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COMMISSION IMPLEMENTING DECISION

of 21.12.2023

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

(Only the German 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 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Germany² (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 Germany has satisfactorily fulfilled the relevant milestones and targets identified in relation to the implementation of the recovery and resilience plan.

- (2) On 15 September 2023, Germany 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 Germany³ 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 36 relevant milestones and 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 10158/21; ST 10158/21 ADD not yet published.

³ Recovery and Resilience Facility Operational arrangements between the European Commission and Germany, entered into force on 4 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 Germany had 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 4 344 763 676.
- (5) Milestone 1 provides that the expression of interest procedure for hydrogen projects within the framework of Important Projects of Common European Interest (IPCEIs) are completed and that potential projects and project participants in Germany are identified. The evidence provided by Germany demonstrates that the expression of interest procedure has been completed, with 167 major project sketches submitted which enabled the identification of potential projects and project participants. Furthermore, the evidence provided by Germany also demonstrates that the objective of the planned hydrogen IPCEIs is to accelerate the necessary market uptake of hydrogen and its derivatives and that the objective is to decarbonise emission-intensive processes and develop new areas of application in Germany and in Europe. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (6) Milestone 7 provides for the entry into force of a funding guideline (*Förderrichtlinie*) for decarbonisation in industry enabling companies to apply to the corresponding funding programme. The evidence provided by Germany demonstrates that the published funding guideline entered into force and is the legal basis that enabled companies to submit their applications for funding. Furthermore, the evidence provided by Germany demonstrates that only projects that lead to greenhouse gas (GHG) emissions substantially below the EU Emission Trading System (ETS) benchmark can be funded provided they are no research projects and fall under the ETS Directive. The evidence provided by Germany demonstrates that well-justified exceptions from this rule may occur in specific cases that would not be counted towards targets 8, 9 and 10 of this measure. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (7) Milestone 11 provides for the completion of the expression of interest procedure for companies interested in receiving support for their projects through climate action contracts and the identification of eligible projects. The evidence provided by Germany demonstrates that this expression of interest procedure has been completed and that 44 projects have been identified as eligible among those 84 projects submitted under the call for expression of interest. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (8) Target 14 provides for the approval of 45 climate-related research projects selected under a call for tender. The evidence provided by Germany demonstrates that 45 projects have been selected and approved for funding. The Council Implementing Decision required that the climate-related research projects are selected under one call for tender. The German authorities have launched five separate calls, each covering one of five topics in climate protection research: process-related emissions, the innovation potential of SMEs, future cities, sustainable carbon and resource efficiency.

The beneficiaries differ between calls, e.g. while only SMEs and joint undertakings including SMEs are eligible for the call on the innovation potential of SMEs, municipal and regional administrative institutions are amongst the potential beneficiaries of the calls on future cities, sustainable carbon and resource efficiency. Whilst five calls instead of one constitutes a minimal formal deviation from the requirement of the Council Implementing Decision, the division of the call into five separate calls allowed for a better differentiation of potential projects at the levels of the topic and the potential beneficiaries. On this basis, it is considered that this constitutive element of the target is satisfactorily fulfilled. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (9) Milestone 17 provides for the publication of the competition “Idea Competition ‘Hydrogen Republic Germany’” (*Förderaufruf zum Ideenwettbewerb „Wasserstoffrepublik Deutschland“*), including the eligibility conditions, on the homepage of the Ministry of Education and Research and opening for applications. The evidence provided by Germany demonstrates that the competition, including the eligibility conditions, has indeed been published on the specified homepage and opened for applications. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (10) Milestone 22 provides for the publication of two funding guidelines in the Federal Gazette. These guidelines aim to enable eligible organisations/households to submit applications for funding support to install charging infrastructure for residential buildings and publicly accessible charging infrastructure, for electric vehicles. The evidence provided by Germany demonstrates that the two funding guidelines have been published in the Federal Gazette and have entered into force. The guidelines address the need to develop clean mobility solutions to decarbonise the transport sector and to develop a ubiquitous network of charging infrastructure for e-vehicles by providing support to build recharging points including the necessary grid connection of the recharging site and the installation of the recharging point itself. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (11) Milestone 25 provides for the publication of the funding guidelines for electromobility as well as related applied research and development and e-mobility concepts in the Federal Gazette, enabling the submission of applications by eligible organisations and households. The evidence provided by Germany demonstrates that the funding guidelines have been published in the Federal Gazette and have entered into force. They cover the development of municipal and commercial e-vehicle fleets and charging infrastructure, as well as related applied R&D (e-mobility concepts/designs) and e-mobility concepts. The publication of the funding guidelines enables eligible organisations/households to submit applications. The funding guidelines indicate that financial support is to be given for the purchase of electric vehicles in municipal and commercial fleets and necessary charging infrastructure for the operation of these vehicles. Application-oriented research and development projects, the development of electric mobility projects (municipal and commercial) and electro-mobility concepts are also supported. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (12) Target 29 provides support for the purchase of 240 000 electric vehicles. Beneficiaries receive a grant support that reduces the purchase price of electric vehicles that are either zero-emission or plug-in hybrids emitting less than 50g of CO₂ per kilometre. Germany provided a list of 288 000 electric vehicles, on the basis of which a sampling

