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COMMISSION IMPLEMENTING DECISION

of 21.12.2023

**on the authorisation of the disbursement of the third instalment of the non-repayable
support for Slovakia**

(Only the Slovak text is authentic)

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THE EUROPEAN COMMISSION,

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 24(5) thereof,

Whereas:

- (1) According to Article 4(2) of Regulation (EU) 2021/241, the specific objective of the Recovery and Resilience Facility is to provide Member States with financial support with a view to achieving the milestones and targets of reforms and investments as set out in their recovery and resilience plans.

Council Implementing Decision of 14 July 2023 on the approval of the assessment of the recovery and resilience plan for Slovakia² (the ‘Council Implementing Decision’) provides that the Union is to release instalments in accordance with the Financing Agreement conditional on a decision by the Commission, taken in accordance with Article 24(5) of Regulation (EU) 2021/241, that Slovakia has satisfactorily fulfilled the relevant milestones and targets identified in relation to the implementation of the recovery and resilience plan.

- (2) On 25 September 2023, Slovakia submitted a request for payment, accompanied by a management declaration and a summary of audits. The request concerned the third instalment of the non-repayable support. Pursuant to Article 24(3) of Regulation (EU) 2021/241, the Commission assessed on a preliminary basis whether the relevant milestones and targets set out in the Council Implementing Decision had been satisfactorily fulfilled. For the purpose of this assessment, the operational arrangements concluded between the Commission and Slovakia³ in accordance with Article 20(6) of Regulation (EU) 2021/241, were taken into account.
- (3) The Commission made a positive preliminary assessment of the satisfactory fulfilment of all 21 relevant milestones and six targets related to the non-repayable support and, in accordance with Article 24(4) of Regulation (EU) 2021/241, provided its findings to the Economic and Financial Committee asking for its opinion on the satisfactory fulfilment of the relevant milestones and targets. In accordance with Article 25(4) of

¹ OJ L 57, 18.2.2021, p. 17.

² ST 11205 2023 INIT, ST 11205 2023 ADD 1.

³ Recovery and Resilience Facility Operational arrangements between the European Commission and Slovakia, entered into force on 29 September 2023.

that Regulation, the Commission provided the competent committee of the European Parliament with an overview of its preliminary findings concerning the satisfactory fulfilment of the relevant milestones and targets. The Economic and Financial Committee agreed with the Commission's positive preliminary assessment and considered that Slovakia has satisfactorily fulfilled all the milestones and targets associated with the payment request. The Commission has taken the opinion of the Economic and Financial Committee into account for its assessment.

