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COMMISSION IMPLEMENTING DECISION

of 30.5.2024

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

(Only the French 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 France² (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 France has satisfactorily fulfilled the relevant milestones and targets identified in relation to the implementation of the recovery and resilience plan.

- (2) On 16 January 2024, France 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 France³ 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 39 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-11150/2023 ADD 1 REV 2, published.

³ Recovery and Resilience Facility Operational arrangements between the European Commission and France, entered into force on 25 November 2021 with modification entered into force on 31 July 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 was of the opinion that France 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 8 662 970 741.
- (5) Milestone 1-2 provides for the entry into force of the provisions of the Budget Law for 2021 concerning the legislative changes to the Pinel tax credit to improve its efficiency in view of increasing housing offer in areas where the market is under strain and of the provisions of the 2022 Budget Law concerning mid-range rental housing. The evidence provided by France demonstrates that the relevant provisions entered into force, 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) Target 1-10 provides for 20 million square meters of floors of public sites belonging to the State where energy renovation works have been completed, with an objective of achieving at least 30% of energy savings on average. The evidence provided by France demonstrates that the requirement on the number of square meters is met and that all projects have been completed before the end of 2023. Furthermore, the evidence provided by France together with the assessment of target 1-8 under the first payment request demonstrates that the selection process made it possible to choose projects for which the energy gains planned by the thermal renovation works were at least 30% on average. This objective is therefore not assessed again in the context of this target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (7) Target 1-13 provides for 5 000 companies benefiting from the tax credit for the energy renovation of very small enterprises (VSEs) and small and medium sized enterprises (SMEs) buildings of tertiary use and/or support from chambers of trade and crafts (CMA) and chambers of commerce and industry (CCI). The evidence provided by France demonstrates that 5 000 companies (either VSEs or SMEs) have benefited from one of the two support schemes, namely the tax credit for energy renovation of VSEs and SMEs buildings of tertiary use or support by the chambers of trade and crafts (CMA) and chambers of commerce and industry (CCI), in line with the requirements of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (8) Target 2-8 provides for 110 additional projects for which the grant agreement has been signed, either for a recycling operation of a wasteland, or for a recycling operation of urbanized land. The evidence provided by France demonstrates that 159 additional grant agreements were signed between the State and the beneficiaries for operations falling into one of the two categories, in line with the requirements of the target. The Council Implementing Decision required that the beneficiaries of the 'brownfield fund' be the owners of the site. The French authorities required in the calls for projects that 'eligible project owners are the developers of brownfield recycling projects'. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the difference between the owners/project owners of

this measure has no impact on the achievement of the objectives of this measure, since the description of owners in the measure is the same in the Council Implementing Decision and the call for projects. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (9) Target 2-10 provides for 15 public buildings (such as crisis management buildings, or prefectures and sub-prefectures, or priority hospitals, or schools, high schools and colleges) in the French Overseas Departments (DOM) in which anti-seismic works have been started. The evidence provided by France demonstrates that anti-seismic works have been started for at least 15 public buildings in the DOM. The Council Implementing Decision required that the selection of buildings be made by the State after the submission of application files by 31 December 2020. The call for tenders provides information on the process calendar for the implementation of the measure. In that respect, an action plan was established in 2020 and validated in April 2021. Whilst this constitutes a minimal deviation from the requirement of the Council Implementing Decision, the French authorities have provided two types of evidence to demonstrate the legal commitment for each project before 31 December 2022: a convention or grant agreement certifying the financing granted by the State under the Plan Relance for earthquake-resistant reinforcement works, and/or the legal commitment such as, service order, commitment act of the award of contract between the recipient and the construction company in charge of these reinforcement works. 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 target should be considered as satisfactorily fulfilled.
- (10) Target 2-17 provides for 30 000 hectares of forests for which a grant has been committed in order to improve, adapt, regenerate or reconstitute the forest. The evidence provided by France demonstrates that there are at least 30 000 hectares of forests for which a grant has been committed to improve, adapt, regenerate or reconstitute the forest, in line with the requirements of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (11) Milestone 3-3 provides for the establishment of the update of the revised legislation updating the financial and operational programming of State investments in transport. The Commission considers that there is a clerical error in the description of the milestone of the Council Implementing Decision and has undertaken the assessment on a revised basis. The evidence provided by France demonstrates that the establishment of the update of the revised legislation updating the financial and operational programming of State investments in transport has taken place by 31 December 2023. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (12) Target 3-11 provides for the renovation of 500 kilometres of small local railways lines. The evidence provided by France demonstrates that at least 500 kilometres of small local railways lines have been renovated across 13 projects. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (13) Target 3-12 provides for the renovation of 150 kilometres of freight lines. The Commission has identified a clerical error in the text of the Council Implementing Decision and has undertaken the assessment on a revised basis. The evidence provided by France demonstrates that at least 150 kilometres of freight lines have been