exercise was carried out, together with the applicable funding guidelines. For the selected sample, Germany provided the purchase contract of the vehicle, a confirmation of truthful declaration of data by the applicant for the grant support and the grant decision as well as the vehicle registration data by the Federal Motor Transport Authority (*Kraftfahrtbundesamt*). The evidence provided by Germany demonstrates that for 288 000 electric vehicles grant support has been provided to beneficiaries reducing the purchase price, in line with the requirements of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (13) Milestone 31 provides for the entry into force of the Seventh Motor Vehicle Tax Amendment Act, which aims to set tax incentives by extending the period for starting a ten-year tax exemption for purely electric vehicles. The evidence provided by Germany demonstrates that the amendment to the Motor Vehicle Tax Act to extend the initial registration period for e-vehicles to obtain the ten-year tax exemption has entered into force. The evidence also demonstrates that the exemption is limited to purely electric vehicles and applies to all natural and legal persons. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (14) Milestone 33 provides for the publication of funding guidelines to support the purchase of busses and coaches for passenger transport with alternative propulsion. The evidence provided by Germany demonstrates that the funding guidelines have been published in the Federal Gazette to support the market circulation of alternatively fuelled busses in passenger transport, thereby contributing to a lower climate impact and less air pollution. The support consists in grants attributed on the basis of calls for tenders and the funds will mainly be used for battery-powered electric busses/ coaches, battery trolley buses, fuel cell busses/ coaches and 100% biomethane-powered busses/ coaches. Operationally necessary infrastructure, as well as feasibility studies on alternative drives in public transport, may also be supported. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (15) Milestone 36 provides for the entry into force of the funding guidelines for the grant scheme to promote alternative rail propulsion. The evidence provided by Germany demonstrates that these funding guidelines have entered into force, enabling eligible organisations to submit applications. The support aims to replace diesel locomotives of particularly old vehicles with high CO₂-emission to achieve a significant reduction in CO₂ emissions and air pollutants (such as nitrogen oxides and black carbon). Financial support is also provided for the procurement of innovative rail vehicles (in terms of powertrain) or the conversion to alternative engines with significant CO₂ savings on non-electrified lines compared to conventional diesel vehicles. Applications are prioritised on the basis of environmental benefits. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (16) Milestone 39 provides for the entry into force of the extension in time of the relevant funding guidelines in the National Hydrogen and Fuel Cell Technology Innovation Programme (NIP) which were limited to 30 June 2021. The evidence provided by Germany demonstrates that these funding guidelines have been extended in time and that this extension has entered into force. If planned projects under the measure were not sufficiently covered by the existing supporting guidelines, separate supporting guidelines should have been adopted but this was not the case as all planned projects were sufficiently covered by the existing supporting guidelines. On the basis of the

