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**COMMISSION IMPLEMENTING DECISION**

**of 20.3.2024**

**on the authorisation of the disbursement of the first instalment of the loan support for  
Lithuania**

(Only the Lithuanian text is authentic)

# COMMISSION IMPLEMENTING DECISION

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## on the authorisation of the disbursement of the first instalment of the loan support for Lithuania

(Only the Lithuanian text is authentic)

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 Facility<sup>1</sup>, 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 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Lithuania<sup>2</sup> (the ‘Council Implementing Decision’) provides that the Union is to release instalments in accordance with the Loan Agreement conditional on a decision by the Commission, taken in accordance with Article 24(5) of Regulation (EU) 2021/241, that Lithuania has satisfactorily fulfilled the relevant milestones and targets identified in relation to the implementation of the recovery and resilience plan.

- (2) On 18 December 2023, Lithuania submitted a request for payment, accompanied by a management declaration and a summary of audits. The request concerned the first instalment of the loan support. Pursuant to Article 24(3) of Regulation (EU) 2021/241, the Commission assessed on a preliminary basis whether the relevant milestones 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 Lithuania<sup>3</sup> 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 5 milestones related to the loan 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

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<sup>1</sup> OJ L 57, 18.2.2021, p. 17.

<sup>2</sup> ST 10477 2021 INIT; ST 10477 2021 ADD 1 as amended by ST 14637 2023 INIT; ST 14637 2023 ADD 1 of 23 November 2023.

<sup>3</sup> Recovery and Resilience Facility Operational Arrangements between the European Commission and Lithuania entered into force on 17 January 2024.

- milestones. In accordance with Article 25(4) of 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. The Economic and Financial Committee agreed with the Commission's positive preliminary assessment and considered that Lithuania has satisfactorily fulfilled all milestones 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(2)(2.1) of the Annex to the Council Implementing Decision provides the relevant milestones that are to be satisfactorily fulfilled for the first instalment of the loan support for an amount of EUR 387 918 090.
  - (5) Milestone 58a provides for the entry into force of the Order of the Minister of Finance approving the Lithuanian Green Finance Action Plan. Lithuania provided a copy of the Order of the Minister of Finance of 4 May 2023 No. 1K-173 on the approval of the Lithuanian Green Finance Action Plan. Lithuania also provided a copy of the Lithuanian Green Finance Action Plan 2023-2026. The evidence provided by Lithuania demonstrates that the relevant order approving the Lithuanian Green Finance Action Plan entered into force one day after its publication, on 5 May 2023, and that the content and objectives of the Lithuanian Green Finance Action Plan 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 137a provides for the adoption and entry into force of Guidelines for Defence and Security Industrial Development 2023-2027. Lithuania provided a copy of the Order of the Minister of Economy and Innovation, Minister of National Defence, Minister of Foreign Affairs, and Minister of Interior of 31 May 2023 No. 4-299/V-447/V-171/IV-331 on the approval of the Guidelines for the development of the defence and security industry of the Republic of Lithuania in 2023-2027. The evidence provided by Lithuania demonstrates that the relevant order approving the guidelines is adopted and entered into force one day after their publication, on 1 June 2023, and that the content and objectives of the guidelines are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered satisfactorily fulfilled.
  - (7) Milestone 180a provides for the adoption of a Plan for centralization of public purchasing of health institutions and agencies. Lithuania provided a copy of the Order of the Ministry of Health of 30 November 2022 No. V-1788 on the adoption of the Plan to centralize public purchases and a copy of the Note of the Ministry of Health of the Republic of Lithuania of 1 December 2022 No. 10-5016 informing all the healthcare institutions that are included in the plan about the timeline for centralising public purchases. The evidence provided by Lithuania demonstrates that the Plan for centralization of public purchasing of health institutions and agencies is adopted and that the content and objectives of the plan are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered satisfactorily fulfilled.
  - (8) Milestone 192 provides for the entry into force of amendments to the legislation on personalised services provided by the Employment Service and municipalities for unemployed persons and persons registered as persons getting ready for the labour market who are facing challenges to take up work. Lithuania provided a copy of the Law No. XIV-1106 of 19 May 2022 amending articles No 1, 12, 16, 20, 22, 24, 28, 29, 30, 31, 36, 37, 38, 39(1), 40, 44, 46, 47, 48, 48(1) of the Law on Employment No. XII-