renovated across five projects. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (14) Target 3-23 provides for the installation and opening to the public of 1 500 new electric charging points. The evidence provided by France demonstrates that at least 1 500 new electric charging points have been installed and are open to the public. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (15) Target 3-24 provides for the finalisation of 20 kilometres of reserved lanes for public transport or carpooling. The evidence provided by France demonstrates that at least 20 kilometres of reserved lanes for public transport or carpooling have been finalised as part of six projects on the following roads: A1, A50, A83, RN118 and RN137. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (16) Target 3-28 provides for the purchase of in total 4 200 electric and plug-in hybrid vehicles by the Ministry of the Interior, the Directorate General for Customs and Excise and the Ministry of Justice (cumulative). The evidence provided by France demonstrates that the total number of vehicles purchased by the Ministry of the Interior, the Directorate General for Customs and Excise and the Ministry of Justice according to the list of beneficiaries sums up to at least 4 200 electric and plug-in hybrid vehicles. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (17) Target 3-30 provides for the installation of nine new electrical connections on harbour docks, such as on Havre-Rouen-Paris dock network, Marseille harbour or Pointe des Grives dock in Martinique harbour. The evidence provided by France demonstrates that 14 new electric connections have been installed at the port of Marseille, the port of Bordeaux and the port of Nantes Saint-Nazaire. The Council Implementing Decision required that nine new electric connections offer alternative fuel on harbour docks to cruise ships, passenger ships and container ships. The French authorities provided satisfactory evidence for 14 new electric connections that offer alternative fuel on harbour docks to cruise ships and passenger ships, but not to container ships. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, investing more in connections for cruise ships and passenger ships neither changes the nature of the measure nor affects the progress towards the achievement of the policy objective of the investment that the target represents due to them equally supporting alternative fuel and cleaner vessels on French harbours. Furthermore, the evidence provided by France demonstrates that the port of Marseille tested the electric connections, demonstrating the installation, in January and February 2024. The Council Implementing Decision required the installation by the end of 2023. Whilst this constitutes a minimal temporal deviation from the requirement of the Council Implementing Decision, the delay is considered limited, notably since the tests take place after actual installation and the tests were carried out during the evaluation period of the payment request. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (18) Milestone 3-32 provides for the beginning of the projects on the electricity grids in rural areas. The evidence provided by France demonstrates that projects on the electricity grids in rural areas have begun, across several subprogrammes by 2023, in line with the requirements of the milestone. The Council Implementing Decision states that the measure shall increase the quality of the electricity distribution system, in

regions where renewables are mostly being developed and electric mobility is a key challenge. The French Recovery and Resilience Plan provides contextual information showing that rural areas are regions where renewables are mostly being developed and electric mobility is a key challenge. France demonstrated that the measure is enhancing the quality of the electricity distribution system in rural areas. Furthermore, the Council Implementing Decision required, in line with the qualitative indicator for the milestone, a report evidencing the beginning of projects. The French authorities instead of a separate report, submitted alternative pieces of evidence that prove the beginning of projects. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the evidence provided corroborates the fulfilment of the milestone. As of this, this minimal deviation does not affect 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.

