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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	Proposal for a COUNCIL IMPLEMENTING DECISION amending Implementing Decision (EU) (ST 10150/21; ST 10150/21 ADD 1 REV 2) of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Spain

Delegations will find attached document COM(2024) 592 final.

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2024/0328 (NLE)

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amending Implementing Decision (EU) (ST 10150/21; ST 10150/21 ADD 1 REV 2) of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Spain

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,

Whereas:

(1) Following the submission of the national recovery and resilience plan ('RRP') by Spain on 30 April 2021, the Commission has proposed its positive assessment to the Council. The Council approved the positive assessment by means of the Council Implementing Decision of 13 July 2021[2]. That Council Implementing Decision was amended on 17 October 2023[3] and on 14 May 2024[4].

(2) On 3 December 2024, Spain made a reasoned request to the Commission to make a proposal to amend the Council Implementing Decision of 6 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, Spain has submitted an amended RRP.

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

(3) The amendments to the RRP submitted by Spain because of objective circumstances concern 33 measures.

(4) Spain has explained that three measures are no longer achievable in their current form, because of lack of or insufficient demand. This concerns the requirements set out in target with sequential number 197 of measure I2 (Investment: Growth) under component 13 (support to SMEs). This also concerns the requirements set out in target with sequential number 224 of measure I3 (Investment: Tourism resilience strategies for extra-peninsular territories) and in target with sequential number 227 of measure I4 (Investment: Special actions in the field of competitiveness) under component 14

1 OJ L 57, 18.2.2021, p. 17.
2 ST 10150/21; ST 10150/21 ADD 1 REV 2.
3 ST 13695/23; ST 13695/23 REV 1 (en); ST 13695/23 ADD 1 REV 1.
4 ST 9303/24, ST 9303/24 ADD 1

(Tourism). On this basis, Spain has requested to extend the implementation timeline of milestones and targets with sequential numbers 197, 224 and 227. The Council Implementing Decision of 6 July 2021 should be amended accordingly.

(5) Spain has explained that milestone with sequential number 316 and the requirements set out in the description of measure R3 (Reform: Adopt a new law on protecting families and recognising their diversity) under component 22 (action plan for the care economy, strengthening equality and inclusion policies), as well as target 371 under measure I1 (Investment: Digital Plan for Sports) under component 26 (promotion of sports) are no longer achievable within the timeline envisaged, because of the need to follow unexpected lengthier preparatory procedures than initially planned (which are more conducive to meeting the policy objectives of these measures at hand) and because of litigation against the tender leading to unforeseen delays, respectively. On this basis, Spain has requested to amend the wording of measure C22.R3, extend the implementation timeline of milestone 316 and extend the implementation timeline of target 371. The Council Implementing Decision of 6 July 2021 should be amended accordingly.

(6) Spain has explained that 24 measures have been amended to implement better alternatives in order to achieve the original ambition of the measure. This concerns targets with sequential numbers 14, 16, 18, 19 and 20 and the description of measure I3 (Investment: Measures to improve the quality and reliability of rail transport services) under component 1 (sustainable, safe and connected mobility shock plan in urban and metropolitan environments). This also concerns, respectively, target with sequential number 31 and the description of measure I2 (Investment: Programme for the construction of social rented housing in energy-efficient buildings) and the description of measure I7 (Investment: ICO Loan Facility for the Promotion of Social Housing) under component 2 (implementation of the Spanish urban agenda: urban rehabilitation and regeneration plan). This also concerns target with sequential number 54 and the description of measure I5 (Investment: Strategy for the Digitisation of the Agri-Food and Forestry Sector and the Rural Environment: development of actions to support the digitalisation and entrepreneurship of the agri-food and forestry sector and the rural environment) and the description of measure I9 (Investment: Plan to boost sustainability, research, innovation and digitalisation in the fisheries sector (IV): Digitalisation and use of ICTs in the fisheries sector) under component 3 (environment and digital transformation of the agri-food and fisheries system). This also concerns the description of measure R3 (Reform: Energy Efficiency Strategy on the National Highways Network) under component 6 (sustainable mobility (long-distance)). This also concerns targets with sequential numbers 131, 132, 133, 134, 135 and 136 and the description of measure I1 (Investment: Renewable hydrogen, a country project) under component 9 (renewable hydrogen). This also concerns targets with sequential numbers 188, 442 and the description of measures I3 (Investment: Plan to support the implementation of waste legislation and the promotion of the circular economy) and I5 (Investment: Subsidy scheme to support the circular economy) under component 12 (industrial policy). This also concerns milestone with sequential number 449 of measure R1 (Reform: Improving Business Regulation and Climate), target with sequential number 198 and the description of measure I2 (Investment: Growth), targets with sequential numbers 205 and 209, and the description of measure I3 (Investment: Digitalisation and Innovation), milestones with sequential numbers L35 and L39, targets with sequential numbers L36, L37 and L38, the description of measure I7 (Investment: ICO Next Tech Fund) as well as milestone with sequential number L53, targets with sequential numbers L54, L55, L56, L57, L58 and L59 and the description