- (4) Section 2(1) (1.3) of the Annex to the Council Implementing Decision provides the relevant milestones and targets that are to be satisfactorily fulfilled for the third instalment of the non-repayable support for an amount of EUR 814 715 000.
- (5) Milestone 1.1 provides for the entry into force of legislative amendments to the Act No. 251/2012 on energy and the Act No. 250/2012 on regulation in network industries to facilitate new activities and access of participants to the electricity market (such as energy communities, aggregator, self-consumer, and electricity storages), while increasing the overall flexibility of the electricity system and improving possibilities for connecting new renewable sources to the Slovak grid. The evidence provided by Slovakia demonstrates that the Act No. 256/202 amending the Act on energy and the Act on regulation in network industries was published in the Official Journal on 21 July 2022 and entered into force on 1 October 2022, and that the content and objectives of these amendments are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (6) Milestone 1.3 provides for the entry into force of legislative amendments to the Act on the promotion of renewable energy sources and high-efficiency cogeneration, as well as to the Act on thermal energy. It also provides for the adoption of a long-term auctioning plan for renewables, and of new auction schemes for new sources of electricity from renewable energy sources. The evidence provided by Slovakia demonstrates that the auctioning plan and investment schemes were adopted, and that Act No. 309/2009 Coll on renewable energy sources and high-efficiency cogeneration and Act No. 657/2004 Coll on thermal energy were both amended. Whilst most of the amended provisions entered into force on 1 December 2022, point 42 of Article I of Act No. 363/2022 Coll. enters into force on 31 December 2023 rather than by 31 December 2022 as required by the Council Implementing Decision. Whilst this constitutes a minimal temporal deviation from the requirement of the Council Implementing Decision, the delay in the adoption of this article is considered both limited and proportional. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (7) Milestone 2.1 provides for the launch of an implementation plan to increase energy savings and ensure a green renovation in family houses in Slovakia. The evidence provided by Slovakia demonstrates that the implementation plan was launched and that its content and objectives are in line with the requirements of the milestone. Whilst the Council Implementing Decision required the adoption of the implementation plan by 30 September 2022, it was adopted on 1 May 2023, thereby constituting a minimal substantive deviation from the requirement of the Council Implementing Decision. The implementation plan was adopted at the time of the assessment and the progress towards achieving the reform that the milestone represents was not affected. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (8) Milestone 2.2 provides for the launch of support schemes to mobilise energy savings and green renovation in the family houses in Slovakia. The evidence provided by Slovakia demonstrates that four calls for proposals were launched for the selection of projects to incentivize house renovation to achieve at least 30% primary energy savings. The content and objectives of the evidence provided are in line with the requirements of the Council Implementing Decision, including the compliance with the DNSH principle. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (9) Milestone 3.11 provides for the adoption of the Slovak Government's Concept of intermodal transportation in Slovakia and the launch of two support schemes to help investment in relevant intermodal infrastructures. The evidence provided by Slovakia demonstrates that the Intermodal Transport Development Concept was adopted and two calls for projects were launched. The Council Implementing Decision required the approval of the Concept of intermodal transport by 31 December 2021, while it was adopted on 6 April 2022. The Council Implementing Decision also required the launch of the calls for support by 31 December 2022, while the two calls for projects were published on 17 January 2023. Whilst these cases constitute minimal substantive deviations from the requirement of the Council Implementing Decision, the Concept was adopted and both calls were published at the time of the assessment. The progress towards achieving the reform that the milestone represents was not affected. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (10) Milestone 3.13 provides for the entry into force of new measures for the long-term promotion of alternative propulsions through a reform of distribution tariffs, the simplification and acceleration of the process of constructing alternative propulsion infrastructure, the introduction of 'Recharging Point Rights' and of a stable, predictable multi-annual framework to support the construction of relevant alternative propulsion infrastructure. The evidence provided by Slovakia demonstrates that policy measures for long-term promotion of alternative propulsion were adopted and that the legislative measures are in force, in line with the requirements of the milestone. The Council Implementing Decision required that the new legislative measures to simplify and accelerate the process of constructing alternative fuels infrastructure enters into force by 31 December 2022. While the adoption of such measures has been achieved before 31 December 2022, they will enter into force on 1 April 2024. Whilst this constitutes a minimal temporal deviation from the requirement of the Council Implementing Decision, the delay between the adoption of this law and the actual entry into force of the provisions is considered both limited and proportional. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (11) Milestone 4.2 provides for the adoption of an industrial decarbonisation scheme to support the uptake of the best currently available technologies in industrial processes. The evidence provided by Slovakia demonstrates that the procurement call for participation in the industry decarbonisation scheme was published in line with the milestone requirements. The Council Implementing Decision required that the scheme is open to all industrial sectors, whereas the adopted scheme is open only to sectors covered by the European Union Emission Trading System. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the deviation is acceptable because 80% of industrial emissions in the Slovak Republic are produced by companies active in sectors falling under the EU

