

Brussels, 3 December 2024
(OR. en)

15974/24

Interinstitutional File:
2024/0308(NLE)

ECOFIN 1358
FIN 1055
UEM 426
CADREFIN 195

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 Belgium

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 Belgium**

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 Belgium 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 8 December 2023³.
- (2) On 25 October 2024, Belgium 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, Belgium has submitted an amended RRP.

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

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

² See documents ST 10161/21 INIT and ST 10161/21 ADD 1 at <http://register.consilium.europa.eu>.

³ See documents ST 15570/23 INIT and ST 15570/23 ADD 1 at <http://register.consilium.europa.eu>.

- (4) Belgium has explained that two measures have been amended to implement better alternatives in order to achieve the original ambition of those measures. This concerns milestones 18 and 20 under investment I-1.15 (An industrial value chain for hydrogen transition – Federal State), the description of investment I-1.15 (Emerging energy technologies) and milestone 186 under that investment, milestone 187 under investment I-5.11 (Strengthen R&D of the Flemish Region) and the description of that investment under component 5.2 (Supporting economic activity). On this basis, Belgium has requested that the aforementioned milestones and measures be amended. Furthermore, Belgium has requested that milestone 112 under investment I-3.15 (Smart Move) under component 3.2 (Modal Shift) and target 246 under investment I-7.25 (Charging infrastructure for busses of the Brussels-Capital Region) under component 7.4 (Mobility) be removed. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (5) Belgium has further requested to use the resources freed up by the removal of the Smart Move investment under Article 21 of Regulation (EU) 2021/241 to add three new measures. This concerns milestone 112 under investment I-3.15a (Floya App of the Brussels-Capital Region) and investment I-3.15b (Extension of the ANPR Camera Network of the Brussels-Capital Region) and milestone 112 under investment I-3F (Smart Mobility tools of Brussels Capital Region) under component 3.2 (Modal Shift), as well as target 246 of investment I-3.21 (Charging infrastructure for busses of the Brussels-Capital Region) under component 3.3 (Greening Road Transport). On this basis, Belgium has requested that the aforementioned milestone and target be added. Furthermore, Belgium has requested that the level of required implementation of two measures be increased. This concerns target 115 of investment I-3.17 (Greening the bus fleet – RBC) under component 3.3 (Greening Road Transport) and milestone 212 of investment I-7.01 (Improved energy subsidy scheme – RBC) under component 7.1 (Renovation of Buildings). Furthermore, Belgium has requested that the baseline of target 242 under investment I-7.21 (Greening the bus fleet – RBC) under component 7.4 (Mobility) be increased to take into account the increase in the level implementation of investment I-3.17. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (6) Belgium has explained that 18 measures have been amended to implement a better alternative that allows for the reduction of the administrative burden, while still achieving the objectives of those measures. This concerns: milestone 1 of reform R-1.01 (Improved energy subsidy scheme of the Flemish Region) under component 1.1; milestone 20 of investment I-1.15 (An industrial value chain for hydrogen transition – Federal State); milestone 23 of investment I-1.16 (An industrial value chain for hydrogen transition – Flemish Region) and milestone 26 of investment I-1.17 (An industrial value chain for hydrogen transition – Walloon Region), under component 1.2 (Emerging energy technologies); milestone 54 of investment I-2.05 (Digitalisation SPF of the Federal State) and milestone 54b of investment I-2.05[L] (Digitalisation SPF: Digitalisation of asylum and immigration management processes of the Federal State); milestone 63 of investment I-2.06 (eHealth Services and Health Data of the Federal State) and the description of that investment; milestone 68 of investment I-2.09 (Digitalisation of the Flemish Government of the Flemish Region) and the description of that investment; milestone 78 of reform R-2.02 (E-government: tendering procedure of the Federal State), under component 2.2 (Public administration); the description of investment I-2.14 (Development of an AI institute in order to use this technology to meet societal challenges of the Brussels-Capital Region), milestone 91 and milestone 93 of reform R-2.03 (Introduction of 5G – National fixed and mobile broadband plan – federal and regional level) and the description of that reform, under component 2.3 (Optic Fibre, 5G, and new technologies);

