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**COMMISSION IMPLEMENTING DECISION**

**of 28.2.2023**

**on the authorisation of the disbursement of the first instalment of the non-repayable  
support for Malta**

(Only the English and Maltese texts are authentic)

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## on the authorisation of the disbursement of the first instalment of the non-repayable support for Malta

(Only the English and Maltese texts are 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 5 October 2021 on the approval of the assessment of the recovery and resilience plan for Malta<sup>2</sup> (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 Malta has satisfactorily fulfilled the relevant milestones and targets identified in relation to the implementation of the recovery and resilience plan.

- (2) On 19 December 2022, Malta submitted a request for payment, accompanied by a management declaration and a summary of audits. The request concerned the first 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 Malta<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 19 relevant milestones and targets related to the non-repayable support, 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

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

<sup>2</sup> Council Implementing Decision of 5 October 2021 on the approval of the assessment of the recovery and resilience plan for Malta (ST 11941/2021 INIT; ST 11941/2021 ADD 1)

<sup>3</sup> Recovery and Resilience Facility Operational arrangements between the European Commission and Malta, entered into force on 30 September 2022.

fulfilment of the relevant milestones and targets. 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 and targets. The Economic and Financial Committee agreed with the Commission's positive preliminary assessment and considered that Malta 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)(1.1) of the Annex to the Council Implementing Decision provides the relevant milestones and targets that are to be satisfactorily fulfilled for the first instalment of the non-repayable support for an amount of EUR 60,116,664.
- (5) Milestone 1.1 provides for the entry into force of the Building and Construction Authority Act to establish a Regulator for Buildings responsible for the regulation, improvement and sustainable management of the building and construction industry in Malta. Malta provided a copy of Act No. XIV of 2021, Building and Construction Authority Act, published in the Supplement of the Government Gazette of Malta No. 20,602 on 6 April 2021 and notified as published in the same Government Gazette, and entered into force through Legal Notice 201 of 2021 of 30 April 2021. Act XIV of 2021 (Building and Construction Authority Act) establishes the Building Authority as regulator for buildings, responsible for the regulation, improvement and sustainable management of the building and construction industry in Malta. The Building Authority has responsibilities concerning the issuance and enforcement of good practices, the provision of a centralised office for receipt and processing of complaints, and the monitoring of the performance, safety and quality of buildings and construction works. The evidence provided by Malta demonstrates the entry into force of the above-mentioned Act, and that the content and objectives of the Act 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 1.5 provides for the entry into force of the updated Environment Protection Act whereby the importation, production, sale and distribution of certain single use plastic (SUP) items, namely plastic bags, cutlery, straws and plates shall be prohibited. Malta provided as evidence (i) a copy of Subsidiary Legislation 549.139, 'Restrictions on placing on the market of lightweight plastic carrier bags', introduced via Legal Notice 480 of 2020, which updates the Environmental Protection Act and bans the importation and production of plastic carrier bags as of 1 January 2021 and their sale and distribution as of 1 January 2022, published in the Supplement to the Government Gazette of Malta No. 20,547 on 30 December 2020, notified as published in the Government Gazette No. 20,758 of 28 December 2020, and indicating their entry into force on the same day of publication; (ii) copy of Subsidiary Legislation 549.140, 'Restrictions on Placing on the Market of Single-Use Plastic Products Regulations', introduced via Legal Notice 481 of 2020, which updates the Environment Protection Act and bans the importation and production of other single use plastic items (including cutlery, straws and plates) as from 1 January 2021, published in the Supplement to the Government Gazette of Malta No. 20,547 on 30 December 2020, notified as published in the Government Gazette No. 20,758 of 28 December 2020, and indicating their entry into force on the same day of publication; (iii) a copy of Legal Notice 499 of 2021 amending Subsidiary Legislation 549.140 to prohibit the distribution, consumption and use in commercial activities of the same products. Legal Notice 499 of 2021 was published in the Supplement to the Government Gazette No

20,757 of 24 December 2021, notified as published in the Government Gazette of 20,758 of 28 December 2021, and stipulating its entry into force as of 24 February 2022. The evidence provided by Malta demonstrates the entry into force of the above-mentioned updated Environment Protection Act, and that the content and objectives of the Act 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.