- (19) Milestone 4-4 provides for the implementing decisions of the Prime Minister following the close of the calls for projects/calls for interest launched under milestone 4-3; allowing contractualisation with the beneficiaries through agreements or other contracts for granting funds to be signed. The evidence provided by France demonstrates that all projects listed in the implementing decisions of the Prime Minister were selected under the 17 calls for projects/interest launched under milestone 4-3. The calls for projects/interest were closed as confirmed by the Prime Minister's Order of 18 March 2024 on the closure of calls for projects '*Solutions innovantes pour l'amélioration de la recyclabilité, le recyclage et la réincorporation des matériaux*' and '*Briques technologiques et démonstrateurs hydrogène*', published in the Official Journal on 19 March 2024; and in the links to the calls on the website of the '*Agence de la transition écologique (ADEME)*' – the French Agency for Ecological Transition – for the remaining 15 calls. The Council Implementing Decision required the implementing decisions of the Prime Minister following the close of the calls for projects/calls for interest launched under milestone 4-3; allowing contractualisation with the beneficiaries through agreements or other contracts for granting funds to be signed. The French authorities provided 95 implementing decisions of the Prime Minister, covering 600 of the 610 projects selected under the 17 calls for projects/calls for interest launched under milestone 4-3. The remaining 10 projects have been selected but are still under instruction. The Prime Minister decisions are the next step which is the administrative step of the selection process confirming the allocation of funding. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, more than 98% of selected projects have reached the relevant stage of the process. For the remaining 10 projects, France provided evidence that the projects are selected and therefore that, should their in-depth instruction be successful, a Prime Minister decision will be issued. 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 milestone represents. The Council Implementing Decision also required, in line with the qualitative indicator for the milestone, a report to be provided by the French Government providing evidence of completion. The French authorities did not submit a report providing evidence of completion of the actions envisaged under this milestone. Instead, they submitted other pieces of evidence deemed adequate to prove the fulfilment of the milestone. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the evidence provided corroborates the completion of the actions required by the milestone. 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 milestone represents. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (20) Milestone 5-2 provides for the publication on the website of the Ministry of Labour, in line with the reporting obligations and conditions set by Article 244 of the financing law for 2021, of the results obtained (and if relevant the progress targets set) by supported companies for each of the sub-indicators making up the Professional Equality Index. The evidence provided by France demonstrates that the Ministry of Labour published on its website a dedicated excel file compiling the information (results and, where applicable, progress targets) made available by the companies concerned for each sub-indicators making up the Professional Equality Index. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (21) Target 6-1 provides for at least 60% of decrees entered into force, pursuant to the Research Programming Law No. 2020-1674 of 24 December 2020. The evidence provided by France demonstrates that 97% of the decrees expected under Law No. 2020-1674 of 24 December 2020 entered into force. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (22) Milestone 6-6 provides for the launch of calls for proposals or calls for interest for the strategies adopted under target 6-5, with terms of reference including as eligibility criterion to ensure the environmental neutrality of the applications of the funded solution. The evidence provided by France demonstrates that one or several calls for projects, or calls for interest, have been launched for each of the six strategies under the scope of this measure, also containing explicit reference to the DNSH principle of Regulation (EU) 2021/241. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (23) Milestone 7-9 provides for the entry into force of a new Public Finances Programming Law (LPFP, '*Loi de Programmation des Finances Publiques*') implementing the new organic legislative provisions adopted and setting a public finance path making it possible to stabilize and then decrease the debt ratio. The evidence provided by France demonstrates that the 2023-2027 Public Finances Programming law No. 2023-1195 of 18 December 2023 entered into force on 20 December 2023, 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) Target 7-17 provides for 200 companies benefitting from public orders in the framework of the 'Innovation and Numerical transformation' and '*Sac à dos numérique de l'Agent public*' Funds to digitally upgrade State and local authorities. The evidence provided by France demonstrates that at least 200 companies benefitting from public orders in the framework of the funds to digitally upgrade State and local authorities comply with the requirements of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (25) Target 7-18 provides for 95% of civil servants whose job can be performed remotely (out of a reference pool of 395 000 civil servants) to be equipped for teleworking based on a census conducted by the State's digital departments. The evidence provided by France demonstrates that at least 95% of civil servants had been allocated laptops or notebooks and were able to access their administrations' internal network remotely,