milestone 118 of reform R-3.05 (Charging stations – RBC of the Brussels-Capital Region) and the description of that reform, milestone 119 of reform R-3.04 (Charging stations – WAL) and the description that reform, under component 3.3 (Greening Road Transport); target 131 of investment I-4 (Provision of digital equipment and IT infrastructure to schools) under component 4.1; target 149 of investment I-4.11 (Digibanks of the Flemish Region) and the description of that investment, under component 4.2 (Training and employment of vulnerable); target 164 of investment I-5.04 (Learning and career offensive of the Flemish Region) under component 5.1 (Training and Labour Market); target 197 of investment I-5.14 (Recycling Hub of the Flemish Region) and the description of that investment, under component 5.3 (Circular Economy); and milestone 213 of investment I-7.02 (Improved energy subsidy scheme of the Flemish Region) under component 7.1 (Renovation of buildings). On this basis, Belgium has requested that unnecessary background information or procedural elements that do not contribute to the objectives of the measures be removed, that it be clarified that certain elements relate to the objectives or the context of the measures, and that descriptions of measures or milestones and targets that cause an unjustified administrative burden with regard to the achievement of the objectives of those measures be simplified. The Council Implementing Decision of 13 July 2021 should be amended accordingly.

- (7) The Commission considers that the reasons put forward by Belgium 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

- (8) 50 clerical errors have been identified in the text of the Council Implementing Decision of 13 July 2021, affecting 26 milestones, 14 targets and 33 measures under 13 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 13 July 2021, as agreed between the Commission and Belgium. Those clerical errors relate to the description of reform R-1.01 (Improved energy subsidy scheme of the Flemish Region), milestones 13 and 14 of investment I-1B (Public building renovation) and the description of that investment, the description of investment I-1.07 (Renovation of public buildings – local authorities & sport of the Walloon Region), the description of investment I-1.09 (Renovation of public buildings – schools of the French Community), milestone 2 of reform R-1.02 (Improved energy grant scheme of the Brussels-Capital region), milestone 6 and milestone 7 of investment I-1A (Renovation of private and social housing), under component 1.1 (Renovation); milestones 18, 19 and 20 of investment I-1.15 (An industrial value chain for hydrogen transition – Federal State) and the description of that investment under component 1.2 (Emerging energy technologies); milestone 54b, milestone 55b, and the name of investment I-2.05bis (Digitalisation SPF), milestone 57, milestone 58 of investment I-2.05 (Digitalisation SPF), milestone 62 of investment I-2.06 (eHealth Services and Health Data – Federal State), milestone 79 of reform R-2.02 (E-government: tendering procedure – Federal State), under component 2.2 (Public administration);

milestone 93 of reform R-2.03 (Introduction of 5G – National fixed and mobile broadband plan – federal and regional level), under component 2.3 (Optic fibre, 5G and new technologies); milestone 94, target 95 and target 96 under investment I-3A (Cycling Infrastructure) and the description of that investment, milestone 96a and target 96b of investment I-3.03b (Cycling infrastructure – Vélo Plus – Federal State), milestone 98 of Investment I-3.04 (Cycling and walking infrastructure – Schuman), under component 3.1 (Cycling and walking infrastructure); target 100, target 101 and milestone 102 of investment I-3B (Enhancing public transport in Wallonia) and the description of that investment, target 107 of investment I-3.11 (Canal Albert and Trilogiport of the Walloon Region) and the description of that investment, under component 3.2 (Modal shift); the description of investment I-3.17 (Greening the bus fleet – RBC), the description of investment I-3.20 (Greening the bus fleet – WAL), target 114, target 115, target 115b of investment I-3G (Greening the bus fleet) and the description of that investment, milestone 119 of reform R-3.04 (Charging stations – WAL), target 121, target 122 and target 123 of investment I-3F (Charging stations), under component 3.3 (Greening Road Transport); the description of investment I-4.06 (Digital transformation of education of the German-speaking Community), under component 4.1 (Education 2.0); target 166 of investment I-5.05 (Strategy for relaunching the labour market), target 171 of investment I-5.07 (Digital lifelong learning), the description of reform R-5.01 (Cumulation regime and mobility to sectors with shortages of the Federal State), milestone 174 of reform R-5.03 (Learning account), under component 5.1 (Training and Labour Market);

milestone 215 of investment I-7.04 (Renovation of social housing – WAL), milestone 216 of investment I-7.05 (Energy-climate measures in public buildings – Federal state), milestone 231 of reform R-7.04 (Accelerating the energy transition of the Walloon Region) and the description of that reform, under component 7.1 (Renovation of buildings); the name of investment I-7.14 (Call for climate measures in agriculture of the Flemish Region), under component 7.2 (New emerging energy technologies); milestone 239 of investment I-7.20 (Off-shore energy island of the Federal State), the subtitle ‘U.3. Description of the reforms and investments for the loan’ and the subtitle ‘U.4. Milestones, targets, indicators, and timetable for monitoring and implementation for the loan’, under component 7.3 (Renewable energy); and milestone 248 of investment I-5.18 (SMELD – Federal State), under component 5.2 (Supporting economic activity). Those corrections do not affect the implementation of the measures concerned.