ETS sector. Furthermore, the scope covering only sectors falling under the EU ETS improves the trustworthiness and comparability of the emitted emissions, which is essential to measuring the green-house gas reduction target of this milestone. As of this, the minimal deviation does not affect the progress towards achieving the reform that the milestone represents. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (12) Milestone 5.2 provides for the entry into force of the amendments to the Nature and Landscape Protection Act to improve the state of nature protection in protected areas, as well as the reform to the water management legislation. The evidence provided by Slovakia demonstrates that the amendments to the Nature Protected Act have been adopted and are in force in line with the milestone requirements. In addition, Slovakia provided a copy of the adopted Act No. 74/2023 amending Act No. 364/2004 on water management. The Council Implementing Decision required the entry into force of the amended water legislation by 31 December 2022, while Act No. 74/2023 enters into force on 1 May 2023. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the delay between the adoption of this Act and the actual entry into force of the provisions is considered both limited and proportional. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (13) Milestone 6.1 provides for amendments introducing compulsory pre-primary education for children aged five, a universal legal entitlement to a place in pre-primary education for children aged three, as well as the introduction of an upgraded qualification requirement on pre-primary teachers. The evidence provided by Slovakia demonstrates that all necessary legislative amendments have been adopted in line with the milestone requirements. Whilst the Council Implementing Decision required the universal legal entitlement to become effective on 1 January 2024 for 4-year-old children and on 1 January 2025 for 3-year-old children, the provisions as amended will be into effect, respectively, on 1 September 2024 and 1 September 2025. Whilst this constitutes a minimal temporal deviation from the requirement of the Council Implementing Decision, the 8-month delay in the date of entry into effect of the universal legal entitlement is both limited and proportional. The Council Implementing Decision also required the application of an upgraded qualification requirement for teachers employed in pre-primary education as of 1 January 2029, while the legal provisions are applicable as of 1 September 2029. Whilst this constitutes a minimal temporal deviation from the requirement of the Council Implementing Decision, the 8-month delay for the date of entry into effect of the upgraded qualification requirement is both limited and proportional. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (14) Target 6.2 provides for achieving an enrolment rate of 95% of 5-year-old children following the entry into force of compulsory pre-primary education for 5-year-old children. The evidence provided by Slovakia demonstrates that the computation of the enrolment rate is accurate and that all legislative amendments in relation to the forms of education in which compulsory pre-primary education is provided have been adopted in line with the milestone requirements. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (15) Milestone 6.4 provides for the adoption of a new definition of the concept of special educational needs, the introduction of a new vertical model of support measures for a child or pupil experiencing obstacles to access education, a new funding system for

support measures, as well as the preparation of accompanying methodological materials. The evidence provided by Slovakia demonstrates that the new definition of special education needs, the vertical model of support measures, the new funding system of support measures and the methodological materials were introduced in line with the requirements of the milestone. The Council Implementing Decision required a separate new Decree to accompany the amendment to Act No. 245/2008 for the definition of the entitlement to education support through the specific support measures. However, the complete list of support measures was included in the amendments to Act No. 245/2008, therefore, the adoption of a separate Decree was not considered necessary by Slovakia. Whilst this constitutes a minimal formal deviation from the requirement of the Council Implementing Decision, the legislative technique followed by Slovakia does not affect the progress towards achieving the reform that the milestone represents. The Council Implementing Decision also required an adaptation of Government Regulation 630/2008 to take into account different specificities when calculating the normative contribution by means of coefficients. The framework for funding of support measures was set up and made operational without introducing changes to Regulation 630/2008. Whilst this constitutes a minimal formal deviation from the requirement of the Council Implementing Decision, the funding system for support measures as implemented does not affect the progress towards achieving the reform that the milestone represents. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (16) Target 6.13 provides for the organisation of tuition programmes in 450 schools to the benefit of 12 000 pupils who were unable to fully participate in education during the COVID-19 pandemic, as well as the launch of a call for research about the impact of the pandemic on education. The evidence provided by Slovakia demonstrates that 932 unique schools organised tuition programmes in line with the requirement of the target thereby reaching 63 814 pupils in total and overachieving the target. In addition, Slovakia provided the copy of the call for applications demonstrating that call for research about the impact of the pandemic on education and implications for education policy has been launched by the Ministry of Education, Science, Research and Sport. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (17) Milestone 8.1 provides for the introduction of performance contracts, a new funding system for higher public education institutions to support the diversification and profiling of universities, the reduction in the number of curricula, increasing the share of professionally oriented bachelor's programmes of public higher education from 4 % to 10 % by 31 December 2025. Specifically, the milestone requires the conclusion of an overarching agreement between the Ministry of Education, Science, Research and Sport of the Slovak Republic and universities, which sets out the principles and procedures for the conclusion of performance contracts. The evidence provided by Slovakia demonstrates that the performance contracts have been introduced in line with the requirement of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (18) Target 8.4 provides for the participation of all Slovak public universities in the periodic evaluation of scientific research. The evidence provided by Slovakia demonstrates that the evaluation of scientific research was carried out in line with the requirement of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (19) Target 8.5 provides for the application from at least 90% of universities to the verification process for the assessment of the compliance of their internal quality system and study programmes with new accreditation standards. The target also requires the tightening of the new accreditation standards for the guarantee and delivery of study programmes. The evidence provided by Slovakia demonstrates that all 33 universities in Slovakia submitted an application by 31 December 2022 and that the new standards have been tightened in line with the requirements of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (20) Milestone 9.2 provides for the adoption by the government of the National Strategy for Research, Development and Innovation (RDI) to become an overarching document for all public funding of RDI by 2030. It provides a strategic framework and direction for RDI policy, as well as defines objectives and measures to achieve them. The evidence provided by Slovakia demonstrates that the Government approved the National RDI Strategy and an Action Plan listing 91 measures to be implemented by 2026 in line with the requirements of the milestone. The National RDI Strategy defines three main areas of intervention, which set the strategic framework and direction for RDI policy in Slovakia and defines three main measurable objectives. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (21) Milestone 9.4 provides for the launch of at least three calls to support the participation of Slovak actors in the Horizon Europe programme. The objective of the investment is to enable greater participation of Slovak institutions, researchers and companies in cutting-edge projects of the European Research Area (ERA). The overall approach is to support high quality projects, which receive a very high score in ERA programmes, but are left with no funding. The evidence provided by Slovakia demonstrates that four calls were published, along with technical specifications detailing the eligibility conditions and selection criteria in line with the requirements of the milestone. All four published calls support the participation of Slovak actors in Horizon Europe. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (22) Milestone 9.6 provides for the launch of at least four calls in compliance with the DNSH principle to support cooperation between companies, academia and R&D organisations and to support vouchers schemes. The evidence provided by Slovakia demonstrates that four calls were published, along with technical specifications detailing the eligibility conditions and selection criteria in line with the requirements of the milestone. All four published calls support cooperation between the private sector, academia and research organisations by supporting a stronger role of the private sector in research and innovation activities and motivating research organisations in pursuing collaborations across sectors. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (23) Milestone 9.9 provides for the launch of at least six calls to support excellent researchers in compliance with the DNSH principle. The evidence provided by Slovakia demonstrates that six calls were published, along with technical specifications detailing the eligibility conditions and selection criteria in line with the requirements of the milestone. All six calls support excellent researchers at different stages of their career and across all sectors of research and innovation, aiming to create high-quality conditions for research and researchers comparable to other countries, thus increasing the attractiveness of the research environment in Slovakia for both