of measure I13 (Investment: Regional Resilience Fund) under component 13 (support to SMEs). This also concerns milestones with sequential numbers L63 and L66 and targets with sequential numbers L64 and L65 as well as the description of measure I9 (Investment: CHIP Financing Facility) under component 15 (digital connectivity). This also concerns target with sequential number 263 and the description of measure I4 (Investment: New Scientific Career) under component 17 (science, technology and innovation). This also concerns target with sequential number 467B of measure I2 (Investment: Digital transformation of vocational training) under component 20 (strategic plan to boost vocational training). This also concerns milestone with sequential number 315 and the description of measure R2 (Reform: Modernising public social services and giving them a new regulatory framework), as well as milestone with sequential number 473 and the description of measure I4 (Investment: Plan Spain protects you from gender violence) under component 22 (action plan for the care economy, strengthening equality and inclusion policies). This also concerns target with sequential number 354 and the description of measure I1 (Investment: Strengthening the competitiveness of cultural industries) under component 24 (cultural industry). This also concerns targets with sequential numbers 366 and 476 as well as the description of measure I1 (Investment: Program for the promotion, modernisation and digitalisation of the audiovisual sector), milestones with sequential number L77 and L80 and targets with sequential numbers L78 and L79 as well as the description of measure I3 (Investment: Audiovisual Hub Fund) under component 25 (Spain audiovisual hub). This also concerns milestone with sequential number 386 and the description of measure R2 (Reform: Tax benefit analysis) and milestone with sequential number 388 and the description of measure R3 (Reform: Establishment of a committee of experts for tax reform) under Component 28 (adapting the tax system to the reality of the twenty-first century). On this basis, Spain has requested to amend the wording of the aforementioned measure descriptions, milestones and targets. Furthermore, Spain has requested to extend the implementation timeline of targets and milestones 133, 134, 135, 315 and 386. The Council Implementing Decision of 6 July 2021 should be amended accordingly.

(7) Spain has explained that four measures have been amended to simplify them and reduce administrative burden. This concerns targets with sequential numbers 81 and 81b of measure I4 (Investment: Adapting the coastline to climate change, and implementing Marine Strategies and Maritime Spatial Planning Plans) under component 5 (coast and water resources). This also concerns target with sequential number 138 and the description of measure R1 (Reform: Just Transition Protocols) under component 10 (just transition). This also concerns milestone with sequential number 307 and the description of measure R3 (Reform: Comprehensive reform of the university system) under component 21 (modernisation and digitalisation of education, including early education 0-3). This also concerns milestone with sequential number 382 of measure R3 (Reform: Enhanced assistance to taxpayers) under component 27 (measures and action to prevent and combat tax fraud). On this basis, Spain has requested to amend the wording of the aforementioned milestone, targets and measure. Furthermore, Spain has requested to extend the implementation timeline of target 81b. The Council Implementing Decision of 6 July 2021 should be amended accordingly.

(8) The Commission considers that the reasons put forward by Spain justify the amendment(s) pursuant to Article 21(2) of Regulation (EU) 2021/241, and the Council Implementing Decision of 6 July 2021 should be amended accordingly.

Distribution of milestones and targets

(9) The distribution of milestones and targets in instalments should be modified to take into account the amendments to the plan and the indicative timeline presented by Spain.

Corrections of clerical errors

(10) 13 clerical errors have been identified in the text of the Council Implementing Decision, affecting 13 milestones/targets and 13 measures under 10 components. The Council Implementing Decision should be amended to correct these clerical errors that do not reflect the content of the RRP submitted to the Commission on 30 April 2021, as agreed between the Commission and Spain. Those clerical errors relate to milestone with sequential number L1 of measure R3 (Reform: Royal Decree regulating minimum criteria of low emission zones) and target with sequential number 6 of measure I1 (Investment: Low-emission areas and transformation of urban and metropolitan transport) under component 1 (sustainable, safe and connected mobility shock plan in urban and metropolitan environments), target with sequential number 424 of measure I1 (Investment: Plan to improve efficiency and sustainability in irrigation) and target with sequential number L10 of measure I12 (Investment: Plan to improve efficiency and sustainability in irrigation) under component 3 (environmental and digital transformation of the agri-food and fisheries system), target with sequential number 73 of measure I4 (Investment: Sustainable forest management) under component 4 (ecosystems and biodiversity), the description of measure I1 (Investment: Deployment of energy storage) under component 8 (electricity infrastructure, smart grids and deployment of flexibility and storage), target with sequential number 142 of measure I1 (Investment: Investment in Just Transition) under component 10 (just transition), target with sequential number 163 of measure I2 (Investment: Specific projects to digitalise the central government), targets with sequential numbers 167 and 169 of measure I3 (Investment: Digital transformation and modernisation of the Ministry of Territorial Policy and the Civil service, the National Health Service, and of the administration of the Autonomous Communities and the local authorities) under component 11 (modernisation of public administrations), target with sequential number 193 and the description of measure I1 (Investment: Entrepreneurship) under component 13 (support to SMEs), target with sequential number 462 of measure I9 (Investment: Aerospace) under component 17 (science, technology and innovation), target with sequential number 281 of measure I3 (Investment: Increased capacities to respond to health crises) under component 18 (refurbishment and extension of capacities of the national health system), and target with sequential number 362 of measure I3 (Investment: Digitisation and promotion of major cultural services) under component 24 (cultural industry). Furthermore, a clerical error in the sum of the gross amounts of the instalments in the CID annex has also been corrected. 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 Spain do not affect the positive assessment of the RRP set out in the Council Implementing Decision ST 10150/21; ST 10150/21 ADD 1 REV 2 of 14 July 2021 on the approval of the assessment of the RRP for Spain 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),(da), (db), (e), (f), (g), (h), (i), (j) and (k).

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.

(14) For the sake of clarity, the Annex to that Council Implementing Decision should be replaced entirely,

HAS ADOPTED THIS DECISION:

Article 1

The assessment of the modified RRP of Spain 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 related to the payment of non-repayable financial support, 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.

Article 2

The Council Implementing Decision of 14 July 2021 on the approval of the assessment of the recovery and resilience plan for Spain is amended as follows:

The Annex is replaced by the text in the Annex to this Decision.

Article 3
Addressee

This Decision is addressed to the Kingdom of Spain.

Done at Brussels,

For the Council
The President