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

- (26) Target 7-21 provides for 12 500 000 holders of the new ID card with a ‘digital identity’ compartment allowing them to access the newly developed sovereign digital identity application. The evidence provided by France demonstrates that at least 12 500 000 new digital ID cards were issued to citizens until December 2023 by centres processing ID cards ‘*Centre d’Expertise de ressources et des titres*’, which are used as a proxy for the holders of the new ID card. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (27) Milestone 7-22 provides for the completion of the following six actions to reinforce the digital equipment of the Ministry of Interior: state interministerial network; IT base of the territorial administration of the State; police prefecture video protection plan; network security; data centre resilience; population alert and information system. The evidence provided by France demonstrates that the six actions have been completed. The Council Implementing Decision required, in line with the qualitative indicator for the milestone, a report to be provided by the French Government providing evidence of completion. The French authorities did not submit a report providing evidence of completion of the actions envisaged under this milestone. Instead, they submitted other pieces of evidence deemed adequate to prove the fulfilment of the milestone. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the evidence provided corroborates the completion of the actions required by the milestone. 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 milestone represents. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (28) Milestone 7-24 provides for the completion of the following measures to reinforce digital connectivity of the Ministry of Interior: improvement of the digital environment and development of teleworking (completion); NEO stations (completion); and radio network of the future (first steps). The evidence provided by France demonstrates the completion of the measures. The Council Implementing Decision required, in line with the qualitative indicator for the milestone, a report to be provided by the French Government providing evidence of such completion. The French authorities did not submit a report providing evidence of completion of the actions envisaged under this milestone. Instead, they submitted other pieces of evidence deemed adequate to prove the completion of the milestone. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the evidence provided corroborates the completion of the actions required by the milestone. 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 milestone represents. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (29) Target 8-9 provides for reskilling through the dual training programme Pro-A by financing the professional transition of 9 000 beneficiaries between 2021 and 2023. The evidence provided by France demonstrates that at least 9 000 employees participated in reskilling through the dual training programme Pro-A. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (30) Target 8-13 provides for subsidies for up to two years for the creation of 2 200 jobs in the sports sector, aimed at employing youth under 30. The evidence provided by France demonstrates that at least 2 200 subsidies have been provided and that all subsidies have been granted to sports organisations to hire people below 30, and that the subsidies were granted for a maximum of two years. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (31) Target 8-14 provides for financing the renovation or creation of 1 500 places in ‘boarding schools for excellence’ by the end of December 2023 that aim to provide students, in particular those from disadvantaged backgrounds, with an environment better suited to learning, developing their skills and broadening their educational aspirations. The evidence provided by France demonstrates that at least 1 500 places have been built or renovated in establishments registered in the official list of ‘boarding schools for excellence’. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (32) Milestone 8-23 provides for the full deployment of the extension of the ‘accompanied employment’ plan supporting persons with disabilities. The evidence provided by France demonstrates the deployment of the additional budget allocated to the ‘accompanied employment scheme’ for the years 2021 and 2022, in the context of the French recovery plan ‘*France Relance*’. Furthermore, the evidence provided also contains aggregate data demonstrating the significant increase (more than 50%) in the number of beneficiaries observed between December 2020 and December 2022. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (33) Target 8-24 provides for the opening of 30 000 additional entries into distance learning courses organised by the national employment agency, ‘*Pôle Emploi*’. The evidence provided by France demonstrates that at least 30 000 entries into distance learning courses have been supported. The Council Implementing Decision states that the entries into learning are for distance training courses. Some courses also include, on top of the online hours, a practical element done through in-company hours. This is due to their nature, for the practical implementation of skills and knowledge gained through the online hours of training, including to carry out tutored activities and to evaluate the jobseeker’s practice. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (34) Target 8-30 provides for 160 000 additional apprenticeship contracts signed between 2021 and 2023 as compared with the 2019 baseline of 302 619 and as reported by competence operators. The evidence provided by France demonstrates that at least 160 000 additional apprenticeship contracts were signed between 2021 and 2023. Furthermore, for each employee, France has provided a grant agreement from the skills operator in charge of the apprenticeship contract, which attests of the amount of training costs covered. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (35) Target 9-2 provides for the credit commitment rate for the upgrading of human resources in health (90%), which is a key measure of the national plan ‘*Ségur de la Santé*’. The evidence provided by France demonstrates that the national plan provides for salary upgrading measures for medical and non-medical staff in public and private health institutions for more than EUR 6.8 billion (100% of credit committed, more than the target’s goal), with a gradual increase over the period 2020-2023. On the basis