due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (17) Milestone 42 provides for the publication in the Federal Gazette and entry into force of the funding guidelines enabling companies and eligible organisations to apply for funding for climate-friendly timber construction until mid-November 2021. The evidence provided by Germany demonstrates that the funding guidelines have been published and entered into force, providing the legal basis for applicants to apply for funding, with the deadline for applications set for 15 November 2021. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (18) Milestone 46 provides for the publication of funding guidelines in the Federal Gazette, enabling households and eligible organisations to apply for federal funding for energy-efficient buildings. The evidence provided by Germany demonstrates that guidelines were published and enabled eligible households and organisations to apply for funding. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (19) Milestone 52 provides for the completion of a national call for expression of interest process to identify German projects in the context of the IPCEI in the field of Microelectronics and Connectivity. The evidence provided by Germany demonstrates that the expression of interest procedure has been completed and that potential German project candidates have been identified. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (20) Milestone 59 provides for the publication of four funding guidelines to support the digital and ecological transition of the automotive industry. The evidence provided by Germany demonstrates that four funding guidelines were published which address the four types of support measures under the programme. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (21) Milestone 62 provides for the publication of the funding guidelines, which provide the basis for the support to building continuing education and training networks (CET networks). The evidence provided by Germany demonstrates that the funding guidelines have been published and have become legally binding through their entry into force. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (22) Milestone 65 provides for the launch of 68 research projects related to research and innovation activities on strategic technology areas to strengthen German and European digital and technological sovereignty. The evidence provided by Germany demonstrates that the 68 projects have received funding and have started their research activity. The Council Implementing Decision required that at least 68 funding grants have been signed. All project leaders that received funding are members internal to the two universities of the Ministry of Defence. As a result, there were no individual 68 signed funding grants but financial allocations to the universities and the individual projects. Whilst this constitutes a minimal formal deviation from the requirement of the Council Implementing Decision, the elements provided by Germany to demonstrate the set-up of the funding are sufficient and show that the funding grants concern 68 projects and are executed. Germany has, thus, provided evidence that the legal requirements to commit the funds for the 68 projects in question were given. By providing financial allocations to the project leaders internal to the universities that requested the funds, the same effect as signing funding grants was reached. Project

