SME's digital transition and trade) under Component 6 (Digitalisation). Furthermore, two clerical errors should be corrected in order to ensure consistent wording in Component 3 (Energy efficiency, green heating and carbon capture and storage) and Component 6 (Digitalisation). A number of clerical errors should also be corrected in the subsequent sections of the Annex to the Council Implementing Decision of 13 July 2021. Those changes concern the costing amount in point 2 and the reference to 'milestone/target' in the instalment tables for milestone 87 and targets 33, 36, 77 and 79. Furthermore, the numbering of the subsections in Section 2 (Financial Support) should be corrected. Finally, the order of the milestones and targets included in the third, fourth and fifth instalments should be corrected in order to display them in increasing order. Those corrections do not affect the implementation of the measures concerned.

Commission's assessment

- (11) The Commission has assessed the amended RRP against the assessment criteria laid down in Article 19(3) of Regulation (EU) 2021/241.
- (12) The Commission considers that the amendments put forward by Denmark 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) of Regulation (EU) 2021/241.

Positive assessment

- (13) 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

- (14) The estimated total cost of Denmark's amended RRP is EUR 1 812 081 282. As the amount of the estimated total cost of the amended RRP is higher than the updated maximum financial contribution available for Denmark, the total financial contribution determined in accordance with Article 20(4) and Article 21a(6) of Regulation (EU) 2021/241 allocated for Denmark's amended RRP should be equal to EUR 1 625 890 885.
- (15) 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 Denmark 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 Denmark 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 target related to the payment of non-repayable financial support, 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 the Kingdom of Denmark.

Done at ..., ...

For the Council

The President