- (7) Milestone 1.8 provides for the adoption of a Construction and Demolition Waste Strategy aiming to identify options for the management of waste arising from construction and demolition activities by shifting the treatment away from disposal to the preparing for re-use and recycling. Malta provided a copy of the published Construction and Demolition Waste Strategy and a letter of the Minister for Environment, Climate Change and Planning, dated 9 November 2021, to the Chairperson of the Environment and Resources Authority, on the approval of the Construction and Demolition Waste Strategy in terms of Article 51 of the Environment and Protection Act. The Construction and Demolition Waste Strategy identifies specific measures as options for the management of waste arising from construction and demolition activities in four areas: planning and design, waste management, quality management and policy and regulatory framework. The measures identified aim at reducing the amount of construction and demolition waste that is disposed, promoting reuse and recycling, improving the quality and quantity of construction and demolition waste that is recycled and in general, promoting options that are higher in the waste hierarchy. In line with the 'Do no significant harm' requirements for this milestone, the Construction and Demolition Waste Strategy does not lead to a significant increase in the disposal of waste, nor does it create disincentives for preparing for reuse and recycling and is in line with the EU waste legislation and the EU Construction and Demolition Waste Protocol. The evidence provided by Malta demonstrates the adoption and publication of the Construction and Demolition Waste Strategy and that its content and objectives 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.
- (8) Milestone 1.22 provides for the completion of energy performance audit of two public schools (St. Benedict College Ghaxaq Primary School and Gozo College Nadur Primary School) in compliance with Directive 2010/31/EU to establish their Energy Performance Certificate class and identification of applicable Energy Efficiency renovation measures. Malta completed the energy performance audits of the two public school buildings and provided as evidence Energy Performance Certificates with reference numbers N 0028 00002 2910/2021, N 0028 00003 2910/2021, N 0028 00004 2910/2021, and N 0028 00005 2910/2021, dated 29 October 2021. Malta also identified and submitted a list of applicable energy efficiency renovation measures with respect to each of the schools, deriving from the energy performance audits. The evidence provided by Malta demonstrates that the energy performance audits, including their content, 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.
- (9) Milestone 2.1 provides for the completion of the National Household Travel Survey. Malta provided as evidence copies of a methodological report, summarising the methodology of the survey and of the report presenting the findings of the survey. Malta carried out the survey in 2021. The findings of the survey were identified in a report completed in December 2021. The evidence provided by Malta demonstrates

that the survey quantified current travel patterns and behaviour, and gauged public opinion on new potential measures to be included in an updated Transport Master Plan in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (10) Milestone 2.6 provides for the signature of an agreement between the Authority for Transport in Malta and the Local Councils Association for the selection of regeneration areas in urban areas. Malta provided as evidence a Memorandum of Understanding signed by Transport Malta and the Local Councils Association on 17 June 2020 containing their agreement with respect to the 'Slow Street Sustainable Mobility' project, aimed at promoting walking, cycling and public transport, in parallel with educational campaigns to avoid unnecessary travel, so as to provide additional free and unencumbered open public space. The evidence submitted indicates that regeneration areas have been selected in three urban areas, namely: the town of Swieqi, the village of Safi, and the city of Zejtun. The selection of the regeneration areas is consistent with the measures outlined in Malta's Transport Master Plan. The evidence provided by Malta demonstrates that the content and objectives of the agreement between Transport Malta and the Local Councils Association 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.
- (11) Target 2.9 concerns the establishment of 15 office facilities that enable remote work for public service officials across the Maltese Islands with at least 140 workstations in total across the 15 office facilities. Malta submitted as evidence: (i) certificates demonstrating that office facilities were set up in Mosta, Qormi, Birkirkara, Zurrieq, Msida, Rabat, Luqa, Qawra, Fgura, Birgu, San Gwann, Siggiewi, Santa Venera, Valletta, and Xewkija. The number of workstations in these office facilities amount to 140 in total; (ii) press release and a newsletter issued by the Communications Office of the Public Service notifying to employees the possibility of working remotely - including the possibility to work from an alternative office location. The evidence provided by Malta demonstrates that 15 office facilities are established and operational with 140 office facilities in total, in line with the requirement of the milestone. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (12) Milestone 3.3 provides for the adoption of Malta's Smart Specialisation Strategy which focuses on a number of key initiatives, such as investment in research infrastructure, supporting internationalisation including through participation in Horizon Europe, promotion of inter-agency collaboration in support of enterprises, and incentives for industry stakeholders to innovate. Malta provided as evidence the Smart Specialisation Strategy, duly adopted and published on the website of the Malta Council for Science and Technology in December 2021. The published Smart Specialisation Strategy covers the key initiatives mentioned in milestone 3.3. The evidence provided by Malta demonstrates that the Smart Specialisation Strategy was adopted and published and that its content and objectives are in line with the requirement of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (13) Target 5.8 provides for the setting up of two new autism units in middle schools including new operational equipment and trained personnel to allow for further integration of pupils with special needs into the mainstream school environment. There is a parallel, continuous training in inclusive pedagogy for teachers and learning support educators. Malta provided as evidence: (i) a certificate of completion of the