leaders have confirmed the receipt of funding for the respective project in 68 individual statements which set out the project name, the signature and the date. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the investment that the target represents. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (23) Milestone 70 provides for the signature of the financing agreement between the Federal Government and Deutsche Bahn. This investment has the objective to support the digitalisation of the railway in the context of the ‘Digital Rail Germany’ initiative and the ‘fast track’ programme aiming at accelerating it. The evidence provided by Germany demonstrates that the financing agreement for the ‘fast track’ programme was signed by a representative of the Federal Ministry for Transport and Digital Infrastructure. It was countersigned by a representative of the Board of Directors of three 100% owned subsidiaries of Deutsche Bahn AG. The Council Implementing Decision required that the Deutsche Bahn AG signs the financing agreement. It was not Deutsche Bahn AG that signed the contract, but its three fully owned subsidiaries. Whilst this constitutes a minimal formal deviation from the requirement of the Council Implementing Decision, the three subsidiaries are the entities in the Deutsche Bahn group that are responsible for the practical implementation of the specific investment in this measure. The three countersigning subsidiaries of Deutsche Bahn AG, which are DB Netz Aktiengesellschaft, DB Energie GmbH, and DB Station&Service Aktiengesellschaft are part of the Deutsche Bahn Group and are the designated specialist subsidiaries of the holding company Deutsche Bahn AG, for the development and maintenance of railway infrastructure. Based on the financing agreement, they are provided with sufficient funding directly by the ministry, and accordingly on their side are obliged to implement digitalisation of railway operations as specified in the financing agreement. As of this, this minimal deviation does not affect the progress towards achieving the investment that the milestone represents. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (24) Milestone 71 provides for the submission of an interim report on the implementation of the fast-track programme of the ‘Digital Rail Germany’. The evidence provided by Germany demonstrates that an interim report on the implementation of the programme has been submitted. The DB Netz AG submitted an interim report of the implementation of the ‘fast track’ programme between the Federal Government and Deutsche Bahn AG to the Federal Ministry of Transport and Infrastructure and the Federal Railway Authority. In line with the envisaged timeline for completion of the seven pilot projects in Q1 2023, the report describes interim results depicting the situation as of Q1 2022. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (25) Milestone 72 provides for the successful completion of six pilot projects in the context of the ‘Digital Rail Germany’ Initiative and the ‘fast track’ programme aiming at accelerating it. The evidence provided by Germany demonstrates that six pilot projects have been successfully completed. The successfully completed six pilot projects of the ‘fast track’ programme are i) Finnentrop, ii) Wörth(Rhein)-Speyer, iii) Kleve-Kempen, iv) Lichtenfels-Coburg-Sonneberg, v) Gera-Weischlitz and vi) Zwieseler Spinne as evidenced by the certificates of completion and operation. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (26) Milestone 73 provides for the conclusion and publication in the Federal Gazette of the administrative agreement between the Federal Government of Germany and the governing bodies at Länder level regarding the implementation of the investment programme for teacher devices. Furthermore, the Commission has identified a clerical error regarding the indicative timeline of the related investment in the text of the Council Implementing Decision and has undertaken the assessment on a revised basis. The evidence provided by Germany demonstrates that the administrative agreement between the Federal Government of Germany and the governing bodies at Länder level to implement the investment programme for teacher devices was published in the Federal Gazette . The administrative agreement entered into force the day after the last signature. The Council Implementing Decision required that the provision of digital devices shall be ensured by schools. The milestone in the Council Implementation is further specified in the Operational Arrangements, which states that the provision of digital devices by schools is considered fulfilled also if the digital devices are provided by the school authorities (*Schulträger*). According to the administrative agreement, the mobile teacher devices are procured by the Länder, the school authorities or on their behalf in accordance with regulations to be enacted by the Länder. Further, according to Article 5(2) - in accordance with regulations to be enacted by the Länder - the schools, school authorities, Länder or entities commissioned by the school authorities or Länder are to make the mobile digital devices available to the teachers by way of a loan. Whilst the provision of the devices also by other entities other than from schools constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, it does not change the nature of the measure and does not affect the progress towards achieving the investment that the milestone represents. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (27) Milestone 79 provides for the (i) entry into force and publication of the first funding guidelines in the Federal Gazette regarding the provision of scientific content for the development and set-up of competences centres for digital education as well as (ii) selection of a project-executing agency based on applications received via a public call for tenders on an award platform. The evidence provided by Germany demonstrates that the first funding guidelines titled ‘Funding guideline for the promotion of joint projects as “competence centres for digital and digitally supported teaching in education and training in MINT disciplines (mathematics, computer science, natural sciences and technology)”’ (*Richtlinie zur Förderung von Verbundprojekten als „Kompetenzzentrum für digitales und digital gestütztes Unterrichten in Schule und Weiterbildung im MINT-Bereich“*) were published in the Federal Gazette and entered into force on the day of publication. A project-executing agency, namely the *Deutsches Zentrum für Luft- und Raumfahrt (DLR)* (German Aerospace Center), has been chosen by the Federal Ministry of Education and Research (BMBF), based on applications received via a public call for tenders on an award platform. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (28) Milestone 83 provides for the signature of the project contract with the IT service provider for the initial phase for assessing the 60 IT systems of the educational and training facilities of the Federal Armed Forces (*Bundeswehr*). The evidence provided by Germany demonstrates that the project contract for the initial phase for assessing the IT systems of the educational and training facilities of the Federal Armed Forces (*Bundeswehr*) was signed between the Federal Office of Federal Armed Forces’ Equipment, Information Technology, and In-Service Support (*Bundesamt für*