Slovak and foreign scientists. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (24) Milestone 9.12 provides for the launch of at least two calls for demand-driven projects addressing the challenges of the green transition and decarbonisation, covering the entire research and innovation cycle – Technology Readiness Level (TRL) 1-9, within the scope of thematic priorities of Horizon Europe. The evidence provided by Slovakia demonstrates that three calls were published, along with technical specifications detailing the eligibility conditions and selection criteria in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (25) Milestone 9.15 provides for the launch of at least two calls for demand-driven projects addressing the challenges of the digital transition and helping meet the European Commission’s ambitions for a digital economy, covering the entire research and innovation cycle – Technology Readiness Level (TRL) 1-9, within the scope of thematic priorities of Horizon Europe. The evidence provided by Slovakia demonstrates that three calls were published, along with technical specifications detailing the eligibility conditions and selection criteria in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (26) Target 16.6 provides for the replacement of 10% of the police vehicle fleet, corresponding to 700 vehicles, with electric and hybrid ones. The evidence provided by Slovakia demonstrates that 701 electric and hybrid vehicles were purchased and delivered, as well as that 701 vehicles units were taken out of the circulation. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (27) Milestone 16.13 provides for the establishment of the coordination, financial and implementing body, the National Implementation and Coordination Authority for the Slovak RRP (NIKA). The evidence provided by Slovakia demonstrates the set-up and full functionality of the NIKA, as well as its staffing plan (2021-2026) to ensure the necessary capacities of the management of the Recovery and Resilience Plan. It also confirmed that a new IT system, the “Recovery Plan Information System” (ISPO) is functional, with the capacity to store and report (on) the Recovery and Resilience Plan data and offering functionalities for the management and monitoring of the Recovery and Resilience Plan. A staffing plan for the audit authority of the Recovery and Resilience Plan was also provided. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (28) Milestone 17.1 provides for the publication of a list of priority electronic services to enable individuals and businesses to administratively resolve selected life situations. The evidence provided by Slovakia demonstrates that the list of priority electronic services has been published in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (29) Milestone 17.9 provides for the adoption of the Action Plan for the Digital Transformation of Slovakia (APDTS) 2023-2026, which includes actions to improve Slovakia's digital performance. The evidence provided by Slovakia demonstrates that the Action Plan has been adopted in line with the requirements of the milestone. Each measure proposed in the Action Plan is selected based on the work of thematic Task Forces and were evaluated by their potential implementors, bearing in mind their