2470 and its annex and supplementing the Law on Employment No. XII-2470 with articles No. 39(2), 39(3) and 48(2), which entered into force on 1 July 2022. Lithuania also provided a copy of the Order No. A1-911 of the Minister of Social Security and Labour of 30 December 2022 “Regarding the amendment of the 23 May 2017 Order of the Minister of Social Security and Labour “Regarding the approval of the description of the procedure for the preparation of employment-promoting programmes and their financing” No. A1-257”, which entered into force on 31 December 2022. The evidence provided by Lithuania demonstrates that the amendments entered into force and that the content and objectives of the amendments are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered satisfactorily fulfilled.

- (9) Milestone 194 provides for the establishment of a centre for improving the professional competences of employees in the field of social services. Lithuania provided a copy of the Law on Social Services No. XIV-1841 of 28 March 2023 amending Articles 14-1, 16, 17, 19-2, 25-2, 30 and 35 of Law No. X-493 of 19 January 2006 of the Republic of Lithuania on social services, the Order of the Minister of Social Security and Labour No. A1-468 of 14 July 2022 approving the provisions for the organisation of a competition, the Order No. A3-139 of Ministry of Social Security and Labour of 21 September 2022 on the distribution of responsibilities and indicative allocation of funds for 2022-2024, the Protocol of the project selection commission on the selection of the tender winner of 4 October 2022, the signed contract with the tender winner of October 2022, the 2022 implementation report of 3 January 2023 of the Lithuanian Social Workers’ Association on the project “Activities of the Centre for the Development of Professional Competences of Workers in Social Services” and the 2023 implementation report of 3 July 2023 of the Lithuanian Social Workers’ Association on the first six months of 2023 implementation of the project “Activities of the Centre for the Development of Professional Competences of Workers in Social Services”. The evidence provided by Lithuania demonstrates that the Centre for improving the professional competences of employees in the field of social services is established in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered satisfactorily fulfilled.
- (10) Furthermore, the Republic of Lithuania has also confirmed that previously satisfactorily fulfilled milestones and targets have not been reversed.
- (11) Following the fully positive assessment concerning the Republic of Lithuania’s payment request, in accordance with Article 24(5) of Regulation (EU) 2021/241, the disbursement of the first instalment of the loan support should be authorised.
- (12) In accordance with Article 3(3) of the Council Implementing Decision, as specified in the Loan Agreement, the pre-financing of the loan shall be cleared by being proportionally deducted against the payment of the instalments. As Lithuania received EUR 109 826 147 of the loan as pre-financing for the REPowerEU chapter, an amount of EUR 27 456 537 of the payment should be utilised to clear the pre-financing for the REPowerEU chapter.
- (13) 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.

- (14) 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 loan support*

The disbursement of the first instalment of the loan support as laid down in Section 2(2)(2.1) of the Annex to the Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Lithuania for an amount of EUR 387 918 090 is authorised.

In accordance with the Loan Agreement concluded pursuant to Article 15(2) of Regulation (EU) 2021/241 between the Commission and the Republic of Lithuania, EUR 27 456 537 shall be utilised to clear the pre-financing of the loan and EUR 360 461 553 shall be provided to Lithuania by means of payment to the bank account indicated in the Loan Agreement.

*Article 2*

*Addressee*

This Decision is addressed to the Republic of Lithuania.

Done at Brussels, 20.3.2024

*For the Commission*

*Paolo GENTILONI*

*Member of the Commission*