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

- (36) Target 9-7 provides for the support to 800 hospital and healthcare supply establishments with credit investments in technical installations, equipment or light renovation that are allocated by the Regional Health Agency (ARS). The evidence provided by France demonstrates that the credit investments in technical installations, equipment or light renovation has been allocated to the establishments, in line with the requirements of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (37) Target 9-15 provides for 2 500 000 additional (compared to 2022) housing and business premises that are eligible to be connected to fibre in 2023. The evidence provided by France demonstrates that 2 302 441 additional households and businesses premises were connected to fibre between January and December 2023. The Council Implementing Decision required that 2 500 000 additional eligible housing and businesses premises should be connected to fibre in 2023. For the previous target 9-14, France put forward as due justification 2 981 031 household and business premises against a target of 1 700 000 to be connected to fibre in 2021. This additional amount of 1 281 031 compared to that target is considered by the Commission as relevant due justification for the satisfactory fulfilment of this target and, as such, that 3 583 472 additional premises have been put forward as due justification against the target requirement of 2 500 000. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision that the connections occur ‘in 2023’, the Commission does not consider that a Member State should be penalised for achieving what is required by a milestone or target earlier than is indicated. The measure had required that there be 4 200 000 million additional households and businesses premises eligible to be connected to fibre by end 2023 compared to the situation in 2020, which has been overachieved with 5 283 472 having been eligible to be connected to fibre. 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 target should be considered as satisfactorily fulfilled.
- (38) Milestone 9-19 provides for the implementing decision of the Prime Minister following the close of the calls for proposals/calls for interest launched under milestone 9-18, allowing contractualisation with the beneficiaries through granting funds to be signed for all recipients. The evidence provided by France demonstrates that all the implementing decisions of the Prime Minister following the close of the calls for proposals/calls for interest launched under milestone 9-18 have been adopted. The Council Implementing Decision required, in line with the qualitative indicator for the milestone, a report to be provided by the French Government providing evidence of completion. The French authorities did not submit a report providing evidence of completion of the actions envisaged under this milestone. Instead, they submitted other pieces of evidence deemed adequate to prove the fulfilment of the milestone. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the evidence provided corroborates the completion of the actions required by the milestone. 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 milestone represents. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (39) Milestone 10-1 provides for the promulgation of the Law on the acceleration of renewable energy production and entry into force of the provisions directly applicable on territorial planning in order to define ‘acceleration zones’, public debate on offshore wind planning, simplification of procedures for the installation of photovoltaic panels on abandoned motorways and railway areas, and the development of collective self-consumption. The evidence provided by France demonstrates that Law No. 2023-175 related to the acceleration of renewable energy production has been adopted and promulgated on 10 March 2023. In addition, the evidence provided by France demonstrates that the provisions directly applicable on the territorial planning of renewable energies, on the acceleration of offshore wind planning, on the simplification of the installation of photovoltaic panels on abandoned motorways and railways areas, and on the development of collective self-consumption entered into force on 12 March 2023. Furthermore, the Council Implementing Decision required that the Law shall include a sub-provision on self-consumption in low-income housing (*Habitation à Loyer Modéré*, HLM), by ‘target[ing] the revenues of renewables extra production in low-income housing to the reduction of costs, maintenance