feasibility, links to area-specific objectives, and the availability of human or financial resources for implementation. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (30) Target 17.10 provides for the creation of four European Digital Innovation Hubs (EDIH) and at least one Digital Innovation Hubs (DIH) to provide services to businesses to support the development of new technologies and innovation. The evidence provided by Slovakia demonstrates that four EDIH and one DIH were established after an evaluation of the submitted applications in the first half of July 2023, with successful applicants being awarded contracts for the Facility with effect from July 2023. They provide SMEs the space for testing and experimentation, access to technology, help in obtaining financial support, and upskilling employees' digital skills. These activities and operations are in line with the requirements of the target. The 5 consortia adhere to the funding criteria set out in Digital Europe and Seal of Excellence standard where relevant due to the eligibility criteria and further specifications which are stated within the call provided by Slovakia. Four of them received funding amounting to 50% of the total eligible expenditure and one received the Seal of Excellence without funding from the Digital Europe programme. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (31) Milestone 17.20 provides for the approval of a strategy on the development of digital skills for persons in productive and post-productive age. The evidence provided by Slovakia demonstrates that the National Digital Skills Strategy of the Slovak Republic and the Action Plan 2023-2026 have been approved by the Slovak Government in line with the requirements of the milestone. The document describes the current state of digital skills in Slovakia, identifies existing barriers to their development and provides a vision and strategic objectives for education and life-long learning in digital skills. For each strategic objective, the document puts forward planned actions and indicates the public authority responsible for implementation. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (32) Furthermore, Slovakia has also confirmed that previously satisfactorily fulfilled milestones and targets have not been reversed.
- (33) Following the fully positive assessment concerning Slovak Republic's payment request, in accordance with Article 24(5) of Regulation (EU) 2021/241, the disbursement of the financial contribution for the third instalment of the non-repayable support should be authorised.
- (34) In accordance with Article 2(3) of the Council Implementing Decision, as specified in the Financing Agreement, the pre-financing of the financial contribution shall be cleared by being proportionally deducted against the payment of the instalments. As Slovakia received EUR 903 259 666 of the financial contribution as pre-financing, an amount of EUR 110 385 174 of the payment should be utilised to clear the pre-financing, of which EUR 12 777 781 to clear the pre-financing for the REPowerEU chapter. Additionally, in accordance with Article 13(3) of Regulation (EU) 2021/241 and Article 5 of the Financing Agreement, this payment shall also be reduced to offset the excess amount of pre-financing of EUR 41 969 010.
- (35) This Decision should be without prejudice 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 on the Functioning of the European Union. It does not override the requirement for Member States to implement the measures in accordance

with Union and national law and, in particular, to notify instances of potential State aid to the Commission under Article 108 of the Treaty on the Functioning of the European Union.

- (36) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 35(1) of Regulation (EU) 2021/241,

HAS ADOPTED THIS DECISION:

Article 1

Authorisation of the disbursement of the non-repayable support

The disbursement of the third instalment of the non-repayable support as laid down in Section 2(1) (1.3) of the Annex to the Council Implementing Decision of 14 July 2023 on the approval of the assessment of the recovery and resilience plan for Slovakia for an amount of EUR 814 715 000 is authorised.

In accordance with the Financing Agreement concluded pursuant to Article 23(1) of Regulation (EU) 2021/241 between the Commission and Slovak Republic, EUR 152 354 184 shall be utilised to clear the pre-financing of the financial contribution and offset the excess amount of pre-financing paid. EUR 662 360 816 shall be provided to Slovakia by means of payment to the bank account indicated in the Financing Agreement.

Article 2

Addressee

This Decision is addressed to the Slovak Republic.

Done at Brussels, 21.12.2023

For the Commission

Paolo GENTILONI

Member of the Commission