Commission’s assessment

- (9) 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

- (10) In accordance with Article 19(3), point (d), of and Annex V, criterion 2.4, to Regulation (EU) 2021/241, the amended RRP is expected to ensure that no measure (rating A) for the implementation of reforms and investments projects included in this 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’).
- (11) Belgium submitted an assessment of the principle of ‘do no significant harm’ for each of the new investments that replace the measure I-3.15 (Smart Move) under component 3.2. The information provided shows that the RRP is expected to ensure compliance with this principle. Other amendments to the measures included in the original RRP do not have an impact on the assessment of the principle of ‘do no significant harm’.

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>).

Contribution to the REPowerEU objectives

- (12) In accordance with Article 19(3), point (da), of and Annex V, criterion 2.12, 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.
- (13) The amended RRP includes an increment in the ambition of investment I-7.01 (Improved energy subsidy scheme – RBC), which provides support for energy-efficient renovations to vulnerable households. This further contributes to the objective of reducing dependence on fossil fuels.

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 51 % of the amended RRP's total allocation and 87 % 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.

- (15) The amendment of the RRP does not materially decrease its ambition towards the green transition. The increment in ambition of the investment I-3.17 on electric buses further contributes to climate objectives, such as the reduction of CO₂ emissions.

Contribution to the digital transition

- (16) In accordance with Article 19(3), point (f), of and Annex V, criterion 2.6, 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 % of the amended RRP's total allocation calculated in accordance with the methodology set out in Annex VII to Regulation (EU) 2021/241.
- (17) The amendment of the RRP does not materially impact its ambition towards the digital transition. In spite of the decrease due to the replacement of investment I-3.15 (Smart Move), the amended RRP continues to significantly contribute to the digital transition with a cross-cutting approach, by supporting cybersecurity, the digitalisation of businesses and the public administration, and connectivity, including high-speed connectivity. It also contributes to the digitalisation of the transport sector, namely with the new investments I-3.15a (Floya App) and I-3.15b (Extension of the ANPR Camera Network of the Brussels-Capital Region), and to increasing the digital skills of the workforce, pupils and the population more broadly, including vulnerable groups.

Any other assessment criteria

- (18) The Commission considers that the amendments put forward by Belgium 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), (i), (j) and (k) of Regulation (EU) 2021/241. This is without prejudice to the assessment of the Commission of milestones 250 and 251 within the audit and control component of the RRP.

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 Belgium's amended RRP is EUR 5 279 567 854. As the amount of the estimated total cost of the amended RRP is higher than the updated maximum financial contribution available for Belgium, the financial contribution determined in accordance with Article 20(4) of Regulation (EU) 2021/241 allocated for Belgium's amended RRP should be equal to the total amount of the maximum financial contribution available for Belgium's amended RRP. This amount is equal to EUR 4 523 383 959.

Loans

- (21) Furthermore, in order to support reforms and investments, Belgium has requested a total of EUR 244 200 000 in loan support, comprising EUR 195 000 000 to support the reforms and investments in the REPowerEU chapter and EUR 49 200 000 to support the other reforms and investments in the RRP. The amount of the estimated total cost of the RRP is higher than the combined financial contribution available for Belgium, including the REPowerEU chapter and the updated maximum financial contribution for non-repayable financial support, the revenue from the emission trading system under Directive 2003/87/EC of the European Parliament and of the Council⁵, and the resources from the Brexit Adjustment Reserve. The maximum volume of the loan requested by Belgium is less than 6,8 % of its 2019 gross national income in current prices.

⁵ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32, ELI: <http://data.europa.eu/eli/dir/2003/87/oj>).

- (22) 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 Belgium 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 Belgium 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 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.’;

- (2) in Article 2a, paragraph 1 is replaced by the following:

‘1. The Union shall make available to Belgium a loan amounting to a maximum of EUR 244 200 000.’;

(3) 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 Belgium.

Done at Brussels, ...

For the Council

The President