Ausrüstung, Informationstechnik und Nutzung der Bundeswehr (BAAINBw), which is a civilian higher federal authority directly subordinate to the Federal Ministry of Defence (BMVg), and the IT provider BWI GmbH. The project contract stipulates key steps in the future assessment work. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (29) Milestone 86 provides for the entry into force of the amendments to the Childcare Financing Act, the Federal Financial Assistance Act and the implementing regulation at Länder level. The evidence provided by Germany demonstrates that the amendment to the Childcare Financing Act, the Federal Financial Assistance Act and the implementing regulations at Länder level, have entered into force and that the Länder have published individual specific regulations adopting the federal rules and specifying how the federal framework to support investments that create additional childcare places is to be implemented, by which making it more specific. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (30) Milestone 89 provides for the calculation of the total social security contribution rate for 2021 and establishing that it has not exceeded 40%. The evidence provided by Germany demonstrates that the total social security contribution rate for 2021 has not increased above 40%. Germany provided the calculation for the total social security contribution rate and demonstrated that it has been at 39.95%. Germany showed that fiscal transfers from the federal government were instrumental in filling the financing gap of social security funds, financing an important share of social security expenditure. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (31) Milestone 90 provides for the publication of the revised funding guidelines covering the whole federal programme “Securing apprenticeships” (*Ausbildungsplätze sichern*) in the Federal Gazette, reflecting the cabinet decision taken on 17 March 2021. The evidence provided by Germany demonstrates that the cabinet decision taken on 17 March 2021 were reflected in the revision of funding guidelines. Accordingly, the guidelines were revised with the programme implementation deadline extended, support amounts increased, access for SMEs was facilitated. Two funding guidelines covered the federal programme, with the first and second funding guideline were both revised and entered into force. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (32) Milestone 93 provides for the adoption of the funding agreement between the Länder and the Federal Government to provide learning support for the learners with pandemic learning backlogs. The evidence provided by Germany demonstrates that the funding agreement between the Länder and the Federal Government has been adopted and that the financial support has been provided to the Länder to start providing additional courses for students with learning backlog. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (33) Milestone 95 provides for the publication of the law on the Digital Pension Overview (*RentÜG*) in the relevant legal journal (Federal Law Gazette (*Bundesgesetzblatt*)) as specified in the operational arrangements) and the entry into force of the law to create a Digital Pension Overview, a portal to provide citizens information about their individual pension provision from all three pension pillars (statutory, company and private pensions). The evidence provided by Germany demonstrates that the law on the Digital Pension Overview (*Rentenübersichtsgesetz*) was published in the Federal

Law Gazette (*Bundesgesetzblatt*.) as Article 1 of the Law for Improving Transparency on Old-age Provision and Rehabilitation and for Modernising Social Insurance Elections (“*Gesetz zur Verbesserung der Transparenz in der Alterssicherung und der Rehabilitation sowie zur Modernisierung der Sozialversicherungswahlen und zur Änderung anderer Gesetze - Gesetz Digitale Rentenübersicht*”). The law on the Digital Pension Overview entered into force the day after publication . On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (34) Target 98 provides for the comprehensive nationwide use of the German Electronic Reporting and Information System for Infection Protection (DEMIS), obliging the competent authorities of the *Länder* (public health offices) to use DEMIS to register persons in the context of SARS-CoV-2 and to discharge the reporting requirements under § 8 (1) (2) of the Infection Protection Law. The evidence provided by Germany included a list of all public health offices based on which a sampling exercise was conducted. This demonstrated that each public health office registered persons and sent case notifications via DEMIS, and used it as well for discharging reporting requirements. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (35) Milestone 104 provides for the recommendation for authorisation by the European Medicines Agency for a vaccine against SARS-CoV-2 developed by one of the three companies supported through measure 5.1.3 and for the approval of this vaccine by the regulatory authority. The evidence provided by Germany demonstrates that following a recommendation for authorisation by the European Medicines Agency (EMA), the European Commission, which is legally responsible for the marketing authorisation and thus the relevant regulatory authority, granted on 21 December 2020 a conditional marketing authorisation (a fast-track approval procedure for a medicine that fulfils an unmet medical need) for the vaccine Comirnaty, developed by BioNTech and Pfizer, as a vaccine against SARS-CoV-2. On 10 October 2022 the European Commission granted a standard marketing authorisation, on the basis of a recommendation by EMA. The evidence provided also demonstrates that three companies with headquarters in Germany were supported through measure 5.1.3. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (36) Target 108 provides for a pilot project towards a European identity ecosystem to be put into operation. Target 108 further provides that the project allows employees of four large German companies to check-in digitally to three large German hotel chains, with at least 100 hotels participating, and provide first technical components as well as insights for the further development of the ecosystem. The evidence provided by Germany demonstrates that this pilot project was put into operation and had been scaled to allow employees of four large German companies to check-in digitally to three large German hotel chains, with over 100 hotels participating, by September 2021. The evidence provided by Germany also demonstrates that first technical components were provided (e.g. digital wallet) and insights for the further development of the ecosystem were gained (e.g. high user acceptance of technical basis). On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (37) Target 111 provides for the conclusion of at least 14 individual agreements between the federal department and federal state (*Land*) providing the legal basis for cooperation and work-based implementation of the Online Access Act (digitalisation of administrative services). The individual agreements are to set out the operational