or repair’. This sub-provision was removed from the Law, following a decision from the Constitutional Court. However, this sub-provision can be achieved by the following means: other provisions in the Law (Articles 3, 42, 86 and 88) ensure the same objective of accelerating the deployment of collective self-consumption operations in low-income housing, as well as within ‘local communities’. Those provisions and the current legal and financial framework are sufficient to allow the deployment of collective self-consumption in general, and in low-income housing in particular, as it is shown by the recent statistical data. Furthermore, the overall regulatory framework does not prevent low-income housing to use extra-revenues to lower the costs, maintain or repair the installation. Whilst this 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 objective of strengthening the development of collective self-consumption. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (40) Milestone 10-2 provides for the entry into force of the Decree No.2022-990 setting-up the establishment of the Secretariat General for Ecological Planning (SGPE) under the authority of the Prime Minister its entry into operation and setting out the prerogatives. The evidence provided by France demonstrates that the Decree No. 2022-990 of 7 July 2022 *relatif au secrétariat général à la planification écologique* was published in the Official Journal on 7 July 2022 and its provisions entered into force the day after publication, on 8 July 2022. The Decree states that the SGPE is created and specifies the prerogatives of the SGPE in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (41) Milestone 10-3 provides for the publication of the Energy sobriety plan with the objective of a 10% reduction in national energy consumption by 2024 (compared to the winter of 2018-2019) and provides for the plan to include proposals for energy reduction in various sectors, including housing, transport and industry. The evidence provided by France demonstrates that the Energy sobriety plan was published on 6 October 2022 in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (42) Milestone 10-4 provides for the selection of projects jointly achieving an expected reduction of fossil energy consumption of 250 GWh of primary energy per year. It also provides for the greenhouse gas emissions reduction to be calculated in comparison to the ‘before investment’ situation and defined by the operator in the reply to the call for tender. The Commission has identified a clerical error in the text of the Council Implementing Decision and has undertaken the assessment on a revised basis. The evidence provided by France demonstrates an expected total of 250.21 GWh of primary energy reduction per year in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (43) Target 10-10 provides for 1 000 renovation projects of public sites belonging to the State, for which at least one renovation works contract has been notified. The evidence provided by France demonstrates that at least 1 000 projects of energy renovation works have been launched in public sites belonging to the State. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (44) Furthermore, the French Republic has also confirmed that previously satisfactorily fulfilled milestones and targets have not been reversed⁴.
- (45) Following the fully positive assessment concerning the French 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.
- (46) 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 France received EUR 5 682 176 982 of the financial contribution as pre-financing, an amount of EUR 1 180 050 774 of the payment should be utilised to clear the pre-financing of which EUR 153 898 794 to clear the pre-financing for the REPowerEU chapter.
- (47) 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.
- (48) 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

⁴ This recital should be removed for the first payment request.

of the assessment of the recovery and resilience plan for France for an amount of EUR 8 662 970 741 is authorised.

In accordance with the Financing Agreement concluded pursuant to Article 23(1) of Regulation (EU) 2021/241 between the Commission and the French Republic, EUR 1 180 050 774 shall be utilised to clear the pre-financing of the financial contribution. EUR 7 482 919 967 shall be provided to France by means of payment to the bank account indicated in the Financing Agreement.

Article 2
Addressee

This Decision is addressed to the French Republic.

Done at Brussels, 30.5.2024

For the Commission
Paolo GENTILONI
Member of the Commission