two autism units signed by the Logistics Department within the Ministry of Education, Sport, Youth, Research and Innovation and by the National School Support Services within the Ministry for Education, Sport, Youth, Research and Innovation; (ii) a detailed list of the new operational equipment and location where it was installed; (iii) anonymised individual certificates proving that the training programmes for the teachers and Learning Support Educators have been completed; and (iv) a list of courses being taught and activities being organised in the newly set up autism units with at least one teacher and two Learning Support Educators in each class, including anonymised list of students benefitting from the autism units. The evidence provided demonstrates that in line with the requirements of the target (i) two new autism units have been completed and are operational in middle schools that benefit a maximum of 16 students; (ii) the units are available for student usage and have been equipped as required; (iii) two teachers and six Learning Support Educators received additional training in inclusive pedagogy and in the delivery of a functional curriculum, which was delivered in-house by practitioners at the National School Support Services (NSSS); and (iv) in each class there is one teacher and three Learning Support Educators. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (14) Milestone 6.1 provides for the entry into force of two legislative acts. Firstly, Act XLIII of 2020, provides for amendments to the Constitution of Malta (Chapter 0 of the Laws of Malta) relative to the appointment of judges and magistrates through which (i) the Chief Justice would be appointed with the approval of two-thirds of all the Members of the House of Representatives, (ii) the composition of the Judicial Appointments Committee would change so that the majority of its members are members of the judiciary, and (iii) it would provide for the issuing of public calls for vacancies within the judiciary. Secondly, Act XLV of 2020 provides for amendments to the Constitution of Malta and the Commission for the Administration of Justice Act (Chapter 369 of the Laws of Malta) relative to the removal from office of judges and magistrates or the undergoing of disciplinary procedures. Malta provided as evidence copies of Act XLIII of 2020 and Act XLV of 2020, both published in the Supplement of the Government Gazette of Malta no. 20,456 of 7 August 2020 within which they are notified as published, and reference to the relevant provisions indicating their entry into force on the same day of publication. The evidence provided by Malta demonstrates the entry into force of the two legislative acts and that the content and objectives of the new acts amending firstly the appointment, and secondly the removal from office, of judges and magistrates 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.
- (15) Target 6.2 provides for the appointment of additional judges and magistrates serving in the Courts of Law of Malta. Malta provided as evidence: (i) copies of the publications of two calls for application – one for the appointment of judges, published in the Government Gazette of Malta No. 20,571 of 12 February 2021 and one for the appointment of magistrates, published in the Government Gazette of Malta No. 20,610 of 20 April 2021; (ii) letters of appointment proving that four judges were appointed to the Bench in March 2021 and that four magistrates were appointed on 3 June 2021 (iii) official declaration signed by the Ministry responsible for Justice certifying a net increase of five members of the judiciary, after accounting for retirements and promotions, and a seniority list of members of the judiciary on 31 December 2021. The evidence provided by Malta demonstrates a net increase of three judges and two magistrates and confirms a total of 47 members of the judiciary serving in the Courts