arrangements, including the requirement that the implementation be in accordance with the one-for-all principle. The evidence provided by Germany demonstrates that 14 individual agreements were concluded and that they fulfil the conditions as specified above. The Council Implementing Decision required the conclusion of at least 14 individual agreements between the lead department and the lead federal state. The evidence provided by Germany demonstrates that those agreements were signed by the lead federal ministry, without specification of the department of this signatory party, and by the lead federal state. Whilst this constitutes a minimal formal deviation from the requirement of the Council Implementing Decision, a signature by a representative of the responsible federal ministry is a binding agreement by the same entity as in the case of the signature by the lead department of that ministry, and thus a purely formal choice. As of this, this minimal deviation does not affect the progress towards achieving the reform that the target represents. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (38) Target 112 provides that at least 70 public service bundles are live as part of the broader implementation of the Online Access Act (available online to the general public). The evidence provided by Germany demonstrates that the go-live of 77 public service bundles has been completed and that services continue to be accessible online. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (39) Milestone 117 provides for the publication of a first progress report for the heads of government of the Federal Government and the Länder, where the report should include a list of those specific measures from the Federal/Länder programme that fall into the 11 areas detailed in the description of the milestone. The evidence provided by Germany demonstrates that the first progress report was adopted by the head of the Federal Chancellery and the heads of Länder Chancelleries, and was subsequently made available at the webpage of the federal government. The programme is detailed in an annex to this decision which identifies six thematic sections for which proposals for improvement had to be developed. These six sections comprise all 11 areas of actions set out in the milestone description, contributing to modernising the public administration. The representatives from the federal government and the Länder met regularly and the first report itself demonstrates that the federal government and the Länder worked together, and progress towards the achievement of the 11 areas of action which Germany has committed to was under way. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (40) Milestone 128 provides for the entry into force of the Investment Acceleration Act, the Planning Acceleration Act III, and the Measure Act Preparatory Act (*Investitionsbeschleunigungsgesetz, Planungsbeschleunigungsgesetz III, Maßnahmengesetzvorbereitungsgesetz*). This is the first step of the implementation of the reform to substantially accelerate the planning and approval procedures in the transport sector. The evidence provided by Germany demonstrates that the Investment Acceleration Act, the Planning Acceleration Act III and the measure-act-preparatory-act have indeed entered into force. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (41) Following the fully positive assessment concerning the Federal Republic of Germany'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.

- (42) 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 Germany received EUR 2 250 000 000 of the financial contribution as pre-financing, an amount of EUR 348 902 246 of the payment should be utilised to clear the pre-financing.
- (43) 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.
- (44) 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) of the Annex to the Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Germany for an amount of EUR 4 344 763 676 is authorised.

In accordance with the Financing Agreement concluded pursuant to Article 23(1) of Regulation (EU) 2021/241 between the Commission and the Federal Republic of Germany, EUR 348 902 246 shall be utilised to clear the pre-financing of the financial contribution and EUR 3 995 861 430 shall be provided to Germany by means of payment to the bank account indicated in the Financing Agreement.

Article 2

Addressee

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 21.12.2023

For the Commission

Paolo GENTILONI

Member of the Commission