of Law of Malta in line with the requirements of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (16) Milestone 6.9 refers to the entry into force of Act XXVIII of 2021 that provides for changes to the Criminal Code (Chapter 9 of the Laws of Malta) in order to provide more legislative clarity that the Attorney General may, along with the Executive Police, prosecute before the Court of Magistrates, apart from being competent to prosecute before the Criminal Court. Malta provided as evidence: (i) a copy of Act XXVIII of 2021, published in the Supplement of Government Gazette of Malta No. 20,639 of 4 June 2021, and notified as published in the same Government Gazette, and reference to the relevant legal provision indicating its entry into force on the same day of publication, and (ii) internal guidelines, which were shared with prosecutors on 19 July 2022 (a summary of which having been made public), that sets out the conditions, functions and procedural steps in case of re-delegation of prosecutorial responsibility back to the police. The changes to the Criminal Code introduced by Act XXVIII of 2021 provide the Attorney General with competence over the prosecution and decisional power to prosecute also in the Inferior Courts (Court of Magistrates), in addition to the Attorney General's prosecutorial powers in the Criminal Court. The evidence provided by Malta demonstrates the entry into force of the legislative act and internal guidelines, and that the content and objectives of the new Act XXVIII of 2021 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.
- (17) Milestone 6.10 provides for an update of the 2008 National Anti-Fraud and Corruption Strategy (NAFCS). Malta provided as evidence (i) a copy of the publication of the Strategy, (ii) a link to the website where the Strategy may be accessed, and (iii) a link to the website of the National Parliament when it was tabled and made public on 31 May 2021. The NAFCS aims to ensure a normative, institutional and operational framework for the effective and efficient fight against fraud and corruption in Malta. The NAFCS identifies 23 actions divided in four strategic objectives, namely (a) capacity building, (b) communication strategy, (c) maximisation of national cooperation, and (d) maximisation of EU and international cooperation. The Strategy also aims to strengthen the State institutions entrusted with regulatory and control functions in relation to the management of public resources. The evidence provided by Malta demonstrates that the updated NAFCS was adopted and published, and that its content and objectives are 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) Milestone 6.15 provides for the entry into force of Act XLVI of 2020 that amends the Permanent Commission Against Corruption Act (Chapter 326 of the Laws of Malta) and the Criminal Code (Chapter 9 of the Laws of Malta) by granting further statutory reinforcement to the Permanent Commission Against Corruption. Malta provided as evidence a copy of Act XLVI of 2020, published in the Government Gazette of Malta No. 20,456 of 7 August 2020 and notified as published in the same Government Gazette, and reference to the relevant legal provision indicating its entry into force on the same day of publication. Act XLVI of 2020 amends the manner in which the Chairperson and members of the Commission are appointed – notably by the President of Malta acting with a Resolution of the House of Representatives supported by the votes of no less than two-thirds of all members of the House for appointing the Chairman, and upon advice of the Prime Minister and Leader of the Opposition respectively for appointing the other two members. The Act also specifies that reports

of corruption will be transmitted directly to the Attorney General in addition to the Minister responsible for Justice. The evidence provided by Malta demonstrates the entry into force of the legislative act and that the content and objectives of the new Act XLVI of 2020 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.

- (19) Milestone 6.20 provides for the entry into force of the Proceeds of Crime Act (Act V of 2021). Malta provided as evidence: (i) a copy of Act No. V of 2021 that was published in the Supplement to the Government Gazette No. 20,576 on 19 February 2021 and entered into force on 12 March 2021 through Legal Notice 98 of 2021, (ii) a copy of Legal Notice 398 of 2021 (which was published in the Supplement to the Government Gazette No. 20,588 of 12 March 2021), which establishes the date of the entry into force of Act V of 2021 as 12 March 2021. Act V of 2021 includes legislative amendments to reinforce the independence of the Asset Recovery Bureau from the Government, to require the Bureau to establish relations with equivalent institutions outside Malta and to strengthen the capacity of the Bureau by hiring additional staff. The evidence provided by Malta demonstrates the entry into force of the Act and that the content and objectives of Act V of 2021 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.
- (20) Milestone 6.21 provides for the entry into force of Act XIX of 2020 amending the Police Act (Chapter 164 of the Laws of Malta) and the Constitution of Malta (Chapter 0 of the Laws of Malta) that establishes a transparent and competitive process of appointment for the office of Commissioner for Police. Malta provided as evidence a copy of Act XIX of 2020 published in the Government Gazette of Malta No. 20,384 of 7 April 2020 and notified as published in the same Government Gazette, and reference to the relevant legal provision indicating its entry into force on the same day of publication. Through this Act, the Public Service Commission issues a public call for applications, evaluates the applications submitted and indicates the two most suitable candidates to the Cabinet of Ministers, which in turn nominates one candidate for a hearing before the Parliamentary Public Appointments Committee. If the Committee agrees, the Prime Minister appoints the selected candidate after consultation with the Public Service Commission. The evidence provided by Malta demonstrates the entry into force of the legislative act and that the content and objectives of the new Act XIX of 2020 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.
- (21) Milestone 6.22 provides for the entry into force of Act XLI of 2020 amending the Constitution of Malta (Chapter 0 of the Laws of Malta), the Criminal Code (Chapter 9 of the Laws of Malta) and the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta). Malta provided as evidence (i) a copy of Act XLI of 2020 published in the Government Gazette of Malta No. 20,456 of 7 August 2020; (ii) Legal Notice 377 of 2020 (published in the supplement to the Government Gazette of Malta No. 20,490 of 30 September 2020), which establishes the date of entry into force of Act XLI of 2020 as 1 October 2020. The Act provides for a judicial review of the Attorney General's decisions not to prosecute on the ground of illegality or unreasonableness, and accords the status of injured party at law to a number of bodies responsible for reporting corrupt practices (that is, the Permanent Commission Against Corruption, the Ombudsman, the Commissioner for Standards in Public Life and the Auditor General), allowing them to seek judicial review in cases referred by them to



the Attorney General in the same manner as the injured party. The evidence provided by Malta demonstrates the entry into force of the legislative act and that the content and objectives of the new Act XLI of 2020 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.

- (22) Milestone 6.30 provides for the entry into force of Act No. XVIII of 2021 (the Budget Measures Implementation Act), which amended the Income Tax Act. Malta provided as evidence (i) a copy of Act No. XVIII of 2021 which was published in the Supplement to the Government Gazette No. 20,609 on 16 April 2021, and reference to the relevant provision indicating its entry into force on the same day of publication; (ii) copy of the amended Income Tax Act (Chapter 123 of the Laws of Malta). The Income Tax Act, as amended by Act XVIII of 2021, includes a new Article 51A enabling the introduction of transfer pricing rules in Malta's legislative framework. The evidence provided by Malta demonstrates the entry into force of the legislative act and that the content and objectives of Act No. XVIII of 2021 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.
- (23) Milestone 6.38 provides for the entry into force of Act LIII of 2020 (Amendment No.2), which provides for amendments to the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta) regulating participation in civil proceedings through live video conferencing links, and Act III of 2021 (Amendment No.2), which provides for amendments to the Criminal Code (Chapter 9 of the Laws of Malta) allowing for the filing of judicial documents by electronic means. Legal Notice 80 of 2021 amends Subsidiary Legislation 9.09 entitled "Criminal Procedure (Regulation of Registries, Archives and Functions of Director General (Courts) and other Court Executive Officers) Regulations" by specifying which acts can be filed online. Malta provided as evidence a copy of Act LIII of 2020 (Amendment No.2) and Act III of 2021 (Amendment No.2) published in the Government Gazettes of Malta Nos. 20,521 of 13 November 2020 and 20,565 of 2 February 2021 respectively, as well as L.N. 80 of 2021 published on 9 March 2021 in supplement to Government Gazette No. 20,585. These acts were notified as published in their respective Government Gazette. The Maltese authorities also provided references to the relevant legal provisions indicating their entry into force on the same day of publication. By virtue of these legal acts, civil proceedings can be held via live video conferencing facilities and criminal judicial acts can be filed electronically. The evidence provided by Malta demonstrates the entry into force of the two legislative acts (Act LIII of 2020 – amendment no.2, and Act III of 2020 – amendment no.2) and legal notice (L.N. 80 of 2021), and that the content and objectives of the new acts and legal notice 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.
- (24) Following the fully positive assessment concerning the Republic of Malta's payment request, in accordance with Article 24(5) of Regulation (EU) 2021/241, the disbursement of the financial contribution for the first instalment of the non-repayable support should be authorised.
- (25) 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 Malta received 13% of the financial contribution as pre-financing, an amount of EUR

7,815,166 of the payment should be utilised to clear the pre-financing, equal to 13% of the instalment.

- (26) 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.
- (27) 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 first instalment of the non-repayable support as laid down in Section 2(1)(1.1) of the Annex to the Council Implementing Decision of 5 October 2021 on the approval of the assessment of the recovery and resilience plan for Malta for an amount of EUR 60,116,664 is authorised.

In accordance with the Financing Agreement concluded pursuant to Article 23(1) of Regulation (EU) 2021/241 between the Commission and the Republic of Malta, EUR 7,815,166 shall be utilised to clear the pre-financing of the financial contribution and EUR 52,301,498 shall be provided to Malta by means of payment to the bank account indicated in the Financing Agreement.

*Article 2*

*Addressee*

This Decision is addressed to the Republic of Malta.

Done at Brussels, 28.2.2023

*For the Commission*

*Paolo GENTILONI*

*Member of the Commission*

